

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 22nd JULY 2021

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[9:30]

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

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **1. Appointment of a member of the Jersey Police Authority**

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

Returning to F on the Order Paper, there is the appointment of a member of the Jersey Police Authority following the resignation of Deputy Wickenden. If I can remind Members, neither the Minister for Home Affairs nor any Assistant Minister for Home Affairs can be appointed. Similarly, the Connétables and members of the Children, Education and Home Affairs Scrutiny Panel are also not eligible for appointment. Minister for Home Affairs, do you have a nomination to make?

#### **1.1 Deputy G.C. Guida of St. Lawrence (The Minister for Home Affairs):**

Yes, Sir, I would like to appoint Senator Pallett as a member of the Jersey Police Authority.

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

Are there any other nominations? As there are no other nominations, I declare that Senator Pallett has been duly appointed as a member of the Jersey Police Authority.

## **PUBLIC BUSINESS - resumption**

### **2. Springfield - Protection of amenity space and facilities (P.67/2021)**

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

The next item on the Consolidated Order Paper is Springfield - Protection of amenity space and facilities, P.67, lodged by the Connétable of St. Helier. For the purposes of this debate, the main respondent is the Minister for Infrastructure, and I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to request the Minister for Infrastructure, and the Minister for Economic Development, Tourism, Sport and Culture (a) in respect of Springfield Park (i) to maintain the same amount of open amenity green space and tree planting in the grounds of Springfield Stadium in the course of upgrading the pitch; (ii) to leave the children's playground in its present position; and (iii) to facilitate regular meetings with the local residents' association and elected representatives of the area in order that the needs of the local community can be taken into consideration both for the current use of the park and in any future plans; (b) in respect of Springfield Stadium (i) to maintain the current lease arrangements with the day nursery on the site (Leeward Child Care), with the only cost of living increases implemented until such time as the nursery's management is satisfied with the terms of any new lease Jersey Property Holdings wishes to negotiate; (ii) to review the use of the car park within the Robin Hood gyratory and to report back to the States on the options for increasing the benefits of the site for the operation of Springfield; (iii) to include Springfield Park and Stadium on the route for the proposed new town hoppa bus service; and (iv) to facilitate regular meetings with the tenants of the stadium, the local residents' association and elected representatives of the area in order that the needs of the local community can be taken into consideration both for the current use of the stadium, and in any future plans.

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

Members will recall that as long ago as Monday this week under C on the Order Paper I asked where the comments were from the Council of Ministers. This proposition does refer to 2 Ministers: the Minister for Infrastructure and the Minister for Economic Development, Tourism, Sport and Culture. We were told by the Minister for Infrastructure that he was not planning on bringing any comments, so clearly one is pondering: what is the meaning of this? Does it mean that the Council of Ministers

have decided to accept the proposition, in which case it would have been courteous, not only to me, but also to those affected by the proposition, to have informed us that that was what was going on. This failure to bring comments to a Back-Bencher's proposition is at best dismissive and at worst contemptuous. We keep harking back perhaps to the committee system but I must say that in the days of the committee system, and I remember them well, such indifference on the part of a committee president to a Back-Bencher will have led to at least one, if not more, Members of the committee eye-balling the president, rather like the "Plumber of St. John" used to on public services when I was in the chair and threatening to resign and bring the whole committee down with him. Even if you fast forward to Ministerial Government, at least the first Chief Minister would have made sure that his Ministers responded to Back-Bencher's propositions. There is no way under former Senator Frank Walker that a Back-Bencher's proposition would effectively appear in limbo with no guidance to States Members about how to respond to it. It really is a very sad state of affairs and I think it is a real sully on the reputation of the Council of Ministers that they could not be bothered to make any comments on this proposition. Of course it is also a failing of the Ministers involved that no contact has been made with the people most affected by the contents of the proposition and that is the people who are running, and have run for 23 years, a very successful nursery at the bottom of Springfield Stadium. They have been trying to get a meeting with a Minister, some contact, some response to their emails for a period of several months. It was only yesterday morning before the States convened that the Assistant Minister for Infrastructure, at my request, came along to the stadium to see the nursery for himself and to listen to the position of the nursery managers as they set it out before him. I am going to come back to the nursery in a little while. The first matter that I want to put before Members is the issue of green space. For Members who have been in the Assembly a while this is not a new campaign on my part. In fact, in the days when former Deputy Patrick Ryan was Minister for Education, Sport and Culture, when the pitch was changed from grass to plastic - perhaps not something that would have happened today with the new environmental awareness - but the old grass pitch was upgraded, to use the term, to a 3G pitch and plans were published that showed how that would need to take away green space from Springfield, I wrote a proposition. In sharp contrast to this proposition, not only was it read by the Minister and responded to, but the Minister accepted the proposition and said there was no need for me to table it. The matter was never debated because the Minister moved quickly to instruct his officers to make sure that no green space will be lost as a result of the upgrading of the pitch to 3G. Members who are familiar with Springfield Park, the reason we have a line of trees on the south-western side of the pitch is precisely because the Minister of the day decided that he was not prepared to see any loss of green space, he extended the grass and there is now a line of semi-mature trees growing along the end of the pitch. I fully support the need for Jersey Bulls and the Jersey Football Association to expand and improve their facilities. Football, like rugby, in Jersey is doing incredibly well and anyone who lives in the area of Springfield only has to walk through Springfield Park almost at any time of day and they will find youngsters, adults, all manner of people taking part in football on the pitch and also in the 5-a-side enclosed football area at the end of the park. So football is doing really well in the stadium and I commend everyone involved, particularly this time of year when you walk through and you see the summer football clubs being carried out, and these start early in the morning. The Assistant Minister and I saw the children arriving for their football training when we met at the stadium yesterday. All I am asking the States to agree is more or less the same thing that the previous Minister responsible agreed then.

[9:45]

Which is that whatever improvements are made, and we accept that improvements have to be made, that there is not a loss of open space and there is not a loss of trees as a result of those improvements. What that requires is for the officers concerned who are drawing up the plans, and there is a live planning application at the moment, it requires them to go away and to get out their set squares and their protractors and to work out how they cannot lose any open space. Probably it will involve a

loss of surface parking on the site. They, of course, will object to that, as they did before, but I am hoping that the States will agree with me that green space, particularly in this very densely populated part of St. Helier, is simply more important than a few parking spaces. The parking needs of the stadium of all those who use it can be accommodated in other ways. I have also included in my proposition the issue of the forthcoming hoppa bus. I wish I knew more about it. As Members know, I have asked, a few times, questions in the Assembly about the hoppa service because, surprising though it may seem, the Parish of St. Helier has had zero consultation, zero engagement from the Minister and his team about what this hoppa bus will involve. I have suggested in my proposition that the Springfield Stadium should be included on the route of the hoppa bus because that will be one way in which any loss of car parking can be compensated for if my proposition is accepted. Equally non-contentious, I think, is the part of the proposition which argues that regular meetings with local residents and elected representatives of the area should take place. These have happened from time to time. I organised meetings when I was a Deputy; that was taken over by former Deputy Shona Pitman who used to convene meetings. I know Senator Mézec, when he was a Deputy, was also involved with them, and other Members as well. So there have been meetings in the past but this really needs to be put on to a proper footing, even if it is only a quarterly or a biennial meeting, there should be a meeting with residents so that people who are directly impacted by the growth of events at the stadium can be kept fully engaged and consulted upon, so I hope Members will not object to that. We come finally to the issue of the nursery, and this is the one which is clearly most pressing. It is a matter that I could talk for some time about, and I am not going to, because I am hoping that Members will fairly quickly decide that what is being proposed by the Council of Ministers is simply unacceptable. What we have here is a successful nursery in a part of St. Helier which is densely populated, which has lots of social housing, a lot of people who depend on the nursery, been juggling multiple jobs. We have people from all walks of life there who find the flexibility of the nursery essential for their complicated lives. It is the only nursery on the Island which still allows parents and guardians of children to access the nursery on a number of hours per week. So, to suit their requirements one could, for example, simply send one's child there for a few hours to allow a second job to be carried out. This is a service that affects 150 children. There are over 100 full-timers and then there are others who have part-time places at the nursery. This is a service that employs 30 staff, 30 staff who have good, solid contracts, and I can speak about this with some experience because of course St. Helier as a Parish has a very successful nursery adjoining People's Park. I know that staff who work in Jersey's nurseries are incredibly loyal and we have staff who have been in the nursery for more than 20 years, and I expect it is the same for Leeward Childcare Nursery. Again, trying to keep the matter fairly short, this whole problem has arisen because of the need to decant sport out of Fort Regent. I am on the Fort Regent Steering Group and I accept that there are tremendous opportunities that can be achieved. I agree that sport can be provided around the community and can better meet the needs of the public than it can at the Fort, so I do not see this as a way of trying to stop the Fort Regent project. What I do fundamentally object to is this attempt to decant sport from the Fort and the other functions that are happening up there. I am completely in the dark about where the civil servants are going but that is another matter. This attempt to decant sport is having a direct effect on a long-established and well-loved nursery in Springfield because the people behind the plans to decant sport are basically saying to the nursery: "Well we cannot renew your contract, we cannot renew your lease on a 9-year basis. We can only offer you a 3-year lease." That of course makes it very difficult for this nursery to continue, it makes it very difficult for anything other than short-term contracts to be negotiated with the staff. It is of enormous impact, the simple refusal to grant a 9-year lease, I suppose because - again, we do not have any comments from the Ministers concerned - but one can only surmise that they want to have the flexibility to be able to close down the nursery in order to accommodate some of the sports functions that they are struggling to relocate from Fort Regent. The second point that has happened, and perhaps this is a devious way to try to get the nursery to move, is they are proposing to hike up the rents from the current rent of £12.32 per square foot to well in excess of £20 a square foot. I have

explained in my report just how swingeing that increase is and how unreasonable it is. No good landlord would go to their tenant and say: "Well, we have measured up again and we have compared your property with other places and we are going to increase your rent by this huge amount." At the very least, one should say to one's tenant: "Well we are going to bring it up gradually over time [because that is something that the business plan of any tenant can possibly cope with] and, incidentally, we are going to give you a nice, long lease so that you can plan to bring your rental up to the level that we require." It is also worth mentioning that the nurseries that the department used to compare with Springfield were Castle Quay and La Providence. Of course, they are omitting key points here, Castle Quay and La Providence are both much newer buildings in much better condition. Both locations are in far wealthier locations in Springfield, especially Castle Quay, which is the most prestigious part of Jersey. Springfield is, frankly, in one of the poorest parts of town and so the comparison is completely wrong. It does not surprise me that the person that the States have outsourced this to has gone out and done this job; perhaps that is how they feel they should be operating but it is completely unfair to have done that. Also they are disregarding the more accurate comparators which were provided by Leeward Nursery to the department on numerous occasions. Le Coie Nursery, just across the road, operated by Jersey Homes Trust and the site is leased to the same nursery, Leeward, as Springfield, they are charged £12.80 a square foot. They have a 9-year lease without break clauses. In fact, the Jersey Homes Trust, because they are a good landlord, have not increased the rental at all in the light of the COVID pandemic. Contrast that with the behaviour of the States, effectively the kind of landlord you would expect to read about in a Dickens' novel. In summary, what the States wants to get out of this nursery is a lot more money for an inferior lease. A few other points which are worth making, the nursery is the only nursery on the Island which provides a whole range of apprenticeships training for childcare degrees: N.V.Q.s (National Vocational Qualifications), N.N.E.B.s (National Nursery Examination Board), B.T.E.C. (Business and Technology Education Council) and Project Trident. They have the most attentive training programme in the Island, they are the most sought-after nursery for training in the Island, and that is simply what the assessors have told the nursery. The nursery also is a crucial part of Springfield Stadium itself. It could be regarded as the cash cow of the stadium. They currently pay in excess of £40,000 a year to the stadium and that is really important when it comes to the café which is a very important part of the social community because the nursery pays the café to provide cooked lunches for its children every day of the week. So why are the States threatening the livelihood of one of the most important providers of income for Springfield going forward? I think the case is very clear, that the States have behaved very badly in this respect, they have behaved clumsily, they have not communicated with the parents, the staff and the nursery operators who have done such a fine job for nearly a quarter of a century in a deprived part of St. Helier. I urge the States to approve this proposition and hopefully the Ministers concerned will go away and do their homework and engage with the people concerned and come back to the States or come back to the people concerned with an offer which is far more acceptable than the one on the table. I make the proposition.

### **The Deputy Bailiff:**

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

#### **2.1.1 Deputy H.C. Raymond of Trinity:**

I have made many notes of what the Connétable has just said. I feel somewhat aggrieved myself in the sense that I think being Assistant Minister for Health and Social Services, Infrastructure and Economic Development, Tourism, Sport and Culture has caused me some problems. I will just question one thing, other than the nursery, who I quite accept I did speak to them yesterday, I have been in contact with most of the people in and around the stadium area simply because of the effect that it is having on putting the sports facilities project together, especially when you consider that for the first time in, I would say, 20 years, from what I gather going backwards, that there is money available in the pot for this to go ahead. I had not registered, and I will totally apologise if the

Connétable has not been involved, but what does surprise me, I have been trying to discuss this event with him. I wanted to take the view that, as far as we were concerned, we wanted to look at the overall structure of what was going on with Springfield, which included the nursery and all the aspects that he has mentioned. I think this is an exciting period. I have pushed sport, sport is not political. We have got something across the board that people benefit from. We have got the children, we were trying to put children first. We have got an active well-being, a mental health and physical health programme going on, and that is what I was trying to do with regards to Springfield. Where I got caught, I think, is possibly that I did not know the ramifications of what was going on behind the scenes with regards to what the Connétable has just said. I will point out one thing, I am not going to go into the situation with regards to the nursery. I feel that does come down to the Minister for Infrastructure and I see with the list that Deputy Lewis will be following me. Springfield Park and the stadium need to be viewed together in any decision-making, there is no question of that. The entire site is subject to longer-term thinking and master planning and the amount of work that is being done with regards to putting this together is taking up virtually all of my time over the last 6 months since taking over. I will say as a plus as well with the previous Minister for Economic Development, Tourism, Sport and Culture, this all started some 3 or 4 years ago and we are trying to put it all together. I feel just a little, as I say, aggrieved that the Constable, it sounds like we have not been talking to him. The process to make such decisions is through published planning guidance, the planning application routes and through the Inspiring Active Places strategy. If you remember with the Fiscal Study Group we were lucky to have some financial support which meant that we could help Oakfield and go from there. Now, believe it or not, everything comes together and, therefore, okay, blame me, have I not got all the different units together and put them into one room and we all discussed?

[10:00]

Okay, I will accept that, but I thought we were going down a route that everybody was pleased about and that we were trying to make something positive for all. The amenity spaces, play spaces, the trees are important but artificially restricting the site before wider master planning and assessment across this part of St. Helier is undertaken is not advised. I have even discussed with the Connétable with regards to the issues regarding to spaces, trees, car parking, and I thought this was an ongoing process. It will have an impact on the fiscal stimulus project if we do not try and pull all this together and the planning application is already submitted. I must say this now, that there are planning applications submitted on the back of hopefully what we were trying to do at Springfield, which affects Oakfield. Principally, the main purpose of Springfield is as a community sports facility and football stadium which has been admitted. We have been in discussions again with Jersey Bulls, Jersey F.A. (Football Association) and all the people that use it. However, until a viable Island stadium solution can be brought forward, the site must be developed to meet sports' needs. It is the home of football, it has been since 1902, I gather, and being housed as a community fitness centre. Therefore, while all efforts are taken to maintain the green space, the site needs to be developed to meet the needs of sport as its primary function. To do this, as the Constable suggests, makes increasing the level of usable car parking very difficult and, therefore, makes the fiscal stimulus plans to increase the active gym very impractical for users. As part of the fiscal stimulus project the play park is vital and will be moved to the west of the site away from the busy road to arguably a safer position in the park. The park provision will be improved and updated as part of this process. The internal works at Springfield are to create an active gym, a fitness studio, martial arts spaces which are a crucial part of the solution to decant sport and fitness activities from Fort Regent. The stadium, as we all know, is already a busy facility that attracts participants from across the whole Island for football training and matches. The provision of fitness and martial arts facilities will significantly increase the footfall of the facility. Active members of Fort Regent will be moved to Springfield and the data shows that people travel from across the Island to use the gym facilities and attend martial arts activities. Given the existing issues with lack of parking at Springfield and the significant

increase in footfall, it is felt to make the expanded facilities work, there is a need to increase parking. In addition to this, it is already planned that the Robin Hood gyratory would be used as overflow parking for the centre. An agreement has also been reached with Springfield Primary School for parking in the evenings. Users of the site will be encouraged to travel to the site actively and enhanced cycle parking will be included, as will electric car-charging points as well. While everyone would walk and cycle to a facility like this in an ideal world, it must be recognised that this is not practically possible for many people who regularly use it. For example, a family out west or east needs to get 2 children to the facilities at 5.00 p.m. mid-week for judo. Even with the increased parking, the number of spaces still falls well short of what would be required to support a stadium and gym facilities of this size that act as an Island-wide provision. This facility has an Island-wide catchment and, therefore, parking is key to its successful operation. Springfield will also become the main venue for G.P. (general practitioners) referral and, for many of these clients, their limited fitness and mobility is the very reason that they are on the programme. Active travel, the hoppla bus is not possible given that many users live outside of the town. Fort Regent has a reasonable number of older adults using the fitness facilities and many are using the gym to manage existing conditions that otherwise limit their activity. The site will still have limited parking for the number of people using the facility. Because of this, when members join the gym, it will be explained to them that parking is limited and they should consider active travel, hoppla bus or car share. There is a balance to be struck here between sustainable travel and making sure the facility works for its intended purpose and parking provisions will always be required as part of that equation; however, sustainable transport methods will be promoted. In the next one to 3 years, changes will be required to the stadium layout to allow supporters to be located on all sides and to screen off the pitch completely from external viewing. Unfortunately, this proposition is not demanded by us but it requires this if the Jersey Bulls are compliant with English leagues which they have to adhere to, especially with regards to the F.A. Cup or they would not be able to play at Springfield. It is strongly recommended that restrictions at this stage are not placed upon Springfield until a longer-term direction of the site has been agreed through the Island Plan process, through the Inspiring Active Places strategy and through working with the Jersey Bulls Football Club. To facilitate regular meetings with the local residents' association and elected representatives of the area in order that the needs of the local community can be taken in consideration is obviously something that I am totally in agreement with. There are at present currently regular meetings in place and it is best practice for community consultation to occur. Being ongoing in any significant regeneration proposals, these meetings can be accepted but the results need to feed into the master planning and planning processes and thereafter during ongoing site management discussions. This is where I say I probably am at fault because I was - not merrily going along - but I was trying to put everything together that the Constable basically has said and admonished me, or admonished the Council of Ministers, for not explaining it all. But there is so much going on and all I can just explain to both the Assembly and everybody, it is like putting bricks in a row, if you take one out, the others are going to collapse. I thought we were going down a route where we were ... and there will be problems, there will be disagreements. After all these years of sport not being at the top of the list, and with all the excitement that has been going on with the Lions and other events and other sporting activities, I thought we had something here. We do not want to upset the nursery. I am just slightly confused as to how we have got to this stage because I think all this can be achieved by all of us just getting around a table, having a chat, and trying to work things out. I am sure the Connétable will come back and say other things but talking and putting this together is an essential part of where we are going forward. If we are going to keep sport on the list, and sport means so much to the Island, you have only got to look recently at some of the events and some of the people that have been involved in some of the work, even the rowing at the weekend at Exmouth and the likes, it is so important that we keep this thing going. What I do not want to see is a political hold-up because the knock-on effect, I kid you not, is colossal, and I mean colossal, because of planning, because of money already in the pot. When have we ever been in a position in sport to know that we have got money in the pot to use? We have not. We have got



it there now, can we all please work together to make sure that we can move this forward? Hopefully, with the situation with the statement being made by the Minister for Infrastructure and Property Holdings that we can get this together because I think it is such an important part. As I said right at the beginning, politics does not play in this. This is about the Island, its people, its youngsters, and we must make sure that we try and keep all this going. I think I have said enough. I think my feelings have come over enough to say that I am so positive listening to the Connétable that I would like to, really do, take this forward in a most positive way. I would ask if there were any comments of me or any clarifications required, then please do not hesitate to come back. But thank you for the opportunity for being able to get across where we are coming from with regards to our sporting activities. Thank you.

**The Deputy Bailiff:**

Deputy Doublet has a point of clarification for you, Deputy of Trinity.

**Deputy L.M.C. Doublet of St. Saviour:**

I wanted to ask the Deputy, he said he had spoken to most of the people in and around the stadium area and I just wondered when he said he has spoken to most of the people, has he spoken to any children in the area about this, please?

**The Deputy of Trinity:**

It is a fair question, Deputy. I have spoken to the school; what we have done is spoken to the people that are running the programmes there. I have spoken to the children in the sense that my granddaughter is involved and she is 9, so we have had chats, but not in the length of time that I think you are coming from. But, again, I want to speak to them because I think it is so important that they are involved because it is them that are going to be the future of this Island. So, therefore, we need to speak to them but not probably to the extent that you would be expecting.

**The Deputy Bailiff:**

Deputy Maçon has a point of clarification for you as well.

**Deputy J.M. Maçon of St. Saviour:**

I am not sure whether my machine glitched, so I did not quite hear it, but I am still not clear from the Deputy's speech whether he supports or rejects the Constable's proposition. Could he just explain his position?

**The Deputy of Trinity:**

Some of the points that the Constable has raised I support and I think that there has to be discussions. I was not fully aware and I think that is why I do not want to get too involved in some of the negotiations that are going on with regards to leases and the nursery. But what I want to do is, if we can get people together, I think what we have done is push something into the open which could easily have been dealt with, or some of the issues could easily have been dealt with, by discussions further. I thought we had those discussions and, I must admit, as I said, I am a little upset the way the Constable put that across. I am in all support basically of what he is suggesting. I think if you read the points that he raised with regards to some of the people that are involved in the site at Springfield, then there were ways through. Yes, we do have a few issues. I am almost coming to the conclusion, if at all possible, that the proposition is taken step by step. In other words, you have got (a) with 3 points and (b) with 4 points, and I am just wondering whether we do not take each one separately. Or even if we could just go back a little and say: "Let us have another discussion and then come back." I am not too sure how this works within this, I have not been so heavily involved in a topic such as this, but if there are ways of us making sure that we all try to get the same, then hopefully we can work something out. That is why, I think I have to say, Deputy, that I would

probably suggest that we took each of the propositions on an individual basis as it is now in the Assembly. .

### **2.1.2 Deputy K.C. Lewis of St. Saviour:**

The States Assembly is not the forum in which detailed property decisions, including leases and rent levels, should be set. There is a defined process for Jersey Property Holdings to act in terms of public value as per its 2005 proposition agreed by the States Assembly. There is now a published estate strategy and an agreed process under Standing Order 168, and this is the route that needs to be followed. In undertaking any updates on leases, Property Holdings takes advice and responds to current prevailing market indicators. The lease for the nursery is due to expire on 30th September 2021 and an independent review of the terms of the lease were undertaken. An opinion of market rental identifying the most recently completed open-market transaction, the commercial nursery operator, these transactions feature the top of the hierarchy of evidence listing. As part of the lease negotiations, a new rental was therefore proposed in line with market conditions but also taking into account the need for any lease to be stepped up in a period of 3 years. With regards to a 3-year break clause, the Government has recently published Jersey's Inspiring Active Places strategy. It sets out the Government's ambition to develop and invest over £100 million in new state-of-the-art sport and well-being hubs for Islanders, the scale of which Jersey has never seen before.

[10:15]

The vision for Springfield is that it will become a smaller, more compact public sport and well-being hub for the north of St. Helier, which will include space to deliver a health outreach and closer-to-home services. While the current plan is to retain the nursery within the stadium, it is necessary to include development break clauses in the lease, subject to providing a 12-month notice in order for the public to retain flexibility on the site. The provision is consistent with new leases negotiated with tenants of other sports sites. Without the proposed stepped increases at the commencement of a new lease, it would not be reflective of open market, the public would effectively be subsidising this tenant through a reduced property rent which would be unfair on other nursery providers. The tenant has been offered a new lease to continue from the end of their current lease and for them to decide whether to accept the public's offer on a new lease at the proposed rental or make a counterproposal which they have not done. They have been offered a possibility of reduced rent if they would allow senior officers to examine their books; they declined to do this. It is a 9-year lease that is being offered and we would like them to remain but, as I say, we cannot subsidise them as that would be unfair to other nursery operators. I will go through my other listings. In summary, the current lease is terminated September, they have been offered a new lease, and it is a 9-year lease, obviously with the break clauses. I am resisting mentioning money because, again, that would be unfair to the nursery at present, and also other nurseries, but I think it is safe to say at the moment they are paying far less than other nurseries and, even with the new proposed rental, will still be less than what most other nurseries are paying. I better leave it there. I think I should also refer to the other point in the Constable of St. Helier's remarks, saying, for instance, that the area is Dickensian, but I may have misheard him. I think it is a bit of an insult to local residents and to say that we are being devious, I hope the Constable will withdraw that remark because we value our tenants and population as a whole. The hoppla bus, for instance, that is passing Springfield, has been mentioned at one of the meetings that the Constable is a member of. I shall leave it there for now; suffice to say that I would ask the Constable to withdraw this proposition and speak to us. I am sure most of it can be overcome but, as I say, I cannot subsidise. I cannot legally do this under Standing Order 168, I must charge a fair rent. I cannot subsidise anybody, I cannot charge an unfair rent or a too-low rent; it must be a fair rent. I shall leave it there.

### **The Deputy Bailiff:**

Deputy Lewis, are you prepared to accept a point of clarification from Deputy Gardiner?

**Deputy K.C. Lewis:**

Indeed, Sir.

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

I would like to refer to the first part of the Minister's speech about the estate strategy. If I understand the estate strategy correctly, we have the Corporate Asset Management Board that should oversee the implementation of the strategy and ensure long-term government ambitions, and recommendations from this board should be presented to the Regeneration Steering Group before presenting to the Council of Ministers. My question is about the use of the space for the sports facilities, which are needed, I am not saying that it is wrong. Have these been presented to the Regeneration Steering Group, which the Constable sits on, and also if discussion was taken at the Regeneration Steering Group before it proceeded to action?

**Deputy K.C. Lewis:**

The Regeneration Steering Group, of which I am a member, also the Constable of St. Helier, most of it has. Some parts have been discussed, the relocation of sports, et cetera, but I am not sure the exact detail of that. I need to get back to the Deputy on that.

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

I want to thank the Constable for bringing this proposition. As somebody who represents St. Saviour District 2, which is right next to this area and is used by a lot of parents and children - not just the green space and the sports facilities but the nursery is used by a lot of my constituents who will drop their children off on the way to town to go to work - this is very much a St. Saviour issue as well as a St. Helier issue. I live nearby myself and I use the Springfield Stadium and the green space and the play space a lot with my own child and get to speak to a lot of parents and children that are also using that area. I am finding this debate really difficult to navigate without the comments which Constable Crowcroft has requested and I want to echo what he said. I think that is unsatisfactory and I am not sure from the previous 2 speeches that we have any clarity as to whether any parts of this proposition are being accepted or not, so I would request one of the Ministers to please provide that clarity. Deputy Raymond has requested it be taken point by point, so I think Members would benefit from knowing point by point whether it has been accepted or not accepted. I want to speak to the remarks that Deputy Raymond made about the facility being a sports facility and a place for playing football primarily. I see what he is saying but what irks me, and often I have to make this point in debates on different things, is that, have we considered how very young children might want to engage in sports and football? When we are thinking about improving our Island and providing things such as open space and sports facilities and football spaces, we need to think about how the entire population will need to use that area and what their needs are. Very young children, the way that they engage in sports and specific sports like football, is they need a wide, open space that is flexible to enable them to play and to kick a ball around and to play in the way that they direct their own play. This lack of understanding of young children and what they need, and the lack of value on their needs, it has got to stop. I am disappointed to hear there has not been any ... well there has been limited consultation with children. Yes, the schools use this area, and I think for those formal activities where the playing fields and the building will be used, I am certain, I am confident that the plans that the Ministers have for the new facilities will fulfil the requirements of those formal activities that might be required by a school or a club. But we cannot forget that the St. Helier Open Space Audit, which I think was done in 2018, has found a real deficit, and particularly in this area of town. So certainly for part (a)(i) "maintain the same amount of open amenity green space and tree planting" that has got to be accepted by the Assembly if we are sincere about putting children first because I cannot stress enough how important that open green space, and particularly having the mature trees in that green space, how important that is for the children in the area. Many of the children, some from St. Saviour too - although many of our homes are maybe homes with small gardens, we do have families living in flats

in St. Saviour too - but many families in that town area, the children will be in homes where they do not have any access to outdoor space at all. Yes, Millennium Park is fairly close to Springfield but the 2 green spaces have very different characteristics. So I use both spaces with my child and Millennium Park is often very busy. It is more open to the road at one end, so less ideal for younger children, whereas Springfield, the green space there is more enclosed. It is more varied in terms of the different levels it has and the mature trees and it is an ideal space to take a child to kick a ball around or to explore the trees and the natural environment around there, so it must, it must be retained. I could go on about the benefits of the green space, and perhaps I should, because I think if Ministers are in any way not going to accept that part about the green space, I would point them towards the report on my amendment to the bridging Island Plan where I have set out many of the benefits of green play spaces and, in fact, having a safe access to the play spaces because this is a safe area and it is a safe place for children to play. The benefits of unstructured nature play are well established in research. Physical activity is higher in these green spaces, B.M.I. (body mass index) in children is lower when they have access to more green space. The Marmot report advocates that there should be green space within 4 minutes of every family home. I am not going to go too much into that because I really do believe that as an Assembly we accept the benefits of green space and we understand how important it is for children, so I hope that Members will at least support that area. In terms of the formal play structure, which I believe the Constable has asked to be left in its present position, what I would like to know, and perhaps this is a clarification from the Minister when I end my speech - and, again, this links to what I said about not knowing whether each section is being accepted or not - I want to know that if the plan is to move the play space, is it going to be the same size area; is that the plan? If it is not the plan, could that be the plan, please? Could the Minister commit to that if he does not want to commit to leaving it in the present position? What type of play facilities will be there and will children be consulted? So I would like to hear about that, whether it is a clarification from the Minister, who has already spoken, or from another Minister. Perhaps the Minister for Children and Education might like to comment. I hope that he would be in support of these areas, as the Minister for Children and Education, as well. Part (a)(iii), to meet with the local residents' association, I would just add to that - I wish I would have amended this - if that part does go through, please, could we include children in that? There are ways of doing that which I am happy to speak to the Ministers about, as I am currently working on this area, on the Voice of the Child, in Scrutiny, and we have lots of learning there that could be passed on. The nursery, this is a difficult one, because what the Minister has spoken about, I do see some of his points about the fact that this is a private business and market rates, et cetera, I do understand that, but I remain disappointed that the nursery owners were not spoken to until the last minute. Again, I will state that this pattern of considering children last has got to stop and it is not good enough. Childcare particularly is an essential part of the infrastructure of this Island because it allows parents to have their children cared for so that they can be part of the paid workforce and so that they can function on the Island. If we did not have that childcare, we would of course lose workers and our economy would flounder without childcare. Many nurseries, especially after the 18 months that we have had with closures, et cetera, are already struggling and we need to start supporting them more.

[10:30]

I think the issues that we are talking about today with raising the rents in this nursery, it raises some of those wider issues of what is the model that we should have for childcare in our Island? Certainly, raising rent from £12 per section to £20 per section, I cannot remember the exact area, possibly forcing this nursery to close or to change the way it operates so that it cannot make the same provision for parents and children, it just does not make sense if we are thinking in wider terms about our society and our economy and, of course, about the well-being of children. A comment that the Minister made, he said if we did not charge market rents the public would be effectively subsidising the nursery. Well, I am sorry but what exactly is the problem with subsidising nurseries? This is exactly what we do with our States nurseries within our schools, although, of course, these nurseries

only make provision for 4 year-olds in term time. But, of course, subsidising nursery provision is what many jurisdictions do for all or most of their nurseries serving children from birth, and many of the jurisdictions that do that are seen as having the best childcare and early education provision in the world. So, perhaps this reluctance to subsidise nurseries needs to be looked at properly and in a more wider sense and we need to look again at the costs of childcare report that the Community Relations Trust published several years ago and we need to publish the Early Years Policy Development Board report and look at the recommendations within that. Because I believe that we need to take a proper look at our early years model and consider subsidising our nurseries. So, that part I want to hear more on, and what I would like to hear is the Constable's response to the Minister, taking into account what I have said, and I will think about how to vote on that. But generally we do need to be supporting our nurseries. Another phrase that was used was we do not want a political holdup here, and that concerns me because it seems to me that there is a lack of ... there is a reluctance to want to take into account the views of the Assembly as the Parliament representing the population. So, I know that these are lovely ideas. We want to have this world-class football area and a beautiful sports stadium and, of course, all of those things are well intended and would be lovely to have, but we must not forget that as human beings we do not always get it right the first time and that is why we have a democracy so that we can have these discussions and have input from different people and make sure that we come up with a plan that represents what the population needs. That is why I am here to be the voice of children on the Island and parents, families, so I hope that the Ministers will take on board what I have said and will consider supporting at least parts of this proposition, certainly the part about retaining the green space, and that the general attitude will be that we should all be collaborating on this. It is not about being political at all. We are all here representing our parishioners and representing people and different areas that we are passionate about, and we do need to work together. I know that the Ministers want that, so I hope that they will support at least parts of this proposition.

**Deputy K.C. Lewis:**

Sorry, Sir, did Deputy Doublet ask for clarification or not?

**The Deputy Bailiff:**

Yes, but you have finished your speech now.

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

Sir, am I not on the list? It is Deputy Southern.

**The Deputy Bailiff:**

You are on the list but you are after Deputy Higgins on my list. Perhaps I have ... unless I have them the wrong way around.

**Deputy G.P. Southern:**

I just thought I had disappeared off your list.

**The Deputy Bailiff:**

Yes, you are after Deputy Higgins, Deputy Southern.

**2.1.4 Deputy M.R. Higgins of St. Helier:**

I must say I was absolutely flabbergasted by Deputy Raymond's speech. It came across to me as reeking of arrogance. He was basically saying: "I, or we, have a plan and we are going to implement it no matter what you think." This is part of a master plan involving Fort Regent, which again Members are not fully understanding what is going to be going on there, and together with the way that the new hospital at Overdale is being brought in, gives me no faith that this project or Fort Regent will be well managed. I would like to know where is the involvement of St. Helier in this and its

political representatives. He says we should work together and move this forward and that politics does not play in this. If he believes this, he should have been consulting and working with the representatives of St. Helier. As the Constable said in his speech: where is the comments paper in response to what he said? Where has the engagement been beforehand? So, all I can say is after hearing what this Minister has said and the Minister for Infrastructure, these areas are now going almost to the top of my list to scrutinise going forward and watch with great interest and care.

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

I will try to be brief because what we have seen is a master class in waffle. So we do not get any comments and that is a rudeness, cheekiness, that is unsurpassed in this House, I think, because we must have comments. But what happens if we do not have comments, we do not have anything in writing that can hold that Member, in this case the Deputy of Trinity, and say: "What are you planning? What are you supporting? What are you not supporting?" When specifically asked what of the proposition he was due to support and what was favourable and what was not, he just waffled on for, I made it, another 2 minutes and 15 seconds without saying whatever it was that he attaches his support and what did not. He simply repeated: "Can we go through the 7 points individually and can we vote on them individually?" and then you will know what his vote was. But unless you were prepared to go to Hansard and search all through it, without written comments we have nothing to go by. We do not even know what the position is for the Minister concerned. Perhaps another Minister might tell us what is going on here, but this is classic States business when you do not want to do anything. You invent, you create a large master plan. Oh, no, we have a master plan for this so, therefore, we must not do anything until the entire master plan is checked out and all the i's are dotted and the t's are crossed, and that way we end up doing very little indeed. What we have here, right, is a lack of policy being overtaken by management managing spending rather than spending in order to achieve political goals. So what we have here is - we have all heard of this - the Jersey Care Model, have we not? Yes, that is last year's stuff, it is perhaps a year old. That is our overarching health need met in a big plan already under way. The Jersey Care Model intends including from children, giving them the best possible quality childcare which gives them a head start in their progress through life, to the elderly, like me. We are going to live longer and be fitter and that is what we are going to do, and we are going to do that ... how are we going to do that? Well, for each and every one of our places we are going to increase rents, increase charges, reduce the length of leases, and that way we are going to deliver a fitter young population that is not as sick as currently. Are we? The best way to do that is to raise all our charges and what we have heard of today are phenomenal charges, massive increases in the rental, and that is how we will deliver the right sort of healthcare in the community by charging the maximum for it. Here we have the note-takers, the bookkeepers, who have been given a task to increase the revenues that a particular body is getting from hiring out of its spaces. If we do that, we are not going to improve the quality of our healthcare. We are not going to improve the quality of our healthy population. We are not going to improve things for our children. We are going to end up doing nothing but making sure that we get the maximum profit out of any space that we have in order that we rent it to a body which is delivering a political aim. So it is the ultimate. We have passed the Jersey Care Model. It says we will have a healthier, longer-lived workforce and that is the way forward, and here we have some pin-fiddly awareness of making the most out of our properties and renting those spaces in order, I would say, to fail in achieving our overall goal. So, I really do not know what to say further except that this is ... thank you to the Constable for bringing something with its 7 points and let us hope that we have some agreement from the Council of Ministers that some of this will see its way through to the light of day and we are not going to have just opposition for opposition's sake from the Council of Ministers because they do not like being told what to do.

#### **2.1.6 Deputy J.H. Young of St. Brelade:**

I was not going to speak, but I think the debate raises a number of major strategic issues that it is important that I identify and put my position clear. We do have a live planning application so, therefore, I am not going to comment on the detail of that. It is out for public comment and who knows what will happen to it. I am sure it will be the Planning Committee. I think I did consider whether or not this was a matter to call in but I decided no. I trust the Planning Committee to get these things right. But I did hear a couple of things. I heard it said the plan is based on planning guidance. Well, I have just had a look. I could not recall it. I thought, well, I do not remember issuing any planning guidance for this site, so I had a look. I could not see any supplementary planning guidance, nor any master plan. So I think at the moment, if you like, that element is, I think, wanting. I think what this matter is about at its root is progressing a sport strategy, as we heard from the Assistant Minister. It is a strategy for sports. Now, personally, I am very much in favour of sports Island-wide. It is really key for the Island. I certainly had the aspiration as part of the Island Plan that we would have a long-term plan for sports, a long-term plan because clearly there are quite a lot of trying to get a quart out of a pint pot in the current facilities. They are not big enough. We desperately need open space. We need space for children, we need space for activities, and it is going to get worse with the amount of housing that we get in there. So, I was hoping that within the Island Plan we will be able to get the information from the teams that are working on the sports to be able to get a long-term plan which would enable us to have as a component of that plan how we might have community use of open space, play areas, informal play rather than formal play in the middle of town, but I have been told this cannot be done, it has to be part of the next work of the next Assembly for the next Island Plan. I am disappointed by that and there was a parallel with schools, but things look more hopeful in schools that we have a piece of work in place. At the moment there is a gap there. Of course, I do not have a voice because I think the decisions about States-owned sites are made at the Regeneration Steering Group and I certainly complained loud and long that the urban voices, the voice of the Constable of St. Helier, the voices of the urban Deputies, are not there that we desperately need. As the Constable has said many, many times, we need a St. Helier planning group and we need to set that up and that needs to include, in fact driven by, government property, which is a major property owner. How we use government property is the key to achieving our public plans. I think because we have the absence of this long-term strategy we are pursuing an interim, and I am afraid for me it comes across as: "It will be all right on the night." My worry about short-term intermediate strategies is they often block out long-term possibilities and do not lead to the ultimate best decisions being made on the best uses of government land. So it is an interim plan and what we are doing obviously in the plan is we move different bits of the jigsaw around and it will be okay and it will produce the best long-term solution. My personal and professional experience is I am afraid I doubt that. Interim uses are really useful and important but they should be in the context of long-term plans always. Of course, what I also heard, the other strategic issue that troubled me immensely, is the position that government property can never - never - provide a public subsidy for vital services. I absolutely refute that. We should not be driven by the bottom-line money on how much rent and how much assets we can get and sell. What is most important in our community is we put that land to the best use for our community in public benefits. Here we have a nursery, a nursery we are told, serving some of the most needy members in our community, workers that we absolutely need to have facilities for. What do we know? Why can we not recruit workers? The cost of childcare is off the roof. Young people, how can they pay, is it worth staying in Jersey because of the amount of money they have to pay for childcare? If there was ever a case for having a proper policy on the use of government land for childcare facilities and subsidies, this is it. So what I heard, frankly, was shocking. I wonder where this policy has come from that we have to always ... everything is always the bottom line. The Government should set the market here and set it lower and have an arrangement, yes, that that benefit of that subsidy will be passed on to the people who are having childcare. If you want to put means testing on it, you can do all that sort of stuff, but we do not even seem to be prepared to do that. Then also there is the issue I picked up. Again, I am going to be careful here because I do not want to stray into the planning application. But we got the

principle of parking, we want to have more need for parking. Really? I thought we wanted active transport in town. I thought that was one of the themes of the work we have all been doing, sustainability. We absolutely need a hoppa bus. Well, dead right. So, I have a real issue with that. Of course, I am pointing to the fact as well that Island site ... and, of course, I put my hands up here, I was a civil servant in the days when we produced that Springfield gyratory, which frankly I think myself was a mistake - the political view at the time was we should do that - because I personally would have favoured acquiring those properties and extending the Springfield site or creating a roundabout and not having a number of properties isolated in the middle of the motorway around the Springfield area. It is pretty bad conditions, I think. Of course, what has that area been used for? Car parking to generate money. Was that the right use of that land? Absolutely not. So, I think it is a sad thing that we have not had a chance to have a proper set of comments. I certainly plead guilty to not having prepared properly for this. I will be blunt about that. The amount of workload I have I cannot be checking on everything, but I think the Constable has done us a good service in bringing forward a proposition which raised ... and I hope that those strategic issues that I have identified that future States can sort them out better. I think this one now is probably too late and I will go with the ... I think I will listen to what other Members are saying and go with the flow, but I just wanted to say those things and plead for future governments, please, can we have long-term planning at the root of everything? Can we have a proper urban planning process, open space, trees and so on? Because all of the housing that is going to go in town, we have to have those things and a decent public transport facility. What we have here, I think, is piecemeal, I am sorry to say, but there we are. I know that will not go down well with my Ministers, but it seems that it is not the only situation which a number of us have different views and I think democracy requires that I express them.

### **2.1.7 Connétable A. Jehan of St. John:**

I am more than happy to support the Constable of St. Helier's proposals. The Constable of St. Helier described the desire to decant sport from Fort Regent. This, in my opinion, is another example of a decision being made without fully considering the full consequences, to try and squeeze too much into a small space with the known increase in demand on parking. The removal of space at Springfield for both hospitality and parking is, in my view, designed to squeeze out large events such as the Muratti and Jersey Bulls. More, in my view, could be done for sport utilising existing facilities around the Island, facilities that often lay idle during the evenings and for long periods in the holidays, namely the education estate. I have been watching with great interest what I can only describe as the stealth moves to create an Island stadium in St. Peter, something supported in the bridging Island Plan. We have a stadium at Springfield. It was built in time for the 1997 Island Games and, as we have heard, it has been the home of football for over 100 years. The key thing for me is that Springfield is in St. Helier. We know that the vast majority of people live in St. Helier, with St. Saviour and St. Clement also having large communities. In 2015, I was responsible for the transport and logistics for what was described as a very successful Island Games. These games saw the introduction of a walking map, where competitors and spectators were encouraged to walk to venues, something that the majority of our locals and visitors alike could do from their St. Helier accommodation. I would encourage the Minister for Infrastructure to look at that potential, with the potential to publish something similar in 2021. Another initiative in 2015 was a loop bus, very similar to the proposed town hoppa bus, linking the venues from FB Fields, La Pouquelaye and, of course, Springfield, and it was very successful, offering a frequent link between the different sites. I can inform the Deputy of Trinity that as long as the hoppa bus goes to Liberation Station then it can work for those who do not live in St. Helier, just as that loop bus did in 2015. We have a carbon neutral strategy. We want to reduce travel. This I believe was part of the Deputy Chief Minister's reasoning for the hospital being at Overdale. Well, the same arguments remain true for a stadium being sited at St. Helier. I have spent many hours at Springfield in the last 5 years, predominantly watching my son training and playing football. In support of what Deputy Doublet said about the park, I can say with experience that the play area there is extremely well used by the community, young families



from that area simply enjoying themselves. We know that there is increasing further development planned in St. Helier and, therefore, Springfield should be protected and enhanced rather than what is proposed. In terms of the nursery, there is particular need for there to be all year round facilities to be available for working parents. Nurseries attached to schools are a good thing, but mainly cater for school hours. There is ever-increasing demand for both breakfast and after school facilities. Parents need facilities both earlier than when schools start and later than when the school finishes. As the Constable of St. Helier stated, the parents and families using the facilities are based in or close to the area, so not only is it needed, also importantly it is convenient for those families. How is the organisation expected to continue to invest in their business with the proposed high increase in rents? Why would they invest in their business and staff with the shorter-term break clauses? We have already heard about the comparison with the Jersey Home Care Trust as reasonable landlords. Where I disagree with the Constable is when he says that the Government want to get more money from their tenant. I believe that the main reason for putting up the rent as they are is to remove the tenant, and that was alluded to by the Minister for Infrastructure in his speech. I will be supporting these proposals and urge other Members to do the same.

### **2.1.8 Senator L.J. Farnham:**

First, I would like to apologise to the Connétable and all Members for the failure to produce comments. Ironically, we did have comments produced, we had a good set of comments, and I am going to refer to them now when I speak. I simply cannot explain why they were not published as comments, and I do apologise for that. I think, though, fortunately we are in a position where we can accept the majority of what the Constable is proposing, but I will go through the points as Members have requested to try and clarify some positions. I will refer directly to our unpublished comments and excuse me if I repeat in a small way what other Members might have said. In relation to the first 2 points, to maintain the same amount of open green space and to leave the children's playground in its present position, I start by saying that Springfield is a park and a stadium and I think it needs to be viewed together for any decision-making. The Planning Minister referred to the challenges that short-term solutions provide to long-term thinking, and I think we have to bear that in mind before we tie our hands. We have to think about also the impacts on the increasing use of and expanding the fitness facilities already at Springfield, which I think were probably under-utilised and were going to ... as part of the project to relocate sport from Fort Regent. Fort Regent I think we can all agree ... and we do have to work harder in communicating this to Members and we are going to do that as the project starts to gain momentum, but I think probably one of our biggest embarrassments as a States Assembly and as a Government and previous Governments is that we have neglected Fort Regent. Now we are finally starting to make some headway and I know the plan is to share the detail as it evolves with Members on a regular basis. Deputy Raymond has talked about the active side and talked about the Island-wide uses for the area, and it will be good to see all of the areas of Springfield being utilised to a much better capacity and a much fuller potential. In relation to the children's park, yes, that is going to be relocated, I think the plan is to another area away from the main road. It will be improved, at least the same size, I think possibly even bigger, so that can also be confirmed. We completely accept that it is important to facilitate regular meetings with local residents and the local States representatives, and although meetings have taken place I think we absolutely need to formalise that, so we can accept that. In relation to the lease arrangements with the current nursery, I think the Minister for Infrastructure has alluded to that. That is his territory. I think that the nursery is absolutely essential. It is worth mentioning that the taxpayer does subsidise childcare through the Nursery Education Fund, which enables more people to use private nurseries. I cannot comment as to ... I am sure that the nursery in question and other nurseries are beneficiaries of the Nursery Education Fund, but I cannot guarantee that. So there are other mechanisms in place. Having looked at the detail, between what is currently being offered now and what is on the table, I think there is probably some middle ground to be found. I very much hope that negotiations can be successfully completed in a very fair way that gives both fiscal certainty and long-term certainty to the current

nursery there. I am not sure even if the States did agree with that part of the Constable's proposition whether the Minister for Infrastructure would be bound by it. Normally, when the States make a decision Ministers have to be bound, but I think there might be a legal problem with that. Perhaps somebody could clarify that. Maybe the Minister for Infrastructure did but I missed it. Again, to review the use of the car park within the Robin Hood gyratory and report back to the Assembly. I think we can accept that. It is accepted that a review of this site does need to take place but I think this review needs to be done in line with the longer-term planning. I am pretty sure we can accept that, and of course again to include Springfield Park and stadium and the route for the proposed town hoppla bus, certainly accept that. Again, to facilitate regular meetings in relation to local residents association, of course we can accept that as well. So I think we are probably on common ground with the Constable. I agree with the Constable of St. John in relation to Springfield is the home of football of course, and now we have a fantastic organisation, Jersey Bulls, who are breaking new ground for Jersey football. Of course what slightly concerns me, that if we were to accept part (i) which was to maintain the same amount of open amenity green space we move away from the primary use of Springfield as a football stadium. I know Jersey Bulls have really fantastic plans to improve the infrastructure there that will allow them to progress through the English Football League, and for the first time in our long tradition of football history be represented at a much higher level in the years ahead. So tying the hands of the longer-term thinking could have a detrimental impact on how we proceed in overseas football. Of course, as we have seen with Jersey Reds and the rugby, operating at a semi-professional level has a huge beneficial impact on younger people with academies and training and just by way of inspiring young people to reach their potential at a much higher level of sport. So just to be clear, if I just run through from the top, I think to maintain the same amount of open space would be tying our hands slightly. It is certainly the intention to make sure Springfield remains a real gem both in terms of sporting facilities, stadium, football, open space, parks and play areas for children. We could end up with even more green space but we do not want to be tied to having the same amount of space, so I would ask Members not to accept that on the understanding that we are aiming to improve all of the facilities down there for the whole community. Same with (ii), we are definitely maintaining the children's play area, we are going to improve it, hopefully enlarge it, but we do need to move it so if we say we leave it in its present position, again that could be at the cost of a better park in a different location. We can accept paragraph (iii), to facilitate regular meetings. The lease in respect of the nurse, I think the Minister for Infrastructure will take on board the mood of the Assembly and ensure that the negotiations are conducted and that the present tenant gets a fair lease with some long-term certainty to continue to operate that important facility. We can accept the rest. So I hope that is helpful. I apologise again for failing to publish the minutes; there is no excuse other than it has been an incredibly demanding week or 2 for all and I do apologise, and I am happy if the Minister for Infrastructure is happy that we can send the comments around to Members after the debate just for reference purposes.

### **2.1.9 Deputy L.B.E. Ash of St. Clement:**

I will keep this fairly brief. I do not want to be accused of conducting a master class in waffle, as Deputy Southern suggested earlier, even before Deputy Tadier had spoken, which was tremendous foresight on his part. Earlier this week we had comments on freeing up sites for buildings. Very laudable. Very laudable indeed. We had the Minister for Housing and Communities looking at new construction methods. That is very laudable. We hope to build a new primary school. Again, very laudable. Most saliently to this debate, we have what in my opinion is a tremendous sports plan and people should look at it. Again, very laudable. But what blurs this cacophony of laudatory is that in all these things you will have propositions such as this trying to place obstacles in the way, and that is far from laudable. The Island needs better facilities. We must go with what the Senator previously said, and I agree with him, we can accept parts of it and reject others. But generally let us concentrate on getting things done rather than stopping them, which we seem to be preoccupied with in this Assembly.

### **2.1.10 Senator K.L. Moore:**

I too will keep my comments brief. It was helpful to hear Senator Farnham speak on behalf of the Government just now and I simply wanted to raise a couple of brief points, as many have spoken in advance and made very eloquent speeches. But I did agree with what the suggestion was, as it was made by Senator Farnham, that the part which agrees to leave the children's playground in its present position is perhaps something that we should not be entirely wedded to. As I recall, it is right beside a road, the ring road, and in order to improve children's health it could be sited, I would contend, at a slightly different place where it was further away from the road in order to minimise a child's exposure to air pollution during their time of play. So, simply that. I would wholeheartedly endorse the comments of Deputy Doublet regarding the importance of childcare and the importance of cost-effective childcare, as we all know, and should be doing a lot more to deal with the punitive cost of childcare provision and the effects that has on the young families of this Island. It is also worth noting that it is simply surprising, and perhaps just a testament of the current times that we are experiencing with this Government, that a Constable has to go to the effort of bringing a proposition such as this. I commend the Constable for doing this and for speaking up for his Parish and safeguarding the important facilities that are provided in it. The message is to the Ministers they simply have to do better.

### **2.1.11 Deputy M.R. Le Hegarat of St. Helier:**

Obviously as a Parish Deputy I will be fully supporting this proposition. I do identify with others who have spoken and I am sure the Constable may think about this matter in relation to the moving of the facilities that the children have to play. The thing that really does concern me is something that the Minister for the Environment said, that this matter would come to the Planning Committee because, if I am honest, I did not really think about it prior to this morning's discussion. Then something else was also said by Deputy Ash about getting things done. I would like to just highlight something for the Assembly and maybe for the public as well. There are 4 members of the new Jersey Alliance Party who sit on the Planning Committee and there are 5 others. Therefore, I am going to raise my concern that in the "getting things done" situation are we going to be able to say that everything is going to be done fair and impartially? That is my concern. I am not part of any party and I am really worried about this fact. I am a district Deputy for St. Helier, there will be a number of projects coming forward and this concerns me. I know that there was a rumour that one Member may or may not be resigning but unfortunately due to a minor hiccup - as you are well aware - the last time I attended in the States sitting I did not attend the last planning day. So I am just going to highlight that fact and leave it there.

### **2.1.12 Senator S.W. Pallett:**

I am going to try to be as positive as I can but I have to say the speech from the Assistant Minister responsible for sport was one of the most confusing I think I have heard for some time. There are a lot of issues I think with the site and there are a lot of connected policies and strategies that need to be considered when we are looking at the long-term use of Springfield. I am going to say some things that probably will not go down well with the football community I have been part of and supported for an awful long time, but I am going to say them because I think it is important to understand what I feel to be the best use of Springfield. This site is not suitable for an extended football stadium; it is as simple as that. I am going to go into why as I move on. I think we need to decide what is most important here. Is it the community use of this site in what is an extremely sensitive area of St. Helier? I think St. Helier Deputies are aware that it is a key community site and for me, as much as it may well be in the centre of St. Helier, it is not necessary for it to be our national stadium long term. It is certainly not suitable as a major sports centre, one of the reasons being there is limited parking. I know we are getting excuses around: "Well we have got sustainable transport" but at the end of the day at the current time there is not enough parking on site to start to use this site for major sports use. An interesting comment from the Assistant Minister was that he felt aggrieved when he

was saying that he was the Assistant Minister in 3 departments. Well, I think there is an easy solution to that. But he needs to really understand what is in the active places strategy and how they are all interconnected. Looking at Springfield in terms of what is currently attempting to go on, and I think has driven the Constable's proposition, is the fiscal stimulus bids. Springfield has a fiscal stimulus bid and I just want to remind people that fiscal stimulus has 3 Ts involved: temporary, timely and targeted. The intention of the fiscal stimulus from a timely point of view was to have the work completed by the end of this year, December 2021. We now find out - and we found out at a Scrutiny Panel hearing - that the earliest Springfield will be completed will be summer next year. For me that is not timely. The other side of it is I think that it is jumping the gun a bit because we have not decided long term what the use of this site will be.

[11:15]

It is important to remember when you are considering the overall sports strategy is how we are going to develop it over a period of time. Springfield has been the home of football for over 100 years, I have played there both on the old site and the new site, not so much on the new site because I am a bit old in the tooth, but certainly on the old site many times. It was a great place to play and it gave you a great feeling to play on it. I played Junior Moratti there and I was extremely proud to represent the Island. I can understand why the J.F.A. (Jersey Football Association) are tied to that site. They feel their history is there and that is where they want to stay. But I think they have got to look at the long term development of football and I think that also goes hand in hand with the long-term development of Jersey Bulls. Again, I support what Jersey Bulls are doing, it has been a fantastic journey where they unfortunately for 2 seasons had their seasons disrupted when they were in full flow, and we only want them to succeed. But what they are going to need if they move forward in terms of a stadium I do not think is acceptable to the residents that live nearby that site. What people may or may not understand is that it is not about the removal of some trees or purely around the removal or moving a play area, although that is required to provide seating at both ends of the ground. What they will need to do in very short order is completely screen off the pitch so that people cannot look in free of charge. That is part of any improvements - if you call it an improvement - that will need to be made to that ground. For me if I was a resident - and again I would remind the Deputies - that is not going to be very aesthetically pleasing to residents and I do not think it is acceptable in that part of town. What we should be looking at is how we are going to best use Springfield as a community centre and I think to do that we need to ensure that we keep as much of the open space and amenity space on the site as we can. What we also have to remember, from a point of view of football, is that the current surface at Springfield has a life span, it has probably got another 6 or 7 years and it will need to be replaced. There is an opportunity I think, and I know a couple of Members have already said that the national stadium should be in St. Helier and not elsewhere, and St. Peter was mentioned. It does not have to be at St. Peter, it could be at another site, an example would be Quennevais, for example, where a 3,000 or 4,000 seat stadium could be built as an alternative to Springfield. But if St. Peter was used, and it has been mentioned before, I just cannot understand why we are not considering having our premier sports playing on a first-class pitch where they could share a stadium, share costs, at a time when all sports are struggling from a funding point of view. Yet we have an Assistant Minister in the department that seems to be intent now on splitting that idea and allowing development at Springfield, which in the long term is not going to be beneficial to the community use on that site. The Assistant Minister did mention, or it has been mentioned in the proposition, around the lack of communication with the residents. I know from my time as Assistant Minister we had several meetings with residents, sometimes on some quite thorny issues, so I do not understand why those meetings have stopped. Those meetings were important and they did clear up a lot of sometimes minor issues but sometimes more important issues around antisocial behaviour for example. I cannot understand why those meetings were stopped. I think we have also got to look at, and it has already been mentioned, the demographic of the area around Springfield. It is a centre not just for those that come and play sport; it is a site where many come to socialise. The café - and

I know the manager very well - is a centre of the community around the Springfield area and must remain so and must in no way be pushed out by an increase in sport on that site, although I do agree that there is an opportunity to increase some sports use on that site. But we must remember where this site sits and how important it is to those that live in the area. One of the things that was mentioned also by the Assistant Minister was some of the sports that were going to be relocated to Springfield. One of them was martial arts, and the phrase “squeezing a quart into a pint pot” has already been used today but that is exactly what is going on here. There is an attempt to squeeze martial arts, some of which do not mix particularly well, into a space where frankly they are all going to want the same slots, the same time, and it is just frankly not going to work. It is not often I say this Government is rushing things because it is often the opposite, but in regards to this if you do not get it right now it is going to have consequences and it will have a knock-on effect to not just sports facilities in regards to improving them and refurbishing them over a long period of time, but actually also to the long-term development of Fort Regent, which is something that we all want to see. I will just go back a little bit; I just want to remind people again around the pitch. There is no other way to describe it, if plans go ahead around the pitch it will be a blot on the landscape. There is no other way to describe it, and that will not be the end of development there because it will have to have a minimum amount of seating as well. The best thing to do is to bring sports together and find somewhere where they can work together for the benefit of the community and for the benefit of sports generally. If it is just because people are too precious around their sites then I am afraid we are going to have to work around that. I do support the J.F.A., I do feel for them, because I know they do not want to give up their site, but at the end of the day we have got to do what is right for Jersey and we have got to do what is right for the community. For me the constable is right to bring this proposition because it deals head on with some of the issues that are going to come up very quickly. A planning panel has been mentioned by Deputy Le Hegarat. I do not think now any planning application at Springfield should be considered by the planning panel unless they have a full understanding of what the long-term goals or long-term aspirations are for Government at Springfield. It is too piecemeal and it is not going to be for the benefit of those that live in St. Helier, and that is what we need to consider. Those that live in that area, those that have to work in that area, those that have to bring children up in that area, and children have been mentioned a lot this morning and quite rightly. I cannot fault the J.F.A. on that. Their promotion of sport for young people and football for young people is exceptional and long may that continue. But that can be done in other places. What we would have to do as a States Assembly is support the J.F.A. through what might be a difficult move and a difficult liaison or collaboration with another sport. The Government has been pretty good at patting itself on the back recently around sport and I am going to mention 2 things. One is the Lions tour, which was an incredible success, and I am not going to say anything negative about what it has had in terms of the reputational benefit to the Island. But let us remember, that took place because of the private investment and the drive of one individual to get the Strive centre complete. No Strive centre, no British Lions would have been here, so let us be clear about how that turned out, but it was a success. The other one is Super League Triathlon, again massively important to the Island from a reputational point of view but costs the Island £400,000 a year to put on. I do support it but it is not free, so let us put some perspective when we start to pat ourselves on the back for some of these sports. I know time is running out and I just want to finish on one point. I have not heard a single Minister or Assistant Minister this morning use the phrase “putting children first”. It is not a phrase sometimes that I readily use. I know my colleague in the Progress Party has his own thoughts around how we should be putting children first, but from my point of view in this community in the setting of St. Helier, it is absolutely vital that we put children first and we have a joined-up plan for Springfield, and we have a joined-up plan before anything is finally agreed through fiscal stimulus or for whatever we do on the site. It is a key site and please, please, Members, support this proposition. The Constable has got it spot on and he needs to be supported.

### **2.1.13 Deputy R.J. Ward of St. Helier:**

I thank the Senator for stealing my phrase, which was a quart into a pint pot, to the extent that I actually looked up what quart was and for people's information it is 2 pints. I think it is a very apt phrase. It is very difficult to craft a speech around this debate given the disjointed nature of the response from Government and the lack of comments paper, which I think does beggar belief that an Assistant Chief Minister or the Minister for Economic Affairs or whatever his role is, can come to the Assembly and say: "I am sorry, I have got a comments paper in front of me and I will just read from it, and these are the parts that I have." We are all busy, everyone is busy, but we need to prepare for these Assembly debates. They are only every 3 weeks and this proposition was placed with plenty of time. There are a number of things to go through here. This notion of a master plan, it is a remarkable notion that we have a master plan so let us just keep to the master plan, but we do not really know what that master plan. I am afraid I have to say it, yet again OneGov is 2 or 3 or 4 or 5 or 6 or 7 Govs and we are not entirely sure how they are joined up. In terms of the consultation, the consultation around the sports strategy and Springfield itself was poor. I have my drop-in surgeries in Springfield, as do my colleagues, so I am there a lot and I talk to many of the people there and I encourage them and say: "Have your say in the consultation" and there was criticism and I thought: "Well that is not fair" but when I looked at their consultation it was entirely fair criticism because there was really nothing to question. It was more an exercise in rubber-stamping some ideas that were coming ahead. So I am not entirely sure what this consultation was. It was very interesting that Senator Farnham talked about local reps. As a local representative of that area, to find out what is going on in terms of planning in that area and the ideas behind it is really like chasing your tail. You are not included in meetings, in fact I believe you are actively excluded from those meetings because we may not say what they want us to say. This brings us on to another issue, and let us try and get back on to the proposition itself; it is very difficult to get this notion of a national stadium as being the saviour of football and rugby as a shared site. The notion of a national stadium is a pipe dream at the moment and it will be for many, many years. In the meantime we have football on the Island, which if we are not careful will become the poor second cousin to other sports that will be promoted more actively. That football is moving forward on the Island, it may get itself into a national league, which will be an incredibly achievement for the Island.

[11:30]

Where is it going to go while we are building this stadium if we redevelop the stadium that they already in? The simple answer is we simply do not know. It is just not a master plan; it is disjointed. This notion of a shared site, I would like to see a definition of what shared means. There was an interesting point from Senator Pallett just now when he mentioned that the Strive centre was a private enterprise. Is that what is going to happen with the national stadium and then it will just be a private enterprise that shares with a football club? We have seen that happen in the U.K. (United Kingdom) for some small clubs and it has been an absolute unmitigated disaster and I would not want to see that happen here. So let us go back to the actual proposition itself. Part (a) says to maintain the same amount of open, amenity green space. I will absolutely be supporting that, and the key words there are "green space". If you look at a plan view of the park area of Springfield there is a large concrete forecourt. It is not green space, it is concrete. It may be tarmacked; I am not a specialist in materials. Therefore there is an opportunity there to take a space that is 730 square metres and to re-green that area. Behind that there is a space that is not used particularly well, a seemingly narrow strip of land and certainly a part behind it which is inaccessible, which is another 215 square metres of space. That adds up to 945 square metres, not far off of a square kilometre of possible green space that could be developed, but none of those plans have come forward. That is what would be an idea to look at before we start moving play parks. This notion of moving this play park will make it safer for children, moving a play park a few metres in that area does not improve the air quality of what those children are breathing in. The elephant in the room, one might say, is the number of cars that are using that area and this is not addressing that issue. So let us not kid ourselves that by moving a play park a few metres we are going to protect our children anymore because we are not, so leave the play

park where it is, there is no reason to move it at all. In terms of facilitating regular meetings I will say to the Constable - and for once today I am not going to have a go at my Constable, I am going to support him, it is a nice sunny day and I do not know if isolation has got to me but I am certainly supporting my Constable in this - I talk to a number of people in that area, he may be talking to the same people, but it would be great if we could sit down and organise that because I think we may well be dealing with the same issues. That is a much more effective use and I would absolutely support that. In terms of the stadium, it is really interesting when we talk about the nursery and the increase in rents and it has got to be a market rent. I think I am right in saying - and I will stand corrected if I am wrong - that when the Esplanade Quarter was rented out and Liberty Wharf really it was a peppercorn rent in order to entice tenants to move in. We seem to be able to do that when it suits but not when it comes to a facility for our children. Again, putting children first seems to be a token gesture there. I cannot see any reason why we would have to increase the cost of a facility that is so important for children in the area. I would say one thing to the Constable, and I am sure he knows better than me because he has been in the Assembly a lot longer, but the second part of his part (b) is to review the use of the car park with the Robin Hood gyratory system, and the Government are accepting that review. I think we all know what that means when the Government accepts a review; it could well mean that nothing is going to happen for some time. I would defer to the Constable, who is more experienced than me, but I would say be warned, we know what has happened in the past. The next part is the Springfield town hoppla bus which will stop there. The only problem is it does not exist yet, so when it does exist it will be wonderful to see it stopping there, I do not see any problem with that. Again, facilitating regular meetings with tenants of the stadium and local residents; it is a great idea of course because we need to know what is going on. There was a point that Senator Pallett made regarding the stadium needing to be improved and, if you like, cut off so that people could not see in as it moves up the leagues. There is one benefit to that for local residents. At the moment on a Saturday, if there is a game, then the play park and that area has to be closed off so there is no accessibility for that area. If you were to close off the stadium with some shielding in some way then that area could stay open, so there is a positive for that happening for accessibility for local residents throughout the week and the time even when there is a game on, so there are some benefits that will come from that. I think that is a really important point to understand, and I think it is about understanding that directness on the ground there and that area and talking to people in that area that is extremely important. I wonder whether in the push for a master plan, a great plan, a plan that will look good on manifestoes next year for the party of Government, that will look good in big words and big plans; actually what we have got is an empty plan, one that will really never come to fruition but in the meantime may well do damage to local facilities and small communities, particularly within the centre of St. Helier, which is I think sometimes too much of an afterthought for Government as opposed to a forethought because it is such a major urban area. This is another opportunity for us to stop that happening, so I will be supporting this proposition and I hope other Members do as well. I would say to the Constable: be careful of reviews. Also one other thing, we have talked about the sustainable transport policy, we have talked about lowering the numbers of cars. We have to think smart about ways in which we can transport people to and from the stadium and not make assumptions because of somebody's age that they cannot travel in a particular way. I mentioned the Constable of St. John, when he mentioned the simple solutions from before, absolutely. I think sometimes simple solutions are the ones that will be the most effective. Providing a facility, as he mentioned, in terms of a walking map, et cetera, is an excellent idea. There is something to be said that if the football team do manage to get into a higher league, they do manage to develop some facilities in an intelligent way. As we build anything now we can do that in an intelligent way, both in terms of the standards of the build, the greening of buildings, the greening of that area, that square kilometre that I mentioned before. That could facilitate a huge community space as well if we are clever and intelligent in the way that we do that. To have people walking through town on their way to the stadium would not only be good for business, it would be good for the atmosphere of St. Helier and St. Helier could become a sporting venue not just for rugby but for

football as well into the future, and we can celebrate that as a sport that so many people play and are involved in, including young people on the Island. I am sure I have missed something out from what I wanted to say because again it is difficult to put together such a disjointed debate at times, particularly from Government. But I would urge people to support this proposition because it does a few things that are very useful and may give an opportunity for Springfield not to become a victim of a master plan that is really going nowhere.

**2.1.14 Deputy I. Gardiner:**

There were excellent speeches which have gone into the details. What I picked up: a disjointed approach, we need to have an understanding of what is the best use for this space. I am going back to the strategic vision and I would like to ask the Constable in his closing speech to address if it is possible to follow the process that our Government set in the estate strategy published in March 2021. There are 3 steps which come together to the obligations supporting regeneration, sustainable environment and vibrant economy. The strategy will come under the governance of newly formed Corporate Asset Management Board. The board's primary objective is to oversee implementation of the strategy to ensure it supports the long term OneGov ambitions well beyond 4 terms of Council Ministers. The board will therefore need to consider, prioritise and approve the forward programme for the short, medium and long term for all estate projects and related policies. The board should present to the Regeneration Steering Group and the decision from the Regeneration Steering Group should be submitted to the Council of Ministers. I would like to ask the Constable if the current planning application for Springfield to be redeveloped has gone through the consideration of the Regeneration Steering Group, and if the Constable attempted to follow the procedure; or we created a procedure that does not work and the Constable did not have a choice then to bring to the Assembly. Personally, as a St. Helier Deputy, I understand the frustration and I will be supporting my Constable but I would like to know what has happened to the process that was set in March. Does it work, and if it does not work should we review it?

**2.1.15 Connétable P.B. Le Sueur of Trinity:**

I was not going to speak in this debate and I am finding it particularly difficult because I understand the motives of the Constable of St. Helier bringing this matter to our attention, knowing how many homes are being approved in St. Helier and the lack of provision of open space, youth facilities and educational facilities, which should go hand in hand with the increasing number of units of accommodation. However, I am really prompted to speak this morning following the comments made by a fellow member of the Planning Committee in which Deputy Le Hagarat, I believe, brought into question mine and other members of the committee's motives and integrity. I would say to Deputy Le Hagarat that I was elected to this Assembly to represent all of the people of Jersey, and my parishioners, and I will continue to do the very best I can, taking a balanced view at all times at what is best for the population irrespective of what the Government wishes are. I would also take up a point made by Senator Pallett in which he suggested that if this matter was to come to the Planning Committee we should not consider it without being fully aware of all of the facts and looking at the whole thing in the round. Unfortunately the problem we have with planning is that we can only consider individual applications on their own merits, so often we have to consider large residential developments in the full knowledge that there is going to be little in the way of educational facilities that go hand in hand with that application, where the parking is going to be and everything else. We have to judge every application on its own merits. Just finally to sum up, it is becoming abundantly clear to me that so many Members have bayed for years for party politics and now that we appear to be heading down that road some of them - whether they be existing members of parties or closet members of parties - do not actually like it. With that I will close and say I am still undecided how I am going to vote in this matter.

**2.1.16 Deputy K.F. Morel of St. Lawrence:**



It has been an interesting debate so far and much of it has focused on the national stadium question. I think that is a debate for another day, to be honest with you. In this case, the proposition before us, there is one particular area which catches my attention, and which I think is worthy of particular examination, and that is the element in the proposition which calls for the current lease arrangements for the nursery to have only cost-of-living increases implemented until a time as the nursery's management is satisfied with the terms of any new lease that J.P.H. (Jersey Property Holdings) wishes to negotiate. Now, I completely understand the sentiment behind this. The nursery, as we have said, is an important community facility, it provides very important amenities for not just local residents but principally people who live in the area and their children. There is no question that those first few years, as we know through the 1,001 Days strategy, are absolutely essential, so the importance of a nursery in that area, in my view, cannot be understated. But there is an issue with the way that part of the proposition is worded in that I do not know if it was designed for this or if there is a certain element of idealism in it.

[11:45]

But by saying that there will only be a cost-of-living increase until the nursery's management is satisfied with the new terms effectively means that there can be no new terms because if I were the nursery's management I would maintain my satisfaction with the current terms, which only have cost of living increases. So it would tie the hands of Jersey Property Holdings because effectively the nursery would have States backing to not agree new terms of a lease, and that to me is an issue. So that makes it difficult in my view to support part (b)(i) of this proposition. But I also want to make it very clear that from the numbers we have heard here today - and also I have had one conversation with officers about this particular element of the proposition - and from the methods in which Jersey Property Holdings have found the numbers that they wish to charge in a new contract for rent, is that Jersey Property Holdings have not undertaken an appropriate form of consultation to come up with the level of rent that they wish to achieve. The reason for this is quite simple, and this is something that I pointed out and said to officers during this one conversation, that is they have gained their information with regard to the rents by looking at the rent of other nurseries. That is not an appropriate thing to do in this case. It sounds like it on the face of it but the reality is that the commercial property market does not work in that way. If I am looking to set up an office space somewhere I can look at offices in different areas. Now, if I look at offices on the waterfront, that is prime office location and so it charges the highest rates in Jersey. However, if my office rent is very important to me and I want to keep it as low as possible then I look for office space in less expensive parts of town, and in this case that would be for instance in the Springfield area where office space is a lower price because it is not prime. That stands for the provision of nursery space because there is no classification of nursery buildings. A nursery owner can choose pretty much any employment building to site their nursery in; they could convert a warehouse space, they could convert an existing office space, they could convert a retail shop, they could convert an actual housing building and they would have to apply for change of use of course. But what defines the rate of rent is not the use as a nursery, what defines the rate of rent is the location of that nursery. In this case the location is in one of the lowest rental charging parts of town, and I checked this with people who rent offices in different parts in town and it is no question that the amount of rent that is currently being mooted by Jersey Property Holdings is, in my view, and I believe is to be empirically correct, far above the rates of rent that you would pay for any employment use in that area of town. So all I am trying to say is that while I find it very difficult to support part (b)(i) because it effectively means that the nursery will not negotiate a new contract, they would be quite within their rights to say: "No, we will stick with the cost-of-living increases, thank you very much." Jersey Property Holdings have gone about their consultation in completely the wrong way and, in my view, with a fundamental misunderstanding of how property rental rates are decided by the market. So they do need to relook at their consultation, they do need to relook at how they have gone about that and the rate that they wish to charge. Taking this to a slightly wider subject, I think the manner in which Jersey Property Holdings have got this

part wrong also shows more widely how Government continually misunderstands business - particularly small Island businesses - have to operate, the pressures they are under, and the very often tiny margins with which they have to work. Until the Government of Jersey as a whole gets a better grip and a better understanding of business pressures we will find these sorts of flawed consultations and flawed decision-making processes happening time and time again. Personally I am on something of a mission to try and ensure that the Government of Jersey learns more about the pressures facing businesses and business owners, particularly those small businesses and small business owners. But this is a classic example of the Government of Jersey not getting it, and I really do ask Jersey Property Holdings to go back, to not look at the rental being charged to nurseries on the waterfront because that is a prime area of town, but to look at the rental paid by businesses around the Springfield area. That is the benchmark. Until they do that they should not ask for another contract to be presented to the nursery in question. I hope that makes sense, but I just wanted to make it clear that in this case I do think J.P.H. are getting it wrong.

### **2.1.17 Deputy J.A. Martin of St. Helier:**

I will try and be brief and I will definitely try and keep to the proposition that we are debating today. I want to go back to the very early comments, and I really appreciate Deputy Doublet's input on this because I know her research and everything she puts into children, and her comment about why should the States not subsidise nurseries, and it has been mentioned we do. But if the States are going to use any taxpayers' money it has got to be a fair crack of the whip for every nursery provider on this Island. I am not sure we are in that domain here. This nursery does take children from 3 months old to 5 years from all over the Island, working mums who do not have a facility possibly in St. John but drive into town because that is where they work. Be very careful who you might be subsidising today because it is not portrayed right, and again you have to make sure ... I have looked on the Jersey Childcare Trust, I have tried to find out if the fees are any cheaper at this nursery because of subsidies in rent; I cannot see it. That does need to be looked into, absolutely looked into. Sorry, Deputy Doublet, of course working fathers. Working parents, anybody, we do not know who goes to this nursery, we do not know who we are subsidising, but we do need to find out. I have some sympathy with what Deputy Morel has just said, it needs to be the right price and it needs to be done properly. I am very, very concerned about this part of the proposition trying to tie the hands, and we do not even know if legally we can do it. How many nurseries are going to come behind and say: "Well you gave them a fair crack of the whip, you gave them a good subsidy, what about us?" I am very concerned because I do not object per se to subsidising nursery places; I want everyone to be fair. I want to go back to part (a)(i), again maintaining the open space. With the tree planting, well these open spaces with tree planting ... the same thing as what Deputy Doublet was explaining, young children running around with the ball. It is very prescriptive. I know my Constable likes me, and I like him very much, but we do not sometimes agree on things. I have to look at things objectively and fairly. Leave the children's play area in its present position. Why? It is not in the best position; it never has been in that park. It is very old. He could have worded that better and I would have accepted it. Do not do away with the children's play area, improve it, make it larger, et cetera, but tying our hands, whoever is going to bring this forward, is mad. Part (iii) of this and part (iv) of the other, facilitate regular meetings. Well he knows with me as Deputy No. 1 I have facilitated meetings with my residents groups for years. He is invited, sometimes he facilitated. I do not know what the Deputies of the area cannot manage to do, but the Minister has said he will facilitate so I have got to accept that one, but sometimes I do think pull your own finger out and get on and have your meetings with your resident groups and find out what they want. It is just one of those things. This is very prescriptive, it does not help move on. I, as a No. 1 Deputy, will knock doors and knock doors for years and people, and they will say it to Deputy Wickenden and Labey and the Deputy before: "What are you doing with the Fort?" Fantastic plans for the Fort but things have to be decanted. Some of it will go here, and if we do not find somewhere people will say: "Well we cannot move." I think it was a bit like how long is the fire station going to take and the ambulance so we can get a better

school. Just keep blocking things and nothing will change. I cannot support the majority of this. As I say, why not support facilitating meetings with representatives, Ministers and groups in the area? It is harmless. But there really are some fundamental issues with keeping the play area, but the worst one is the rent. You do not know who goes there, you are possibly giving subsidies to the wrong people, directing money in the wrong place, and you do not know that it is helping the right people. It is certainly probably not helping the people who live around that area because, as I said, it provides from 3 months old for families who need to work and have no other child facilities, but that nursery cannot be any more subsidised than any other private business providing exactly the same ... I could name you 3 that do from 3 months old within 5-minute walking distance. Are they subsidised? No. Please think very carefully what you do. It is lovely to support a very popular proposition; it is not always very popular when you are not giving a fair crack of the whip to everybody.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? Accordingly I call upon the Connétable to reply.

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

I probably should have mentioned to Members at the start that it would be highly likely that the nursery managers and possibly the staff and even some of the users of the nursery who were not too busy working might well have been listening to the debate. I think some Members' comments were verging on the insulting, and I think that is a shame. I am just going to work through some of the important contributions. I do thank everyone who spoke. Because time is of the essence I do not plan to go through everyone's speech in detail. Other Members who spoke who have responded to the Assistant Minister's opening salvo have been quite ungenerous about it. I think Deputy Higgins said he was flabbergasted by it. I am sorry if the Assistant Minister feels aggrieved. It is true that I had one meeting with him to discuss the plans for an extra football stadium in the site that I had reservations about because of the effect on green space, but there has been no ministerial engagement whatsoever as far as I am aware with either the majority of residents or the nursery users and the nursery manager. As I say, it was a pleasure to take the Assistant Minister around to the nursery yesterday morning but I think much could have been helped if that engagement had happened a month ago. Let us not forget my proposition was lodged on 14th June and there was plenty of time for someone in the Council of Ministers to say: "Let us look into this, let us find out what the Constable's concerns are, let us see to what extent our outsourced negotiation is ruffling feathers." That clearly never happened. So when the Assistant Minister says he is confused how it got to this stage I think there is no confusion in my mind, it got to this stage because no one in Government thought it was important enough to engage fully and properly either with the people most affected in the nursery or with the elected representatives. Moving on to the Minister, the Minister objected to my use of the word "devious" and I honestly cannot remember at what stage in my speech that word came in, what aspect of the Government's treatment of the nursery is called devious escapes me. So I withdraw the word and I replace it with the word Rachmanism; Rachmanism being the habit of providing extortionate rents to places of inferior accommodation, often in the most deprived areas. That seems to me to describe the way Property Holdings has treated the nursery extremely accurately and I do not see why I should withdraw that word. The Minister complained that the States is not the place to have discussions about leases and other Members picked up on this and, of course, it would not be if the Government did their job properly. He said it was a 9-year lease that is being offered but it is not. It is a 9-year lease with break clauses which, with all that is going on with sport, the managers of the nursery are quite rightly worried about because they are not sure whether it is worth investing in their business. The Minister said that I called the area "Dickensian" and that is obviously not the case. It was Property Holdings and, in general, the Government's handling of the matter that I described as "Dickensian" and not the area itself. He also said that I should have known all about the hoppa because I sit on the Regeneration Steering Group. Well, if I knew all about the hoppa bus

service, why would I have asked on 2 occasions questions in the Assembly to try and find out some details about it? Like many Members, the Minister suggested if there is something unfair about our interfering in lease prices and I had various notes to reply to it. Deputy Morel really put his finger on it, and I will come back to his inflection later, but his essential point was that Property Holdings have simply not done this properly. They have not compared apples with apples. They compare this part of St. Helier with Castle Quay and they have said that the rentals charged here should be the same as those that have been charged in the most expensive parts of town and he is of course absolutely right. If nothing else comes out of this part of the proposition, I really do hope and expect the Minister and his team to engage properly with the nursery managers and to come up with some compromise which does not involve a 42 per cent hike in rentals in one year, and which gives more security than a 3-year lease would do. Deputy Doublet endorsed my criticism, as did many Members, for the lack of comments and I think if one thing comes out of this debate, and if there is one learning here for the Government, it is that they really need to be more careful. There are many staff. We have a lot of people working for the Government. Somebody in those various departments should have perhaps the single priority job of making sure that any proposition that has been lodged by anyone who is not the Government gets a proper response. It is simply unacceptable and it is probably made for a much longer debate because if we had had comments some time after 14th June, then I would probably have been able to take those comments back to the nursery managers in particular and we could have had the discussions that some Members said should have happened but, because we have all been operating in a vacuum, we have had no idea what the Government position was. Moving on to the Constable of St. John, he suggested that the real motive would be to remove the nursery. That really would be devious and I am not going to follow him down that road. The Minister for Economic Development, Tourism, Sport and Culture - which is always such a mouthful to say and let us hope they get a shorter name for this Ministry in the next Government - first of all criticised the idea of not moving the playground. I am grateful to him and also to Deputy Ward, who I think made a key point about the playground. It is not so much that it is next to the road because there are ways of tackling pollution, which perhaps the Government should be taking more seriously, but the key point is that the playground is effectively out of bounds to children on match days. By moving the playground, when the matches are taking place - and we are assuming now that they have their shielding around the stadium - it will not be necessary to close that important walking route from Oxford Road through to the end of Val Plaisant. So in that case, moving the playground would mean that that would be accessible to children 24/7 and it would not be shut off to them, so I am going to suggest when I come to the vote, Sir, that I withdraw that section in respect of the playground. What I will say about the playground of course is that it is, for all of the traffic pollution that may be affecting it, is in the right place in terms of where people are. It is very busy because it is close to the café, it is close to the garage, it is on a major walking route and, depending on where the Government wants to place it, it could be placed in such a position where it is not so well used but let us hope that that is not the case. The Minister, like several Members, has a problem with my central proposition, which is asking to maintain the same amount of open space and, intriguingly, he suggested that that might stop the Government from providing more open space. That, I am afraid, is simply perverse. It is quite clear from my proposition that I am looking at maintaining a minimum amount of open space and tree planting. I am not saying to the Government: "You cannot increase it", and I am sure Members would not take it in that respect. Deputy Ash said that I was placing obstacles in the way of laudable projects. Well, he is a St. Clement Deputy. Perhaps if he lived around the corner from Springfield, as I do, and mixed with the people who use Springfield, as I do, he would not see that. As I have said and as other Members have said, if there had been more information about this laudable project, then I would not have had to bring the proposition in the first place. Senator Pallett gave us a very interesting insight into the alternative view to basing football here, and I am not going to take sides on this but I do agree with him that screening the site possibly by 20 feet or more screens around the stadium, it is going to have an enormous impact on the surroundings. How are people going to feel who live in the park itself and currently face out through

the trees to the football stadium? So it would be very interesting to see what Planning make of that idea. I do understand the need of Jersey Bulls to do certain improvements in order to move up the league but I need to remind Members - and several Members have forgotten it - that this is a park. It is called Springfield Park and there are several Members who would prefer it to be called Springfield Sports Centre or Springfield Community Centre but it is a park and that is why, at the heart of my proposition, is a desire to protect the green space and the trees. As I said, I am grateful to Deputy Ward for his contribution. He made the telling remark, I think, that peppercorn rents are fine for the Government when it suits them but not when it is to help children and nurseries. He also reminded me that Government reviews are fairly meaningless, not least the current one, which we are still waiting for, to even come up with the terms of reference, which was my amendment to the Government Plan in respect of the costs borne by ratepayers of St. Helier for providing community facilities and amenities that are elsewhere provided out of general taxation. That is just a reminder to the Ministry for Treasury and Resources that she has made absolutely zero progress on that particular element of the Island Plan. Deputy Gardiner asked me for a specific question about the estates strategy and whether I had gone down various stages of it, and I confessed that I had not. My process was to listen to the concerns of the residents and of the nursery to get more information as far as I was able to from the departments concerned and then to draft my proposition and I did expect, as I have said already several times, to get a response. The fact that I had no response was why the proposition was left on the table for today's debate. I am grateful to the Constable of Trinity for his recognition and that is important in the chair of the Planning Applications Panel that there is a direct link to the number of homes being approved for St. Helier and the provision of open space, schools and so on. That, clearly, is going to become a much more pressing concern as we move on. Now I said I would come back to Deputy Morel, and I will now. He rightly criticised the process that appears to have been used by Property Holdings in the failure to really look into the location and the comparable rentals that are being charged for nurseries in the area. I think it is almost insulting to suggest that the nursery managers, if this part of the proposition is approved, will rely on a States decision to never accept any increases above the cost of living. That simply is not my experience of having talked to them. What will happen if the States does not support this part of the proposition is that the nursery will have no choice other than to put up its fees quite drastically and, in my report, I have shown what that will mean to the average parent. I am going to suggest, with the permission of the States, that I withdraw (a)(ii), which is the reference to not moving the playground, and I am going to rely on the planning process to make sure that a new playground is put in the right place. So I will therefore be able to take paragraph (a) as one vote and (b) I will take in 2 sections. Before I go on, I omitted to make a couple of further points first of all about the playground. If the playground is moved but my proposition is successful in terms of maintaining the amount of open space, my hunch is that the department will have no option other than to turn the site of the playground into a grassed area because if they do not, they are simply not going to comply with the States decision to maintain open space. Moving the playground of course will itself take away green space on the other side of the park and my maths is not good but I am not that bad at maths, and I will rely on better minds than mine to make sure that that provision is indeed complied with as it was on the last occasion. So before going to the vote, I ask Members just to take a step back and I ask them this question. Why would the nursery have asked for my help? Were they simply looking for special treatment? Were they looking for cheap rents? I would argue they are not. They have been doing this job for 23 years and they have an excellent reputation. I do not think any Member responded to my comment that they are regarded as the best place to get training for working with young people in nurseries. These things do not happen by accident and they do not happen in nurseries that are simply trying to make a quick buck. So I think it is, as I say, quite acceptable to contemplate a situation, if that part of the proposition is accepted, where the Minister, hopefully not just through his agents, will go himself to meet the nursery, as his Assistant Minister did yesterday, and meet the staff. They will come up with a system which is fairer than the one which is on the table at the moment. They have not been offered any counteroffer. I disagree with what the Minister

said in his speech. They have simply been offered it as a non-negotiable deal. They have to accept it and they have to accept it by the end of August because the new lease will come into play. The Minister for Economic Development, Tourism, Sport and Culture said that the Ministers would take into account the mood of the Assembly and negotiate a fair lease. Well, if my proposition is not accepted, then I will be holding the Minister to that pledge because, clearly, what is on the table for the nursery at the moment is unacceptable by any standard. A 42 per cent hike in one year and a reduction of the lease term is simply unfair and I will hold the Minister to account. Nursery staff, as I have said, will have listened to this debate, as will have some parents, and I do urge Members to think about the staff of the nursery when they vote. As I have said, Sir, I would like to withdraw part (ii) of (a) which relates to not moving the park. Is that perhaps something that I should seek the Assembly's approval for first?

[12:15]

**The Deputy Bailiff:**

Yes, just to be clear, Connétable, you will seek leave of the Assembly to withdraw (a)(ii) and assuming you receive the Assembly's permission to do that, you will then want a vote on (a)(i) and (iii) together.

**The Connétable of St. Helier:**

Yes.

**The Deputy Bailiff:**

Then I think you want a vote on (b)(i) and then a vote on (b)(ii), (iii) and (iv) together. Is that right?

**The Connétable of St. Helier:**

Yes, that reduces the number of votes to 3, which I think will help speed things up as well, Sir.

**The Deputy Bailiff:**

Yes, thank you. Before we proceed, there is a ruling sought by the Deputy of St. Martin.

**Deputy S.G. Luce of St. Martin:**

In his speech, the Minister for the Environment referred correctly to the planning application which is currently in play for Springfield and refers to relocating the play area, extending the car park and altering the layout. The Minister also said that the application would come to the Planning Committee, which I am a member of. It would be my view that (a)(i) and (ii), although I accept it has now been withdrawn, and also (b)(ii) would be issues that, as a member of the committee, I would wish to abstain on and I just wanted your view on that. Thank you.

**The Deputy Bailiff:**

Yes, thank you for raising that question, Deputy of St. Martin. If there is a live application now in relation to any of these matters before the committee, then members of the committee would be best abstaining or not voting on the matters that are affected although it is a matter for the proposer how he wishes the Assembly to vote upon the proposition. I hope that assists you.

**The Deputy of St. Martin:**

I am grateful, Sir. That is very helpful.

**Senator L.J. Farnham:**

I just want your view, Sir, on the wording of (a)(i). I do not wish to be pedantic and the Constable said my view was somewhat perverse, but if you read it literally, we are being asked to maintain the same amount of open space. Now, to me, the same amount is the same amount. It is not less, it is

not more and I know people say: “Well, of course if it is more, it does not matter” but can you just confirm, Sir, that it does not matter if it is more?

**The Deputy Bailiff:**

I do not think that anyone could seriously object if there was more open space at the end of any changes so I do not think that would be infringing the spirit of the proposition if there was more open amenity green space at the end of any particular changes.

**Deputy J.H. Young:**

Absolutely respecting your ruling, I wanted to make sure it was crystal clear what your ruling was in reply to the Deputy of St. Martin. Are you saying that all members of the Planning Committee, that is all 9 members, because there is a live application in the system in respect of Springfield, details of which I do not know which are affected by any one element of these things, should make a decision to declare an interest? Or is it that they will, as I thought was the case, be able to exercise their own judgment as to whether or not that is the case? So I ask because I think that is quite an important principle. I thought that there was a distinction in law between the States making a decision and then the Planning Committee making a decision. There was an acceptance that they can be different. Sorry, Sir, I just wanted to invite you to clarify so I understand the new rules because it will not just work in this case. It will work in pretty well every other application where the States are involved I think.

**The Deputy Bailiff:**

Yes, let me consider your point for a moment. Yes, certainly members of the Planning Committee are not being directed that they should not vote or should abstain but, as a matter of practice, it is essential that they are demonstrably coming to any decision they make as members of the Planning Committee with an open mind. It is very difficult for them to do so if there is a live application in relation to these matters upon which they then cast votes on this proposition. So the advice I have given and, like you, I have not seen any application in relation to this matter, is that the best advice for them, if there is a live application in relation to these very issues, is to not vote or abstain in relation to the affected paragraphs of the proposition.

**Deputy K.C. Lewis:**

I would just like clarification from the Constable and the possible ruling from yourself, Sir, regarding the nursery. It is not closed, they have been invited to open their books to a senior officer in confidence and it will be looked at again, but a ruling from yourself, Sir, where does it leave me regarding Standing Order 168?

**The Deputy Bailiff:**

Well, you need to be clearer about what you mean by “Standing Order 168”. I know what Standing Order 168 says. You have an obligation there which is independent of this proposition to lay any lease in front of the Assembly in due course. What do you mean by where does it leave you in relation to Standing Order 168?

**Deputy K.C. Lewis:**

Does it obligate me regarding (b)(i) one way or the other?

**The Deputy Bailiff:**

No. Well, I think you need to be slightly clearer in your question because I do know that in the course of the debate you personally said that Standing Order 168 means that a fair rent must be charged. Standing Order 168 does not say that but of course there may be aspects of arrangements involving Jersey Property Holdings that are not before me or the Assembly which have that effect, but there is

nothing about Standing Order 168 per se and your obligations in that regard which is impacted by the effect of this proposition.

**Deputy R.E. Huelin of St. Peter:**

My question has been answered so I no longer need to continue. Thank you very much.

**The Deputy Bailiff:**

Thank you. Do Members permit the proposer to withdraw, as the Connétable has requested, (a)(ii) of the proposition which invited Members to express the opinion that, in relation to Springfield Park, the children's playground should be left in its present position? Does anyone object to that being withdrawn at the request of the proposer? Thank you. There are no objections so, on a standing vote, (a)(ii) is withdrawn and, in a moment, the Greffier will put a link in the vote and Members will be, in the first instance, invited to cast their votes on (a)(i) and (iii) of the proposition.

**Senator L.J. Farnham:**

Sir, would the Constable consider taking (i) and (iii) separately?

**The Deputy Bailiff:**

No. He has made his decision and it is his decision to treat matters as they have and a vote has now been put in the chat. When I announce the outcome of the vote, which is now open, I will read into the record those who have declared their Planning Committee membership or interest. We will now run the vote on (i) and (iii) of the proposition and while the vote is readied, I can indicate that Deputy Le Hagarat has declared that she is a Planning Committee member, as has the Deputy of St. Peter, the Deputy of St. Martin, the Connétable of St. Lawrence and the Connétable of Trinity. I think those are the Members who have made that declaration.

**Deputy K.F. Morel:**

Sir, it is Deputy Morel. I did not hear you read my name but I have declared as well in the chat.

**The Deputy Bailiff:**

Thank you very much. I must have missed that in the chat.

**Deputy G.J. Truscott of St. Brelade:**

Sir, Deputy Truscott here. I also declared in the chat. Thank you.

**The Deputy Bailiff:**

Yes, so did Deputy Truscott and Deputy Ash also did.

[12:30]

Thank you for drawing those to my attention. I just want to record the votes I have in the chat before I close the link. I have a vote from the Connétable of St. Helier, Senator Moore, Deputy Guida, Senator Farnham, the Connétable of St. Saviour and Deputy Southern. Those 6 Members have voted in the chat. The Connétable of St. Helier says he may have voted in both. We will have to see in a moment. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that (a)(i) and (iii) have been adopted.

<b>POUR: 29</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 9</b>
Senator S.C Ferguson		Senator L.J. Farnham		Connétable of St. Lawrence
Senator J.A.N. Le Fondré		Deputy G.C.U. Guida (L)		Connétable of Trinity
Senator T.A. Vallois		Deputy of Trinity		Connétable of St. Ouen
Senator K.L. Moore				Deputy of St. Martin
Senator S.W. Pallett				Deputy G.J. Truscott (B)



Senator S.Y. Mézec			Deputy L.B.E. Ash (C)
Connétable of St. Helier			Deputy K.F. Morel (L)
Connétable of St. Saviour			Deputy of St. Peter
Connétable of St. Brelade			Deputy M.R. Le Hegarat (H)
Connétable of St. Peter			
Connétable of St. Mary			
Connétable of St. Martin			
Deputy J.A. Martin (H)			
Deputy G.P. Southern (H)			
Deputy of Grouville			
Deputy M. Tadier (B)			
Deputy M.R. Higgins (H)			
Deputy J.M. Maçon (S)			
Deputy L.M.C. Doublet (S)			
Deputy R. Labey (H)			
Deputy S.M. Wickenden (H)			
Deputy of St. Mary			
Deputy J.H. Young (B)			
Deputy of St. John			
Deputy S.M. Ahier (H)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

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

Those Members who voted contre were: Deputy Guida, the Deputy of Trinity and in the chat I also saw Senator Farnham.

### **The Deputy Bailiff:**

Yes, one Member voted in the link and the chat so a total of 3 Members voted contre. We now move on to the vote in relation to the (b)(i) of the proposition. (b)(i) is in respect of Springfield Stadium to maintain the current lease arrangements with the day nursery on the site with only the cost of living increases implemented until such time as the nursery's management is satisfied with the terms of any new lease Jersey Property Holdings wishes to negotiate. In a moment the Greffier will place a link in the chat channel for voting on (b)(i). He has done so and I invite Members to cast their votes. Thank you, Chief Minister, we note your vote in the chat. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. (b)(i) has been adopted.

<b>POUR: 32</b>	<b>CONTRE: 9</b>	<b>ABSTAIN: 3</b>
Senator S.C Ferguson	Senator L.J. Farnham	Connétable of St. Lawrence
Senator T.A. Vallois	Senator J.A.N. Le Fondré	Deputy L.B.E. Ash (C)
Senator K.L. Moore	Deputy J.A. Martin (H)	Deputy K.F. Morel (L)
Senator S.W. Pallett	Deputy K.C. Lewis (S)	
Senator S.Y. Mézec	Deputy S.J. Pinel (C)	
Connétable of St. Helier	Deputy G.J. Truscott (B)	
Connétable of St. Saviour	Deputy G.C.U. Guida (L)	
Connétable of St. Brelade	Deputy of St. Peter	

Connétable of Grouville		Deputy of Trinity		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

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

Those Member who voted contre were: Senator Farnham, Deputy Lewis, the Deputy of St. Peter, Deputy Martin, Deputy Guida, Senator Le Fondré, Deputy Truscott, Deputy Pinel, the Deputy of Trinity and that was all.

### **The Deputy Bailiff:**

We now come to the final vote in respect of (b)(ii), (iii) and (iv) inclusive of the proposition. In a moment the Greffier will place a vote in the chat channel.

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

May I ask that people do not vote in the chat before they have tried the link because it gets covered by little pop ups.

### **The Deputy Bailiff:**

The link is now available. If all Members have had an opportunity to cast their votes then I ask the Greffier to close the voting. The vote is now closed. In relation to the balance of the proposition, it has been adopted.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 5</b>
Senator L.J. Farnham				Connétable of St. Lawrence
Senator S.C Ferguson				Deputy of St. Martin
Senator J.A.N. Le Fondré				Deputy L.B.E. Ash (C)
Senator T.A. Vallois				Deputy K.F. Morel (L)

Senator K.L. Moore				Deputy M.R. Le Hegarat (H)
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Connétable of St. Helier:**

Can I thank Members for their support?

**3. Draft Criminal Procedure (Juries - Tirage) (Jersey) Regulations 202- (P.57/2021)**

**The Deputy Bailiff:**

The next item is the Criminal Procedure (Juries - Tirage) (Jersey) Regulations, P.57, lodged by the Minister for Home Affairs. For the purposes of this debate 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 Deputy Greffier of the States:**

Criminal Procedure (Juries Tirage) (Jersey) Regulations 202-. The States make these regulations under Article 64 of the Criminal Procedure (Jersey) Law 2018 and Articles 1(2) and 5(2) of the Register of Names and Addresses (Jersey) Law 2012.

### **3.1 Deputy G.C. Guida (The Minister for Home Affairs):**

These regulations are the first item in a package of 3 propositions to bring the Criminal Procedure (Jersey) Law fully into force. The Criminal Procedure (Jersey) Law is intended to set out the procedure to be followed in criminal proceedings, to promote the hands of justice in the conduct of criminal proceedings and to modernise and improve trial processes. It also serves to collect the legislative provisions making up the criminal procedure framework, which historically developed in a piecemeal way over a considerable period. The law was approved by the Assembly on 20th March 2018 and has been brought into force in 4 phases. This has been necessary due to the significant work that is required behind the scenes to ensure that court processes are aligned, that the necessary rules of court procedure have been prepared and that all stakeholders are fully informed and ready to put the legislation into practice. The Appointed Day Act, which will be debated later, will bring into force changes to the technical operations of juries, including Article 64 of the law. That Article provides that regulations made by the Assembly should make provisions for compiling jury lists for collating the necessary information to select jurors and for the selection of jurors. This is referred to as tirage system. These regulations fulfil that requirement. They have the effect of restating the arrangements currently found in the existing Criminal Procedure (Tirage) Rules 2002 in modern terms. The changes are very inconsequential. For example, the usual exemption that Jersey railway employees or lighthouse keepers had are not in the new Articles. Article 64 of the law takes the arrangement out of the scope of court process and into the hands of the Assembly but these regulations do not make material changes to the Crown system. To select a jury the Viscount Department gather together the list of names and addresses of eligible jurors from the Parishes and collates them into a single list from which jurors are randomly selected. Eligible jurors are those people who are eligible to work in Jersey and are between the ages of 18 and 72. This does not mean that they need to be registered to vote, only that they are eligible to register if they wish. While the jury selection system is fundamentally unchanged, the terminology used in the legislation has been updated, moving away from all the French references and toward an explanation that is more intelligible to the public. This is quite deliberate and reflects that one of the aims of this modernisation of criminal law is to make the system more comprehensible to those who might encounter it. I commend these regulations to the Assembly.

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

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

#### **3.1.1 Deputy J.H. Young:**

I am grateful for the Minister giving us the insight into the Jersey juries system, which I did not know anything about. I was surprised to hear there is an upper age for jurors, obviously 72, I was not aware of that and I would be interested to know what the reason for that is. Is it considered those of us who are in excess of that are not able to reach judgments? I am just interested in that because it strikes me as being quite discriminatory.

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

Yes, I agree with Deputy Young. Why should older people be discriminated against? They have more time to read the papers and to consider the judgments and the evidence has been gathered. It really is absolutely discriminatory. What is the younger age group of being a juror? I would be interested to hear from the Minister.

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

Well, it is a debate. Have you finished your speech, Senator?

**Senator S.C. Ferguson:**

Yes, I will shut up.

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

Does any other Member wish to speak on the principles? If not, I call on Deputy Guida to reply to the debate.

**3.1.3 Deputy G.C. Guida:**

Yes, the younger age that I mentioned was 18 years old, so this is the youngest that you can be eligible for jury duties. The 72 years old was brought in to be in line with the maximum age for Jurats and I think that is the only reason that this was done.

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

A point of clarification, are you prepared to accept, Deputy Guida?

**Deputy G.C. Guida:**

Yes, of course.

**Senator S.C. Ferguson:**

A clarification. I am sorry, I really do not understand why you can be a juror at 18 and not at older than 72. I can sit in the States until the aged age that I am so why can I not be a juror?

**Deputy G.C. Guida:**

Yes, I think the principle here is that we are seeking a jury of peers, so it has to be people that are similar in make up as the defendant. The Senator may explain to me why but it seems that we have extremely few criminals over 72 years of age and therefore to have older members of the jury would not match the age of the defendants.

**Senator S.C. Ferguson:**

Further clarification. Sorry, I do not understand that, surely you need a balanced jury made up of the population, not just ... you have to have a balance ...

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

Senator, you are making an argument, which is fair enough, but it is not a clarification of the speech. The Minister has answered the point and if you do not agree there will be other opportunities perhaps on the Articles or Third Reading to speak on this, but he has finished his speech. Deputy Higgins, did you have a point of clarification?

**Deputy M.R. Higgins:**

Yes, Sir. The Minister has just said in his response to Senator Ferguson that the jury should reflect his peers and seemed to imply that if it was a young person they would be selecting juries from young people. The whole jury system is based on a register, it should not be based age and any person should be selected from that register. Does the Minister not agree? In fact, will the Minister explain again what he is saying?

**Deputy G.C. Guida:**

Thank you. We are getting quite technical here and I may want to ask the Attorney General for help. I would like to come back to what we are doing now. Again we are talking about trying to select at random a jury of peers for the defendant. The age range before was 25 to 65 so we have this time quite expanded it. Why we stopped at 72 I think is purely statistical again because there are not many people coming to court beyond that age, but if the Attorney General wants to give me more insight on how that age was arrived at I would be very happy to hear it as well.

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

Deputy, were you asking the Attorney General for advice at this point? Deputy Young is also asking for advice.

**Deputy G.C. Guida:**

Yes, please.

**Mr. M.H. Temple Q.C., H.M. Attorney General:**

In relation to the age limit, the age limit is in fact set out in Article 63 of the primary law, which was approved by the Assembly, I believe unanimously, at least on principles, in 2018. These rules merely follow the primary law and these regulations follow the primary law. As far as why the ages of 18 and 72 were selected, the Minister has already given the reasons for why those were selected, the Jurats are required to retire at 72 and it was thought appropriate that juries should have the same age restrictions as jurats.

**Deputy J.H. Young:**

Obviously we have had the answers to give us an insight into the jury system, which have frankly surprised me, and the answer that the juries are restricted because hardly any people over 75 find themselves in court. Is there any procedure whereby somebody who does find themselves in court over that age can ask for a jury that does more reflect their age, background and experience in life? A lot has changed over the years, attitudes and so on.

**The Attorney General:**

No, there is not. As I have already stated, the age limits are set out in the primary law, Article 63, and those age limits are set out between 18 and 72 and jurors are randomly selected who fall within those age limits.

**LUNCHEON ADJOURNMENT PROPOSED**

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

The adjournment has been called for and we have an outstanding question for the Attorney General and we are due to vote on these regulations. As it is after 12.45 p.m. I am obliged to ask the Assembly whether they wish to adjourn now or to make some further progress on this. I get the sense the Assembly wishes to adjourn. We will come back to pick up Deputy Higgins' question to the Attorney General. The Assembly stands adjourned until 2.15 p.m.

[12:51]

**LUNCHEON ADJOURNMENT**

[14:16]

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

We resume this afternoon consideration of P.57, Draft Criminal Procedure (Juries - Tirage) (Jersey) Regulations. Members will be pleased to hear that my camera is not working so they will not see very much of me for the duration of this debate. We were about to hear a question to the Attorney General from Deputy Higgins.

**Deputy M.R. Higgins:**

I was again just going to confirm what we were talking about before the lunch break. That is juries first of all are determined at random. Secondly, the age range between 18 and 72 is arbitrary, it has been set by somebody. Again, Members have questioned the fact that why 72? The Attorney General mentioned because Jurats retire at 72, but is that the reason that is being put forward why jurors should not be allowed after 72?

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

Attorney General, I am not sure the extent to which these are policy questions as opposed to legal questions but I will leave that to you to determine.

**The Attorney General:**

I am grateful. I confirm that juries under these regulations, juries firstly are selected at random under the existing Tirage Rules. I also confirm that under these new regulations juries will continue to be determined at random. In terms of the age range, that is set in the primary legislation in Article 63 of the Criminal Procedure Law that was approved by the Assembly back in 2018. Ultimately, I agree it is a policy issue as to what the precise age range should be. But the Assembly was unanimous in expanding the age range, both downwards from 25 to 18, and also upwards from 65 to 72. I hope that assists the Deputy with his question.

**Deputy M.R. Higgins:**

Thank you, it does. Am I now at liberty to ask a question of the Minister?

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

No, we have reached the end of the debate. There were some questions to the Attorney General but the Minister finished his contribution.

**Deputy G.C. Guida:**

Sorry, I was interrupted in the middle of my summing up. I would not mind finishing. Especially because I have an important point to make on the matter of the age of the juries. Being a member of a jury is not a right or a privilege, it is a duty and a very onerous one. It is not very different from the military service. So the age limit is not for selection of jury, it is to decide who gets to avoid it, who gets to not be called and forced to spend days in court incommunicado and in rather harrowing physical and mental circumstances. So we are not preventing people from joining juries, we are protecting them from that. This ends my contribution.

**Deputy M.R. Higgins:**

Can I ask a point of clarification then? Is jury duty any more harrowing than doing States duty and listening to our debates? That is one, and (2) I know it has already been approved, can the Minister tell us why 72 was chosen as the upper age limit?

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

Members have had a fair crack of the whip at points of clarification but these questions really are going beyond clarifying what the Minister said in his speech in my view. I am not sure what more the Minister can say other than the answers that he has given.

**Deputy M.R. Higgins:**

I will leave it at that. Do not worry, just carry on.

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

We have reached the end of the debate on the principles. I will ask the Greffier to put a link to the vote into the chat channel. The vote is on the principles, P.57, and the link is available so I ask Members to cast their votes. If Members have had the opportunity to cast their votes, I ask the Greffier to close the voting. The principles have been approved.

<b>POUR: 36</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator S.C Ferguson		
Senator T.A. Vallois				
Senator K.L. Moore				

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

**The Deputy Greffier of the States:**

Senator Ferguson voted contre.

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

Deputy Ward, this falls to your Scrutiny Panel, if you wish to scrutinise the matter?

**Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No, thank you. May I mention that we have produced a comments paper. It was circulated. I emailed it to all Members at the beginning of the States sitting. Because there is an awful lot of information to be taken in here and I just at this point want to thank the officers in Scrutiny who produced that comments paper over very technical issues and it is very clear.

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

Was that on this proposition, Deputy Ward, or on the next?



**Deputy R.J. Ward:**

It covered the amendments and the Appointed Day Act but it does mention this, as I am sure it has all been read by every Member at the beginning, just to say that we do not have a problem with this part of the process that we are going through today. So we do not wish to call this in.

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

Thank you very much. Minister, how do you wish to deal with the regulations in Second Reading?

**3.2 Deputy G.C. Guida:**

I would like to take them *en bloc* please but if you do not mind I will describe them. Regulation 1 gives the usual interpretation provisions. Regulation 2 specifies the information to be provided by the Parishes to the Viscount in order to allow the potential jurors to be contacted by post. Regulation 3 requires that the Viscount prepare electronic jury lists as required and generate random panel list to provide jurors for cases as required. The Viscount will then apply any necessary exemptions and disqualifications and produce a list of people to be summoned for jury duty. The Viscount may compile a supplementary panel list if it seems likely that one might be required to empanel a full jury. Regulation 4 allowed the Viscount to use data collected under the Register of Names and Addresses (Jersey) Law 2012 for jury selection purposes but does not allow gender or social security information to be used. Regulation 5 makes the usual arrangements for citation and commencement, specifying that these regulations come into force at the same time as Article 64 of the Criminal Procedure Law, which they will support. In practice, this should be at the time the Appointed Day Act No. 4 takes effect. I commend these regulations to the Assembly.

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

Are the regulations seconded? **[Seconded]** Does any other Member wish to speak on the regulations? If no Member wishes to speak on the regulations, I wonder if the Assembly would take them on a standing vote? If any Member wishes to have a recorded vote they need to let me know. Senator Ferguson, I do not recognise that combination of letters, do you wish to speak? I do not see any objection to these regulations being adopted on a standing vote. That has been done. Minister, do you want to pursue the matter in Third Reading?

**3.3 Deputy G.C. Guida:**

Yes please. First I would like to thank all involved in the creation of these documents and you will see that there is much more to come. I would also like to thank Scrutiny for their careful scrutiny of these. These are exactly the type of documents that need to be looked at by many eyes and I was very grateful for their work on this. I would like to propose the regulations in Third Reading.

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

Are the regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak, I wonder if the Assembly wishes to adopt these in Third Reading on a standing vote or whether any Member wishes to see a recorded vote? The appel has been called for so I will ask the Greffier to put a link into the chat channel. The link is there for the vote on Third Reading. I ask Members to cast their votes. If all Members have had the opportunity to cast their votes, I will ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

<b>POUR: 35</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 1</b>
Senator T.A. Vallois				Senator S.C Ferguson
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

#### **4. Draft Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 202- (P.59/2021)**

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

So we now come to the Draft Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 202-, P.59, lodged by the Minister for Home Affairs. I will ask the Greffier to read the citation.

[14:30]

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

Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 202-/ The States make these Regulations under Articles 103(4) and 115 of the Criminal Procedure (Jersey) Law 2018.

##### **4.1 Deputy G.C. Guida (The Minister for Home Affairs):**

The modernisation of criminal process by the Criminal Procedure Law 2018 included developing a more effective structure for the conduct of criminal proceedings from beginning to end. It was also intended to place, so far as possible, all the rules governing those trials in one single law written fully in English to make the criminal justice process more intelligible to the public. To that end, the trial provisions in the law, even following approximately the same order as the victim, witness or defendant, might see a trial progress. This meant that the law took on the significant burden of carrying the entire trial process for the Magistrate’s and Royal Court as well as codifying law on juries, evidence, the role of the Attorney General and more. In doing so, it replaced much of the older legislation in force, which had been enacted since 1835. It was recognised at an early stage that such an extensive rebuilding of the criminal process might require refinement as it bedded in. As the courts and agencies began to work with the law on a daily basis, often when the phraseology or grammar of a provision is used in the real world for the first time improvements can be identified or shortcomings may become clear. In addition, practical use of the new law has also revealed a small number of references in other laws that require technical changes to fully align them with the new system. The regulations will make these technical amendments as necessary. The Criminal Procedure Law also changed the arrangements for making Rules of Court Process in criminal proceedings. Previously, the superior member of the Royal Court, the Bailiff and 5 Jurats, would make the laws for both the Royal and Magistrate’s Courts. The 2018 law provided for a more-inclusive rule-making process, which would engage those who were required to work within the rules or to give them effect, including representatives of defence lawyers, the court services, the probation service and others. This new entity was called the C.P.R.C. (Criminal Procedures Rules Committee). That committee has been responsible for developing new communal procedure rules under the 2018 law. The timing of the Appointed Day Act bringing the law into force has been co-ordinated with the delivery of those new rules. Now that the necessary rules for the Criminal Procedure Law have been developed by the C.P.R.C. these regulations provide that its scope can be extended to allow it to cover a wider scope of laws that might require detailed arrangements for court process relating to criminal matters. One minor change required to the law was identified shortly after I lodged these regulations and that is the subject of my corrective amendment to Regulation 7, which I will address when it arises. I commend these regulations to the Assembly.

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

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles I will ask the Greffier to put a link in the chat for a vote on the principles. The link is available, the vote is on the principles of P.59. I ask Members to cast their votes. All Members have had the opportunity to cast their votes. I will ask the Greffier to close the voting. The principles have been adopted.

<b>POUR: 36</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				

Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Ward, does your panel wish to call this in?

**Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No.

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

Minister, when we get to the regulations in detail, there is an amendment. Do you wish to propose the regulations as amended by your amendment?

**Deputy G.C. Guida:**

Yes, that would be very helpful.

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

Does any Member of the Assembly object to that? If not, Minister, how do you wish to handle the regulations in Second Reading?

**4.2 Deputy G.C. Guida:**

I would like to take them *en bloc* but with a very small speech to start with. I will spare the Assembly having to go through all the regulations. But I will recommend the reading of the comments by Scrutiny. They went through the work and found a few quite interesting questions. I would like to mention one just as an example, which was representative of the tiny changes that were made in those Articles. For example, in Article 7(2) of the Inquest and Post-Mortem Examinations (Jersey) Law 1995 for (a) “is capable of serving” they substituted “is eligible to serve”. So the Scrutiny Panel questioned why this change was needed. As with many other questions, the answer was quite simple,

simply a problem of terminology and the fact that nowadays we understand “capable” as capacity, which, for example, means that you might be disabled in a way that does not make you capable to carry out some work. Where in this case we really wanted to say “eligible” in legal terms. So Scrutiny went through all this and that is an example of the detail of the changes here. So, unless a Member of the Assembly wishes me to talk about a specific Article, I would like to take them *en bloc* and I commend them all to the Assembly.

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

Are the regulations seconded? [**Seconded**] Does any Member wish to speak on the regulations? If no Member wishes to speak, I wonder if the Assembly would be content to adopt the regulations on a standing vote? The appel has been called for. So I will ask the Greffier to put a link in the chat for the regulations as amended. The link is available so I call on Members to cast their votes. All Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted in Second Reading.

<b>POUR: 37</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		

Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

Constable of St. Mary, I am afraid your vote came in long after the vote was closed so we will not be able to count that. Minister, do you wish to take the matter forward in Third Reading?

**Deputy G.C. Guida:**

Yes.

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

Do you wish to speak?

**4.3 Deputy G.C. Guida:**

Yes, absolutely. Again I would like to thank all those who participated in the creation of these laws. We are talking about 2 years of hard work, 2 or 3 years of hard work. The list is too long for me to mention here, but again they have all my thanks.

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

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on Third Reading?

**4.3.1 Senator K.L. Moore:**

I speak really just to also convey my thanks to those who have worked on these laws and the subsequent amendments to them. It has been a lengthy process, as the Minister pointed out. I do believe in fact it might extend to perhaps 5 or even 6 years that this law has been underway. It is a great step in terms of the modernisation of them and the changes to the criminal process that people are enjoying already.

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

Does any other Member wish to speak on Third Reading? If no other Member wishes to speak I will call on Deputy Guida to respond.

**4.3.2 Deputy G.C. Guida:**

Yes, Senator Moore is perfectly right, if you go to the genesis of all this, we are talking about more than 6 years. We are thinking about the proposition that I am presenting today and that did start in 2018. For this I commend this proposition in third reading to the Assembly.

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

I will ask the Greffier to place a link in the chat for the vote on Third Reading. The link is there so I ask all Members to cast their votes. If all Members have had the opportunity to cast their votes, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

<b>POUR: 38</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Brelade		

Connétable of Grouville				
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Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **5. Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 4) Act 202-(P.68/2021)**

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

We now move on to the Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 4) Act, P.68, lodged by the Minister for Home Affairs. I ask the Greffier to read the Act.

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

Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 4) Act 202-. The States make this Act under Article 119 of the Criminal Procedure (Jersey) Law 2018.

### **5.1 Deputy G.C. Guida (The Minister for Home Affairs):**

This fourth Appointed Day Act will bring into force the final provisions of the Criminal Procedure Law giving effect to the decision of the Assembly to approve the law on 20th March 2018. The Act will fully activate the remaining outstanding parts of part 4 of the law, which concerns the role of the Attorney General. This consists of 2 small references in Article 14 for cross-referencing. All of part

5, functions and jurisdiction of the Magistrate, will be activated. This will bring the functions of the Magistrate out of other legislation and into the Criminal Procedure Law without making material changes. The maximum penalty that can be applied by the Magistrate will remain at its current level of a £10,000 fine, imprisonment for 12 months, or a combination of both.

[14:45]

This is linked to part 6 concerning proceedings in a Magistrate's Court, which will also be brought fully into force. This section will specify how proceedings will move between the Magistrate's Court and the Royal Court. These provisions in this part are designed to speed up the process of disposing of cases by ensuring that they can always be dealt with in the most appropriate venue. Parts 7 and 8 deal with proceedings in the Royal Court. Article 48 makes provisions for jury trials and is already in force. This Act will bring into force the remainder of part 7, which is almost completely a restatement of the current position, but does create a new arrangement by which the Royal Court can pass a case back down to the Magistrate's Court if it sees fit, which is currently not possible. It also codifies the arrangement for the first appearance in the Royal Court and for sentencing cases where some facts are in dispute. Part 8 also addresses the Royal Court and is brought entirely into force. It provides the mechanism for preparatory and pre-trial hearings including rulings of the Bailiff. It also deals with the reporting of those hearings and includes an offence of unlawful publication. These provisions are drawn primarily from the Police Procedure and Criminal Evidence (Jersey) Law 2003 and are consolidated into the Criminal Procedure Law with few amendments. Articles 63 to 65 of part 9, which concerns juries and jury formation, are brought into force, making provision in relation to eligibility for jury service. To a significant extent this replicates the current arrangements that increased the eligible ages of jurors and modernised the exemptions for various professions. The remainder of part 11 is brought into force, which concerns arrangements in relation to defendants and witnesses. It replaces earlier enactments and is connected to schedule 1, also being brought into force, which describes the offences for which a spouse or civil partner of the defendant can be compelled to give evidence for the prosecution. These include sexual offences and other offences, which involve injury, threats or harassment, and which are against the spouse or civil partner or any individual under 18 or vulnerable person. It also makes provision for offences of intimidation or harm to jurors and witnesses, with a penalty of up to 10 years' imprisonment and unlimited fine. This is a new development and such an offence has not previously existed in Jersey. All of part 12 is brought into force, which makes provision in respect of costs. An interesting aspect of this is that it makes new arrangements, which provide for the defence or the prosecution to be required to pay the costs of another party where those costs have resulted from some unnecessary or improper act or omission. Also brought into force are the necessary remaining consequential amendments and repeals to align other legislation with the Criminal Procedure Law. I move the proposition to the States.

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

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

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

On behalf of the panel, the number of comments I have are where I reference regulations, but now is the time to mention this just simply to give an overview. The panel notes that this Appointed Day Act gives the day of enactment for previously-agreed legislation, which was in March 2018, the previous Assembly. Of course it is always difficult to come back and look at the laws or legislation that has previously passed, but that is what we are being asked to do. I will say that the previous iteration of the Education and Home Affairs Panel, as it was then, did produce a Scrutiny report on that. So Members would have seen that, so this has been gone through in quite a lot of detail. That was on the Criminal Procedures (Jersey) Law 2018. We have commented on the links between complex pieces of legislation on the current panel and passed on to officers the need to ensure that



clarity would be better served if links below the 2 documents to all of the linked pieces of legislation were provided with the pieces of work and then that has been taken on board. So that was a constructive discussion with officers. Whenever you have a complex piece of legislation like that, anything like this with so much in it, anything that you can do to make it more accessible is good in the first place. So the questions we raised are in the comments paper that everyone should have, around Regulation 7(3), which the Minister has commented on, Regulation 10, Regulation 11, Regulation 15(1)(b), Regulation 17 and Regulation 18. So those were the main areas that the panel asked questions on, and if Members want to look at the comments paper around those, those were the concerns that we had. But we do not see that we can want to see this not be passed today simply because we have waited a long time. This is the culmination of a lot of work and a law that has been passed by the Assembly. Members have to make their own minds up as to whether they feel that they can take on board that law if they were not here and take on board the previous Education and Home Affairs Panel comments, which are linked at the bottom of the comments paper. Just general comments on the principles of this and the process of scrutiny that has happened with this. Thanks very much.

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

Does any other Member wish to speak? If no other Member wishes to speak then I call upon the Minister to reply.

**5.1.2 Deputy G.C. Guida:**

I would like to thank again Scrutiny for their good work and also the panel from the previous Government who obviously looked at this when they were first passed. I forgot the term and you will be quick to remind me. We do publish all those as amended, so if you got on to the Jersey Law website you can read Jersey laws as they stand with all the amendments condensed into one law. This is extremely rare in the world. Most jurisdictions will let you deal with amendments as they come. So if you were to try to understand the French law you would see amendment of 1974, amending this paragraph of the law of 1964, which amended that paragraph of the 1959 law, which amended this word. It would take several days just to go back to probably an 18th century law, which was the one being amended. This makes it pretty much incomprehensible. One of the problems with our method is that the amended law that we publish is only for information, it is not the official text. So if somebody wanted to do anything legal to it or use it in a legal fashion they would have to revert to chaining up all the amendments back to the original laws. It will be very, very useful, both for the Ministry and, I understand, very much for the panel if we could at least condense a little bit of these to make them more understandable. It was certainly difficult for me to see where this was going without having to go through all the previous laws. Having said that, I commend this proposition to the Assembly.

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

Thank you, Minister. Do you wish to have an appel or are you happy to take this as a standing vote?

**Deputy G.C. Guida:**

I am happy to take this as a standing vote if the Assembly will allow.

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

If Members could indicate in the chat if they wish to have an appel, otherwise we will take this as a standing vote. Very well, we will take it that the proposition has been carried by the Assembly.

**6. Affordable Homes in the South Hill Development (P.69/2021)**

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

The next item is the allocation of the Affordable Homes in the South Hill Development, P.69/2021, lodged by Senator Mézec. For the purposes of this debate the main respondents are the Chief Minister and the Minister for Treasury and Resources. I ask the Greffier to read the citation.

**The Assistant Greffier of the States:**

The States are asked to decide whether they are of opinion to agree that in the proposed development of South Hill by the S.o.J.D.C. (States of Jersey Development Company) that (a) no residential properties should be sold on to buy-to-let investors; (b) to request the Chief Minister to use his powers under the Control of Work and Housing (Jersey) Law 2012 to put such conditions on the South Hill properties; (c) to request the Council of Ministers to present a report to the States Assembly by 31st August 2021 which provides guidance to be used by S.o.J.D.C. with the aim of maximising the proportion of homes to be designated as for “affordable purchase”, while maintaining the overall viability of the scheme; and (d) to request the Minister for Treasury and Resources, as shareholder representative, to instruct the S.o.J.D.C. accordingly.

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

Minister, I see in the chat that it is your Assistant Minister who is going to be responding on behalf of Treasury. That is noted. Deputy Young has a point of order.

**Deputy J.H. Young:**

Yes please, if I may, which is relevant to the debate we are about to have on South Hill. It arose during the debate we have just had about Springfield where there was a live planning application. The Deputy Bailiff gave a ruling to the effect that Members of the Planning Committee should not take part. I have sent an email through to invite the Attorney General to review this because it would potentially mean that every States project would disqualify members of the Planning Committee from having a view. Also would mean probably every States project having to go to a Planning Inquiry, which would be the only alternative. So in the case of this one at South Hill there is no current live planning application, although one is expected very shortly I understand. I am told that. I do need to draw that to your attention because the chairman of the Planning Committee and I have corresponded with each other over this and we both have concerns. I do not know where that takes us but there is a point of order there.

**The Deputy Bailiff:**

The ruling I gave earlier was not that Members are disqualified per se, but would need to consider their positions carefully. In circumstances where it appears that there is no current application before the committee then Members are free to express their opinions and vote in the usual way. Otherwise it would become very difficult because there may be all manner of applications in the wings. So the principle I enunciated this morning only applies where there is a known application before the committee.

**6.1 Senator S.Y. Mézec:**

Here we are again. This proposition comes about from what is a simple logical point, which is that if you want more affordable housing you have to build more affordable housing. Talking about building it or theorising about how much you could build, if and only if you made some more money elsewhere to subsidise it, does not directly help provide a single home for a Jersey family who needs it. In fact, by wasting prime opportunities you end up delivering less affordable housing than you otherwise could. This proposition asks us to deliver as much affordable housing as we can. That I believe ought to be our aim because we have a substantial need for more affordable housing and we are currently on track to fail to deliver what is needed. Jersey has a housing crisis. Even the Alliance Party recognise that in the housing section of their website. Frankly, anyone who is paying attention recognises it because it is simply so obvious. We have 3,000 applications on the Affordable Housing Gateway. About 2,000 of them are for affordable purchase homes and the remaining 1,000 for social

rent. Many of these people will be in absolutely dire situations, including facing homelessness and overcrowding.

[15:00]

For those who are not on any list, there are a substantial number of people in the Island living in rental stress, something that is one of the key factors in causing growing inequality in our Island, and many others will be just above the income thresholds to be on the first-time buyers waiting list but not earning enough to buy outright in the private sector. We see the statistics published every quarter that the increases in housing costs are exceeding the increases in income. So this is something that is getting worse, not better. These issues are not going to fix themselves. They can only be fixed in one of 2 ways, or a combination of both. Those are by providing direct Government support to those who need help or to indirectly steer market conditions towards providing for those people. In the last Island Plan it was originally proposed that it would be the latter of those 2 methods, which would be used to deliver affordable housing. There was a policy that was proposed, it was called H.3, which was going to require private developers to produce more affordable housing in their developments. But that policy was dropped before it was implemented or even tried out and at the Island Plan review stage they then reverted to the other method for delivering more affordable housing, the direct Government support option, which was to use States-owned land to meet our affordable housing needs. If that strategy had worked we would not be here having this debate. But it has not worked and that is largely because of the inadequate management of States-owned land, which has seen so many plots lying empty and unused for so long. On top of that, there has been a failure to provide certainty to our social housing providers so they can be ready to provide housing on those sites in the most time-efficient way. I saw first-hand when I was Minister for Housing and Communities often the times where those affordable housing providers had their time wasted by Government not giving them that certainty and support. That meant it took longer for them to deliver homes. If it is still the strategy that, apart from rezoning a small number of fields, Andium Homes and the Government will be the primary delivery agent of affordable housing using States-owned land, then we need to have a plan in place that will meet the need as there is evidenced and not actively plan to fall short. I am sorry to say that the fact is that the Government's affordable housing projections are a complete mess. We have the bridging Island Plan, which is projecting 1,500 affordable homes between now and 2025, which is only half the amount of the applications on the Affordable Housing Gateway. We have recently had the Minister for Housing and Communities' Housing Action Plan, which says that they are working on 1,000 homes in that same time period, so less than the bridging Island Plan and only a third of what is on the Affordable Housing Gateway. Now in the comments from the Minister for Treasury and Resources she says that they are anticipating exceeding the Island Plan target. I do not know where they get that from but it sounds a lot to me like counting your chickens before they are hatched, as it is banking on a bunch of Andium proposals that are not even close to being ready to commence, including projects that are having huge blocks put in the way. Like, for example, the Ann Street Brewery sites and the nearby hotel sites, where all sorts of things could still happen, which could derail it or, as we see so often, could delay it so it takes so much longer than planned to deliver those homes. That is time while people continue to languish on the waiting list. So this proposition aims for us to use the land we already own to deliver housing to meet the needs of our community and not instead to provide a housing or a type that we do not need for a theoretical profit of which there are no clear projections of or statements for what that profit will then go on to fund. So we have a choice on whether we will attempt to increase the supply of affordable housing by utilising this South Hill site for that purpose or whether we are content to continue on with projections, which are clearly inadequate. Some in Government have made clear in the comments, which were lodged yesterday, that they are content to move forward on inadequate projections. Bizarrely, the Minister for Treasury and Resources says in her comments that in not building the unaffordable homes on South Hill and instead doing what I am suggesting and building affordable homes there, we could, and I quote: "Create a demand imbalance that further increases house prices." So she is suggesting

that by providing more affordable homes we will make housing less affordable. Let me say that again, she is suggesting that by providing more affordable homes we will make housing less affordable. I ask Member to try to think that one through. It seems she is suggesting that the real way that we will bring house prices down is by using cheap Government land to build more luxury investment properties. I am smiling as I say that, it is so illogical and makes so little sense. So my proposition asks the Assembly to agree that the homes that are built on South Hill should in first instance go to owner/occupiers, people who live in these homes, and not buy them up for the purpose of treating them as a cash cow. There are not just practical issues with what is currently proposed, but I would say moral issues with saying that we will dedicate the time and resources of the States and its arm's-length organisations to use public assets to provide opportunities for investors to make lots of money when those assets could otherwise be used to provide for a public need. That is not what Government exists to do; to assist wealthy people to make more money when it could be using what it owns, its assets, instead to help those where we have an evidenced need that they need more help. I would hope that many others would not see that as the role of Government to do what is proposed. If there are property investors out there who wish to expand their property portfolios, let them go to the private sector for that opportunity, not to the Government. So that is what I am proposing with parts (a) and (b) to say that these homes ought to be primarily for owner/occupiers rather than for investors. I stand with that. But I would say also to Members that if that proposal to have all of these homes for owner/occupiers and not investors is too much for you, then I would at least urge Members to look at parts (c) and (d), which merely ask the Government to do what we have already asked the Government to do with the proposed Waterfront development, which is to: "Maximise the proportion of affordable homes while again maintaining the viability of the scheme." That is the key part there, maintaining the viability of the scheme. Because that then gives them the freedom and flexibility there to ensure that the development can be a success in the terms that they are already seeking. But within that successful project will be the maximum number of homes that can be achieved, which will be for an affordable allocation of some form or another. That could be, depending on what is viable, merely a handful of homes or quite a lot of homes. The proposition itself does not prescribe it; it simply says to try your best to get as much out of it as you can. I would ask who really can disagree with that? Do we really want to say that every single home there ought to be an investor's cash cow for them to make loads of money out of, potentially contribute to rental inflation and for no qualified Islander to get an opportunity to live in one of these homes at an affordable rate when we know there is so much need? So I would say that part (c) of this proposition is surely absolutely harmless and it is bizarre that the Government would be opposing that, given they accepted it when it was proposed in the context of the waterfront and seeing as it seems to fit in perfectly with what they have said in parts of the comments that they have lodged to this. The Chief Minister in his comments said, and this is a direct quote: "It is acknowledged that the wider guidance on the delivery of affordable housing by the S.o.J.D.C. would be helpful and the promised framework for delivery of affordable housing on the waterfront will be extended to South Hill." That sounds just like what I am proposing with part (c) of this proposition so I simply do not understand why the Government would be opposing it. It does not tie their hands and it does not damage the viability of the scheme. It cannot because it specifically says that it is only to include what is within the boundaries of what is viable. So, if some Members are of the view that my proposal to ensure homes are only for occupiers rather than investors is too much, I hope that they will at least see that part (c) cannot harm this project and can only make sure that work is really done to make sure we get the most out of it. As well as getting the regeneration of the site, the profits, the new playground, et cetera, that we aim alongside that just to make sure that we have also done everything we can to ensure that at least a number of these homes built there are to meet the desperate need there is for affordable housing. That must surely be a win/win proposal. I want to make this clear at the start of the debate, that when it comes to the vote on that I will take a separate vote with parts (a) and (b) together and then part (c). But I hope in this debate we can focus on what we can do to provide more affordable housing in Jersey. We have seen the 60-odd amendments that there are to the bridging

Island Plan that have been lodged. Some of which, and quite admirably, propose adding new sites for affordable housing. But there are several amendments that advocate taking sites out of the plan for affordable housing. That may or may not be a good thing, we will decide when it comes to those amendments. But if we are going to go down the road of reducing the number of sites that there are available for affordable housing, and we are not even going to use the sites that are in Government ownership to deliver affordable housing, then we are dreaming if we think we are going to crack this issue and meet the needs of those thousands of people out there who are on that waiting list and all of those who are not on any waiting list because they are not eligible, but clearly are in need for more affordable housing too. So we own this land, we own the company that is proposing developing it, there must surely be no reason that we cannot issue instructions to them to say: “Within that development make sure that the primary beneficiaries of it are Jersey people and that within that you try to maximise the number of homes you can to meet that affordable housing need”, because that is the need that is most desperate out there in the Island. Not a need for more investors’ luxury apartments to rent out and make lots of money. There is no desperate need for homes of that type. That is the case I am making for this particular site and I will continue to make it for any other sites in the future that come up. I make the proposition and I look forward to the debate.

### **The Deputy Bailiff:**

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

#### **6.1.1 Deputy L.B.E. Ash:**

I would just like to make a couple of points before I start. Deputy Young raised people being conflicted on the Planning Committee. I would be conflicted but I will not be sitting on that particular planning decision due to the fact that I am conflicted. Senator Mézec raised the point that Government’s housing plans are a complete mess. That may have been the case under his leadership but Deputy Labey now has us back on track and I would like to reassure the Assembly of that. To move on to this proposition, the principle of prohibiting foreign buy-to-let investors at the initial point of presale by the S.o.J.D.C. has already been accepted for the entire Waterfront development. It was adopted in fact also at an early stage on the Horizon development. A similar initiative will apply for South Hill. However, S.o.J.D.C. are going further by structuring the South Hill development as flying freehold. That means that purchasers of any units will be restricted to those Islanders with the appropriate residential status. To prohibit all buy-to-let investors and in perpetuity, as suggested, is just too restrictive. It would be unprecedented in Jersey to have this form of residential restriction and it would virtually be impossible to police.

[15:15]

What I can assure Members however is that S.o.J.D.C. will use their best endeavours to give preference to owner/occupiers as purchasers over buy-to-let investors at the initial point of sale. The report accompanying the proposition states that: “No political steer has been given to the S.o.J.D.C. as to what their applications should include.” However, I would remind Members that P.73/2010, adopted by the Assembly in October 2010, sets out the operations of S.o.J.D.C. and its interaction with the Regeneration Steering Group. That group gave approval in April 2019 for S.o.J.D.C. to redevelop the South Hill site and in accordance with the provisions of P.73/2010 asked the Minister for the Environment to produce a development brief. The development brief was issued by the Minister for the Environment as supplementary planning guidance in October 2020 and was itself the subject of extensive public consultation. To say then that there has been no political steer to S.o.J.D.C. for the South Hill development is patently incorrect. It is worth spending some time looking at that development brief. In part it says: “The Minister for the Environment therefore considers that this is a premium high-value site where, if it is to be redeveloped for a residential use, the potential to secure maximum return in the release of this public asset should be secured. There are other public sites planned to be released for redevelopment, which will better contribute to the

provision of affordable homes.” I could not agree more with the Minister. This is a premium high-value site and we should not shy away from the fact that this is an opportunity to create value or, to quote the Minister’s words, secure maximum return that benefits the wider public. Further, since the development brief was issued, other public sites have been earmarked for potential redevelopment, specifically for the provision of affordable homes, in the bridging Island Plan. The generation of value and in consequence profits, I do not shy away from the word, by the S.o.J.D.C. seems to be regarded by some Members as in some way immoral. That is at best unfortunate and at worst a misrepresentation. Article 50 of S.o.J.D.C.’s Articles of Association states that profits will typically be expended wholly and exclusively to improve and extend public infrastructure and works for the good of the public of the Island of Jersey. So the value created on the South Hill site, and indeed all of its developments, will be and are for the overall good of Islanders. S.o.J.D.C. is proposing to fund the regeneration of the children’s play park at South Hill, which is very much needed, everybody would agree, from the value created through construction of the units. S.o.J.D.C., in partnership with the Parish of St. Helier, has run a children’s design competition that will inform the content of the new play park. I am pleased to say that the development will include a new footpath, pedestrian crossings, a café, public toilets, all incorporated as one of the new buildings. This is a chance to develop an underused area of town and in effect create a new community. Any additional profits on the development will be reinvested in S.o.J.D.C.’s future projects such as the Waterfront Development. Members will know, or they certainly should, that development includes significant public realm and infrastructure, again for the benefit of all Islanders, not merely a few. We, in my opinion, should be applauding the work of S.o.J.D.C. in delivering developments of the highest standard that deliver public realm and infrastructure improvements over and above what is required by any private developer. In relation to the supply and need for affordable housing, we have Andium Homes as our key delivery vehicle of affordable homes. They are on track to deliver 3,000 affordable homes by 2030. I am going to repeat that because it is worth hearing again, 3,000 affordable homes, which by any measurement will meet the current projected demand. I acknowledge of course that the proposition refers to affordable purchase and S.o.J.D.C. are incorporating their deposit scheme for first-time buyers on this development, similar to that seen at Horizon and College Gardens. I defy anybody in this Assembly to say that we should not be trying to help young people and first-time buyers in the Island get that first foot on the ladder. The proposition, while well-intentioned, solely focuses once again on affordable housing, as though it is only that area of the market that needs additional supply. The proposition does not take into account that there is also a supply/demand imbalance in the open market. There is no evidence that diverting more stock away from the open market for affordable homes will in some fashion reduce overall house prices in the market. On the contrary, it will increase house prices, push home ownership in the open market out of reach for yet more Islanders. Fundamentally, however, this proposition would be in contravention of the development brief, which I emphasise again was subject to extensive public consultations. I apologise for the length of my speech but I would urge Members to reject the proposition for all the reasons I have outlined.

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

Notwithstanding that bluster and the entirely expected neoliberal and conservative party line, which the Assistant Minister for Treasury and Resources was spouting, let us bring this back to basics. Because he said the Island does not just need affordable homes, it also needs other types of homes. First of all, what we need to remind ourselves of is that anything that is not affordable, any home that is not an affordable home, is an unaffordable home by definition. So the question has to arise: should it be the States of Jersey’s job to be building unaffordable homes? If it does build unaffordable homes then that should be justified. Nobody is necessarily fundamentally challenging the point of view that it is all right for the S.o.J.D.C. to build a few luxury homes or unaffordable homes if they think it is absolutely necessary in order to make their project viable. But what we are saying here is that when it comes to States-owned land that land should be used for affordable housing in whatever guise that

might be. The way I look at it is that we talk about it is necessary to fund the project. There are 2 considerations here, one is the funding stream, but the second is the land that is available itself. The way I look at it is, as I said, any house that we build or any unit that is built, which is not affordable, is therefore unaffordable. Is it the States of Jersey's job to be building unaffordable homes? I would say no, it is not. The other point is that the States of Jersey does not struggle to find an income stream. Government will never go bankrupt because Government by its very nature raises revenue in a variety of ways and then it spends it on the public good through a democratic process. It is not like a venture capitalist who need to try to raise money first of all, then to fulfil a project. It does not have that problem; it has the money. Then it has to decide, balancing considerations such as the social good and land usage, about how to do that. But the thing is we do not have an unlimited amount of land. So any properties that are built on land, which are unaffordable homes, then cannot be used for affordable homes by definition. What that means is that we are not using States land to build affordable homes and we cannot expect the private sector to start building affordable homes for people. They are not going to do that unless they are compelled to do it. Private developers will not be doing that on their own land because they are motivated naturally by the profit motive. So it is right that we fundamentally question what we are being told and that this *laissez-faire* attitude that the States of Jersey Development Company needs to generate profit in order to spend on the public good does not follow. It becomes then a false argument because, as I said, we cannot grow land and I would be very sceptical about any suggestion that might be in the draft Island Plan that we should be looking to reclaim land. Reclaimed land is both environmentally very costly as well as economically very costly and it comes at a price. So this is not a radical proposition at all. It is doing in many ways what Senator Mézec has said seems to be government policy anyway and it seeks to do that in an accountable way.

### **6.1.3 Deputy J.H. Young:**

I was hoping to get a bit more time preparing my thoughts, but I am going to have to do this. There is a broader context in this debate. The debate obviously has been focused by the proposer and supporters and opposed by those who have a different view, between affordable homes and open-market homes. That is not a productive debate at the moment for this site. We have been having that debate effectively since the Waterfront came about, 2 or 3 decades. We have attempted to resolve that and we have gone from one extreme to the other and we still have not done so. To resolve it properly, I am clear that we have to have the Island Plan, which provides us with the strategic base for those future planning decisions, firm numbers, which we can rely upon, of the housing needs and housing provision. Of course the draft Island Plan has made the best fist it can with what information was available at the time. But we will of course get more information. We are promised that through the Statistics Unit. The Minister for Housing and Communities I know is working on that. So I have a problem that this debate is taking place at all in the absence of resolving those questions. The essence of the proposer is that the Island Plan is just not good enough. We do not have enough housing numbers in there and he may be right. Of course we have sites coming in, Members saying they want these extra sites, Members on the other side saying they do not want these sites. So we are going to have to resolve that through the Island Plan process. We are on the threshold of that now. I now have 60 amendments, which I have to go through and produce responses, the initial responses for the inspectors, the inspectors are looking at that now. There will be a public inquiry in October and November. So this debate is frankly premature. That is the issue about divided opinions on housing. There is also something else that States Members need to consider. The supplementary planning guidance has been quoted quite correctly but it has been quoted selectively. It has been quoted collectively in that the supplementary planning guidance also makes it plain that it is also a site that is perfectly acceptable for alternative uses such as visitor accommodation or other cultural uses for public benefit, including in support of a Fort Regent redevelopment. Because it is an exceptional site.

[15:30]

There is a whole paragraph about this in the supplementary planning advice, which has not been copied. The extract that has been made about the residential part, which is an acceptable use, and that part of the planning brief does not say whether it should be affordable or otherwise; it leaves the question open according to what the housing target is made. But it is imperative that of course, if it is to be housing, we make a major contribution to our housing need. But also it says the alternative of tourism accommodation, tourism and cultural, new visitor accommodation. That is an opportunity not to be thrown away. It is a wonderful site; it is world class. We have a real problem with losing these hotel sites all over the Island. There is still no draft policy in the Island Plan that would mitigate if we were to find ourselves losing the very top-quality hotels that we have, the 5-star hotels. I am already hearing clamouring: “Could we not have a nice new coastal site for a hotel? We have to have these.” My answer would be no, we have a superb world-class site here, which the whole Island could benefit from, the whole Island, whatever centre it is. I put that possibility and I fell out with the officers. I said: “No, I am not going to have this just S.o.J.D.C. in wall-to-wall ... I want this in the planning brief” and I insisted that it went to the Regeneration Steering Group for them to come up with a rational argument of that choice. I have yet to see that rational argument. I do not get to go on the Regeneration Steering Group. This site is a massively important site for urban regeneration in the town of St. Helier and what we do with it we will either enjoy or endure for decades. It is visible everywhere. It sets the whole backdrop of town and we need to get it right. The planning brief also makes it plain. There needs to be a very clear, coherent case for that use. We do not have a planning application so therefore at the moment I do not know why that choice has been made. It needs to be seen. My belief is that this is the sort of issue that should go in front of a planning decision-maker and of course the discussion we had this morning I think has put an issue in the way of the minds of the Planning Committee, that they are somehow going to be inhibited in giving a view on these individual sites. I can say now, because now I think this is a big issue, it will be my intention, and I have told the officers this, and I think the evidence of this debate so far, is that I shall be calling a planning inquiry into that South Hill application when it comes in, because I want to make sure that the choices and what is developed and the arguments are properly run in accordance with the full text of the supplementary planning guidance and not being taken out of context, and also the Island Plan housing numbers. I know that will not please everybody but frankly I struggle to know what to do with this debate. It is the wrong debate on the wrong day and I can understand why it has been brought, but my personal inclination is to stop providing buy-to-let developments under (a). I do not want to see another Horizon development. I do not want to see a repeat of Castle Quay where 75 per cent of the units are let out, nor do I want to see units that are full of Airbnb being let out, as they are. I do not want to see that. If we are to have housing I want it to be for people to live in and not to be driving up rental levels anymore, so I am inclined to that, and because it is a States-owned site, and it does not matter that it is S.o.J.D.C., it is my view it is public land and therefore we can put conditions on that to establish. I am pleased that the Chief Minister has said that we are going to have flying freehold transactions, if that is what we do. That is a major step forward. As I said, the balance of affordable and open market housing needs to be decided in the knowledge and on the basis of the Island Plan policies, once they get through the planning inquiry. That is my view. I am sure people will not like me for airing that, but that is what my position is.

**The Deputy Bailiff:**

Thank you, Deputy. Deputy, are you prepared to receive a point of clarification?

**Deputy J.H. Young:**

Yes, of course. I will do my best, Sir.

**Deputy S.M. Wickenden of St. Helier:**

I think it is pertinent that the Deputy or the Minister mentioned that he may or may not bring this entire site into a planning inquiry or public inquiry. I think that is quite pertinent to this proposition



as it is. If the Minister is going to call this towards a public inquiry then this proposition is giving instruction that would then be in challenge of that public inquiry. Could the Minister confirm whether he is planning to do that or not?

**Deputy J.H. Young:**

I can say, and it is an open secret, I have certainly discussed this with the Minister for Housing and Communities this morning and I am sure he will not mind me disclosing that. I have been concerned about this for some time. I have long been concerned about the way that S.o.J.D.C. operates outside of our policy framework. It is important that they are an enabling arm of government policy but my intention is to call it to an inquiry. That has been brought to a head I am afraid by today and again I put my hands up, lack of preparation on my part and I should perhaps have given earlier notice, because of course we do not have a planning application yet, but I think this morning's discussion and my email exchange with the chairman of the Planning Committee about the new direction, which I think is going to affect all sorts of sites, skateboard parks, Les Quennevais and so on, I think we are going to have problems there. I think I am going to call this one in. Now, which of those overrides? If the States approve this today does that override my use of the powers under the Planning and Building (Jersey) Law to call in a public application? I would have to be guided by the Attorney General, but I can confirm it is my intention to.

**6.1.4 Senator S.C. Ferguson:**

I thoroughly agree with Deputy Young. We do not always agree, but this time we do. Does this site include the St. Helier tranche on the south side, or is that all going to be taken up by the skate park? I am not quite sure about that one, and perhaps somebody could enlighten me. Originally there was an idea that it would include some affordable housing as well as higher level housing, not luxury but reasonable sizing for people who want to downsize so that families can buy their houses. Frankly, this demand for 1(1)(k) housing is getting out of hand. I think we must look at middle to low-level housing and we need to have mixed housing at various age levels, rather than just one sort of age group. I would like to hear from the Constable of St. Helier about his site at Mount Bingham. I am dubious as to the value of encouraging flats to rent out at any level, like Deputy Young. I would also like to see the new Mem and Arts with the S.o.J.D.C. before we have a plan to enrich the bonuses of S.o.J.D.C. staff. As far as flats go, in the work I did some years ago there were a number of flats bought to rent, originally by non-locals and later by locals. At the same time lots of countries restrict numbers of housing held by temporary incomers. I think this proposition is very well-intentioned but I do think, as Deputy Young does, that we need to rein in S.o.J.D.C. and make sure that they are working for the people of Jersey and just not everybody who is at the top end of the income stream, but also provides some housing for people who want to retire and downsize, who cannot find anything to rent that gives them a reasonable-sized accommodation because what they get for their house they cannot get reasonable-sized accommodation. It is quite a problem.

**6.1.5 Senator S.W. Pallett:**

I am going to be brief. Our party has been quite clear on where we believe housing should go in Jersey, and the route it should take, so this is going to be quite brief and to the point. I do not believe the States should be building buy-to-let properties. For me that is for the private sector. If the private sector want to build buy-to-let that is fine, but the States should not be buying buy-to-let properties. So that answers where I am going to go in parts (a) to (b). In terms of parts (c) and (d), there is an affordable housing crisis in this Island, whether we like it or not. We can either own up to it or bury our heads in the sand. We have been quite clear that States sites should be used for affordable housing, and I include this. I see no reason why this site cannot be used for affordable housing. Why cannot people who are looking for an affordable home live on a site that has got a good aspect, good views, for their families? Why should it be the select few that are going to be able to live in a site like South Hill? It is wrong, it is morally wrong. The party do not agree that this should be used for

S.o.J.D.C., yes to make a profit for the States, but again we have heard it before; there is a lot of jam tomorrow with this, and I am sorry, I have run out of patience. I want to see affordable homes built now. I want to see them built quickly. I want to see them built through modular build, whatever we can, to build them quickly, to deal with young people who are struggling. We are going to support the whole proposition and set a line in the sand about where we think the States should go in regards to building affordable homes.

#### **6.1.6 Senator K.L. Moore:**

Much like the previous 2 speakers I also find this proposition to be perfectly reasonable. We have here a known issue in our community. We all understand the impact that the lack of access to affordable housing has on the adults and children in our community. We know that it is a cause of financial stress that has an impact on people, the people we are here to serve, and we know the consequences that that financial stress and the other impacts of the quality of life have upon those children who live in those circumstances too. I find it quite extraordinary that the Assistant Minister for Treasury and Resources, who is a shareholder representative of the S.o.J.D.C., could speak in the terms that he did today, because he also is here to serve the people of this Island. He is here to be that catalyst that can achieve the change that the people we serve require. I think it would give a very firm message to the Alliance Party and their Government that we want to see some provision. I thank Reform for bringing this. I also feel that they have been quite reasonable in pointing out that the provision should fit the overall viability of this scheme, because we have seen the initial designs that have been produced. Therefore that is designed so far to be a landmark property. I think Reform have been extremely sensible in their approach to this proposition and I support it wholeheartedly.

[15:45]

#### **6.1.7 Deputy R. Labey of St. Helier:**

On the discrepancy in the numbers that Senator Mézec mentioned again, the Creating Better Homes action plan refers to additional delivery 2021-2025 and the bridging Island Plan refers to total delivery, so there is not really a discrepancy in the numbers. In fact we will build 1,045 affordable homes by the end of 2023 and the remaining to take us up to 1,500 by 2025. Where we are with this application, which is very soon to be a planning application, and as we have just heard the Minister is going to call it in for a public planning inquiry, in that circumstance I do not think this proposition is helpful. I might have asked Senator Mézec to defer it in these circumstances, but I know he is still cross with me for asking him to defer P.31, which I did honestly, and I apologise again to have done that to him and not been able to deliver in the way that I was expecting. Where we are here is very interesting because I remember that exchange that the Minister for the Environment had with Deputy Tadier at the very beginning of this term of office, where he said he favoured a mix of affordable and open market homes on the site. He said that those decisions will be made by the Minister for Housing and Communities and his team and then that clearly did not happen. I would be very interested to hear from Senator Mézec on why that did not happen. We have got to a situation, probably because it was taken over by the Regeneration Steering Group upon which the Senator was no longer sitting, decided not to sit on it and the Minister for Planning does not get a seat on it, which I think is wrong and silly. We have got to a situation where effectively the brief is sweat the site for maximum bang for our bucks. That is acceptable in our circumstances I think only if revenue from that policy goes towards affordable home sites or affordable home products, or affordable homes. What should have happened once that decision was made was that we should be clear now, and this is way before my time, on what portion of revenue is going to be allocated and ring-fenced for affordable homes. In my mind that is the only justification for this sort of policy. I am working hard now to try to get that figure. My understanding is that the S.o.J.D.C. will pay back the States the commercial value for the site, so it is there where the affordable home chunk should come from, if not all of it, and that revenue from the sales will then be ploughed into the public realm, staff, the galleries and the swimming pools and the things that are planned for the waterfront. That on paper makes sense, I think. On buy-to-

let properties I brought that into the public forum. My views on that have been very clear. It seemed immediately clear to me, speaking to the people I have been speaking to since taking office, that there is a problem here and we need to get the data on that to find out exactly what the problem is. Anecdotally it is very clear that some people are hoovering up buy-to-let properties and if their second, third, fourth, fifth, nice to have, buy-to-let is depriving another person of their necessity, their right to buy a home to get on the property ladder, then that is unethical and we have got to do something about it. On first time to market sales it is within the Chief Minister's gift and relatively easy to accomplish. When they are getting sold on that is more difficult. I would be interested to know if all this went through today would the Senator be happy with the plans, if he got a portion of affordable homes? I am very clear that S.o.J.D.C. have done what they were asked to do. It is all about the brief and the brief that they got they have done what they were asked to do, as environmentally sensitively as they can with top architects and top firms, and it will now go to an independent public planning inquiry. It is a very special site, and it is one of the best on the Island, and I think things have changed in the 2 years. One of the things that I saw Senator Mézec say quite recently on a tweet I think was about former tourism sites in fantastic locations, like Bouley Bay and the Water's Edge and the Greve de Lecq thing, should the States be taking that back into public ownership? To do that we would have to put employment use criteria on tourism sites, which has always been resisted. I do not know if that is a good idea. There are all those regulations on agricultural sites, so I do not know. This is a very special site because not only does it look over Noirmont and Elizabeth Castle but in the foreground you have got all the activity of the harbour. That is where I used to get driven to by my grandparents here from St. Ouen with our crab paste sandwiches to sit there for an hour by the swings and look at the mail boat coming in and out. In the public perception there is a great affection for that site, just as there is for buildings like La Folie Inn and Piquet House and we should be protecting them and doing them up, and having something visible for our public to see that we are taking care of. I do not want to go too heavy on that. I have concerns, like the Minister has concerns, but a lot of what has been said before from the Minister for Treasury and Resources I think is true and I am not sure that this proposition is helpful at all at this current moment.

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

I am supportive of the principle of this proposition but would not wish to see the value of a particular site lost to the public and allocated by default to a select few. It is possible that an apartment at, say, South Hill could have possibly a value of 50 per cent more than a property without the view. I ask whether we would be getting better value if the option of 50 per cent more housing opportunity was obtained elsewhere and South Hill sold on the private market to owner-occupiers, but of course not on a buy-to-let basis. The difficulty when I look at (b) is how do we control the sale or retention of the properties out of the buy-to-let market? It seems to me it is difficult to do unless we go down the route that was done with College Gardens whereby Government retained the equity of the property and the purchasers took it on a shared equity basis. Maybe that is the only way to do it. My concern is that in the past we have seen various schemes by Government, and going back 40 or 50 years, whereby States loans were given to people who did quite well out of it when properties were sold on and the public were the losers because they got nothing of that increased value in those highly inflationary times. I suppose I am asking the proposer how he thinks we might retain the high value in this site in perpetuity and avoid the situation that I have just outlined. How can we control local buyers who might have a change in circumstances and find themselves for a multitude of reasons having to leave the Island, whether it be for training, family purposes and whatever, and owning a property that they have to let? We have to make some provision and give that some flexibility. I might just support the proposition as laid out at the moment, and I look forward to hearing other speeches.

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

This is a very interesting debate because I think there is a commonality of concern which is very particular, and perhaps it is very particular to Island communities everywhere when it comes to providing homes for people. I do not think we can apply, as we do elsewhere, the sort of huge free market economics that if you have got endless land you can build endless houses. If you do that you end up with a very skewed version of that strange approach. There are a few things to say here. One is the Minister for Treasury and Resources talks about earmarking for potential and these things are all in the future, but the crisis is happening now. One figure that leapt out at me was the idea that Andium, and I know they are separate but it is relevant and I will explain why, will build 3,000 homes in 9 years. There are 3,000 people on the list now, and in 9 years' time that list is only going to grow so we have got an inbuilt inadequacy in our provision of affordable homes. I want to address this mythology of what is apparently happening to help young people get on this housing ladder. The reality is that every time we use States land to allow people to build homes, S.o.J.D.C. - and we will come to the issue that has been raised before with them - every time we do that and then allow those homes built on States land with States money to be bought for buy-to-let we condemn to some extent young people to be paying huge amounts of rent and not having the slightest opportunity to at the same time try to save the levels of money that they would need to save to get on to this mythical housing ladder. I know quite a number of people who are in this position, young people who are working. My own children, I look ahead and wonder how on earth they are going to have security in their housing. I am very proud of them and they will be highly-skilled people, but what will they do? I think what we end up with is young people being put into a trap that is to rent at £1,000, £2,000 or more per month, and then not be able to save to get on to this mythical ladder. What we have done is created a few schemes and of course a few schemes will help a few people, but that is your classic plaster to address a gaping wound, which is that of the housing crisis on this Island. What this proposition does in part (a) is extremely simple, and I think again we have convoluted it with so many other things and the Minister for the Environment, I ask you to think about this, the simplicity of this, that on this site residential properties should not be sold to buy-to-let investors, i.e., States of Jersey Development Corporation, a States-owned company, using States-owned land, will not sell for investment opportunities. It will sell to people who are going to live in the homes that have been built there. That is such a simple principle, such an important principle if you are going to ever address the housing crisis on this Island and give people an opportunity to have that security of somewhere to live. I think the Minister for the Environment said something, I am sorry, I did not jot it down quick enough and when I jot things down very quickly I can sometimes not read my own handwriting, but he said he was worried that the States of Jersey Development Corporation would be operating outside of a framework.

[16:00]

This is an opportunity to put some scaffolding, if you will excuse the pun, on that framework, so that we know what is going to happen with this development in particular. This tacit suggestion that because this is a prime site it should not be for affordable homes I cannot buy into. I am pleased and, I say to the Progress Party, this is somewhere where we share an approach. That cannot be the case, this 2-tier system of Jersey's States-owned land and the buildings that are being put on them. The current Government approach seems to be a free rein for the S.o.J.D.C. to use the principles of the free market with this promise of investment coming back to Jersey and being spent for the good of Jersey in some strange way. These are just promises. The phrase of jam tomorrow was stolen, but I agree with that. It is a strange, convoluted argument and it saddens me that the Government cannot just look at this and speak to the Senator and say: "Do you know what? You are absolutely right about this and we will step forward and say yes. We will not allow this to go to buy-to-let investors." Part (b), (c) and (d) I do not see what is so difficult about those things to do. It is certainly a plausible thing to do. We cannot have a foot in both camps. If we have a States-owned development corporation that is going to build housing I suppose the simple thing is to say let it go into the free market and do not expect anything back; do not expect affordable housing; do not expect anybody

who is young who is not extremely wealthy to be able to step into any of those homes, and that is going to be government policy. That is tough, we are just going to rake in some money and we will use it on capital projects that we can use so that the money does not come from elsewhere. Be honest about that policy. At the moment what we have got from this Government is a foot in both camps. We have got that principle at the same time as saying: “We will provide affordable housing. It will be okay and everything will be wonderful and we will offer this mythology of you being able to get a foot on the housing ladder if you are young” and so on. These 2 things do not fit. They are classically incongruent. They do not go together. The decision needs to be made about the future of housing on this Island. I go back to where I started here. This is an Island. It is a particularly limited space. We are not dealing with population effectively and we are not dealing with that because we have again a conflated approach to a population policy and nobody has addressed it appropriately and addressed the wider issues of training and the skills of our population so that there can be some sort of limitation. Again, another smokescreen of an approach that needs to be addressed. This is the right thing to do and I am seeing across the Assembly now people finally standing up saying enough is enough. We are not going to sell off States-owned land and buildings; we are not going to have the Horizon development all over again. We are not going to have lots of buy-to-let investors who buy up these homes because they have got the capital or can raise the capital to do it because it is such a lucrative market, so everyone needs a home, and then condemn lots of families and young people into extraordinarily expensive accommodation with absolutely no chance of buying anything for themselves. I really hope that this Assembly can step up today and support this proposition. If you do not like it forget it is from Reform. Just look at the proposition and the wording. It is so important for this Island that we make this step forward, just on this one development for now, and then we need to look to the future as to what we are going to do in the Island Plan. There is time to do that, Minister for the Environment. Senator Ferguson, the issues that you address, this does deal with those about the States of Jersey Development Corporation using our land. This says: “Do not sell to buy-to-let investors, sell it to the people on this Island who need a home to live in now” so I would urge you to support this as well. With that, I thank you very much and well done to the Senator for bringing this today.

#### **6.1.10 The Connétable of St. John:**

This debate is giving me more questions than answers. Why is S.o.J.D.C. developing the site and not Andium? How was that decision made? Why do we have duplication of development companies? As there is no planning application I ask myself could either S.o.J.D.C. or Andium get a greater yield for the site, greater density? Deputy Labey spoke about S.o.J.D.C. following the brief. Have we given S.o.J.D.C. the right brief or the wrong brief? What options did we consider? When I look at Pier Road I look at the missed opportunities there to maximise the height of the backdrop, again getting greater density. Those properties along Pier Road or very many of those are affordable rental properties already. It is a very special site. I may have been alongside Deputy Labey at Mount Bingham, if my memory serves me right. The Constable of St. Brelade spoke about the value of the site. Well, could the value of the site be increased with additional units? I understand all the challenges with greater density and the requirement for green areas and so on, but when talking to Planning about the bridging Island Plan they were very committed to make sure that we maximise the density. Have we done this here? Perhaps retaining a percentage of the equity could be a way of ensuring that these properties could be held as affordable in perpetuity. We have also heard this week about the challenges some of our departments have got in terms of attracting and retaining staff; Health for example. Why not allocate some of these units for social workers or other professionals who we struggle to both attract and retain on the Island? Why could they not live in an aspirational property? They add value to the Island as well. If the Island retains some of the equity these homes could be earmarked for specific professions and I think we do have a real issue. We cannot just kick the tin down the road. We must do something so I will find myself supporting this proposition.

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

I am wondering if with the aid of the wonderful technology the Constable of St. John has a spycam in my office, because I think he may have read my speech. I would like to start by saying that the real mistake we made here was right at the beginning. We have allocated the site to the wrong States-owned company. It should have gone to Andium and not to S.o.J.D.C. and that is because it is very clear to me, and the Progress Party that I represent, that the housing market is now completely out of reach of just about all young people and young families. In order to solve that we have to use States-owned land, we have to retain the equity and we have to do that in perpetuity. That is the only way that young families can have any hope of getting into the housing market. My party are going to support the propositions regardless of who brings them. Senator Mézec has brought this one; whether he took it off our website I do not know, but it is very clearly on the Progress Party website that moving forward the way we intend to try to solve this terrible housing crisis is to build affordable homes on States land. Some people may be surprised to hear me say that I do not think this proposition goes far enough in (a). It could be that people will choose to buy and live in these properties at South Hill if they are valued at £1 million, £1.5 million, £2 million, and is that what we are trying to do to solve the affordable housing crisis? I do not think so. It is a shame the Chief Minister is not here this afternoon. I do not know where he is although I have been told by a few people. As we have just heard from the Constable, this could be providing key worker accommodation, something we desperately need for our nurses, our mental health nurses, for all sorts of people who should be encouraged to come to this Island and work on behalf of Government for all Islanders. The Progress Party are very clear. We have worked hard with our membership to develop policy; it is on our website, and we will build affordable accommodation on States-owned land wherever it is for affordable housing, which will use shared equity in perpetuity and allow us to have houses to help some of the young families on this Island achieve their dream of owning a home.

**6.1.12 Deputy D. Johnson of St. Mary:**

I stand metaphorically to make one point only. We appear to have strayed somewhat from the proposition itself discussing the merits of various development companies involved in this area. I will not go down that line, other than to say that this does highlight the need for new memoranda of understanding to be granted in respect of each of these companies. The situation is such that it is not a case of one standard fits all. It does not, and it clearly does not as a result of this proposition. Can I therefore request again the Minister for Treasury and Resources or the Assistant Minister to let Scrutiny have copies of the draft as it now is in order that we are able to work on it and hopefully arrive at an agreed conclusion, which will better reflect the intentions of, I think, the whole Assembly?

**6.1.13 Connétable J. Le Bailly of St. Mary:**

If we are serious in supplying really affordable homes then we need to supply market price properties also. The property market is graded by one aspect: location. The first-time buyer wants a roof over their head. Location, a view, a garage, a swimming pool, is not necessary. Putting the luxury end housing on a prime site is the most sensible thing to do. The money generated from the site would build 3 times the housing that would be constructed on that site. How serious are we to provide really affordable housing to our lower-paid locals? To do that we need to build simple housing on simple sites; this is not one of them.

**6.1.14 Deputy J.A. Martin:**

It is a real pleasure to follow the Constable of St. Mary today. Nobody over the last 21 years can deny my fight for homes for everybody, starting with people who have tried to get their foot on the ladder. Just down the road La Collette was mooted 10 or 15 years ago to be sold off to the private sector because the views were too nice. It was fought, it never happened, and I am not even sure if it went to the States but there was lots of mooring going around that that is what should happen because the money could go to provide better housing somewhere. We have 154 or maybe less flats

coming on there very shortly. We fought that. We have still got them in Andium. Yes, they are rental but they are Andium rentals so they will provide social housing. What the Constable of St. Mary has just said, and it is quite scary when I hear the parties, the Reform and Progress, have no interest of maximising what we can do for the public of this Island and produce more homes somewhere else. They will have to stand up next year to explain that. We have not got money growing on trees. It is one of the prime sites, but even then we have both the Minister for Housing and Communities and the Minister for the Environment wanting to look at this a bit more, but no, today tie the hands. I cannot say strongly enough about the no residential properties to be sold to buy-to-let. You heard the Assistant Minister for Treasury and Resources. They are going to be flying freehold. Nobody off Island will be able to buy the share transfer if you have not got local qualifications. What does this mean though? We have got some families here who might want to downsize later in life but they will buy now and might rent to their children, so swap later. What does this mean? You have been told it is unenforceable. It is not 1(1)(e), which used to be the J. cats. These would not look at the style that S.o.J.D.C. are saying. My real concern, everyone is saying: "Oh, yes, we must do this today." I was there when they did the H.3 policy and nothing got built. It just went flat. If you look down the road, Members, you will see La Folie. This is not a housing site, it is not any site, but it sat there for so long because who is going to take it on? This site is like Westmount.

[16:15]

It is in a rock face. It is going to cost to just demolish; nobody knows that amount. If Andium want to do it why have they not fought for it? Because they know that there is something hiding there. This needs to be maximised to get the most money, put it into other sites we have, we own and we can supply for the first-time buyers. People are making it up off the hoof now: "Oh, let us do equity in perpetuity" and so on. We have not even got that in law, but let us support this today and make up our own rules. I am very concerned. This site could just sit there, empty old offices for a long time, if you tie the hands and nobody wants to touch it. In the end we had to bring in, as the Parish of St. Helier, another developer to do Westmount. In fact, they have done a very good scheme and they let young people, single young people who are not earning loads, pay their deposit off weekly, monthly, as it was being built off plan. There are schemes out there. I am not tying my hands and I am not tying the hands of the people of Jersey, and I am certainly not going to be accused of not wanting to help the youngsters, the middle-aged, the people who want to downsize. I am going to be accused of making sure that we sweat our assets, we get the most out of this site and then we reinvest for many, many more other families. I am sorry, I cannot support this.

#### **6.1.15 Deputy M.R. Higgins:**

Before I start, I apologise to Members and the public who are listening if I repeat some of what has been said by others. The reason for this is I had the internet go down and I missed the end of the previous debate and the start of this one. I have campaigned since I came in the States 13 years ago for affordable housing or for housing for our children. I can still remember the phrases that I put in my manifesto. We have children living at home with their parents because they cannot afford to get a flat or even get on the housing ladder. Many people have left this Island quite simply because they cannot afford to live here. My own son will never ever be able to afford to live in this Island. We have had 13 years of successive Council of Ministers who have failed the youngsters of this Island and those requiring housing. How have they failed them? We have never ever had, first of all, the population policy that has been promised from the beginning. Even in the days of Senator Le Sueur and Senator Gorst, the policy we had was exceeded 3 times over. In fact, it was a joke; it did not really exist. We have had a tremendous increase in population over the years, which has exacerbated the housing market. The other thing that has been allowed is buy-to-let, which I have campaigned against. I have campaigned against foreign direct investment. Overseas people, which has probably inflated the housing prices by 40 per cent in the Island, are coming in, not building new blocks of

flats, which are then being lent out to people; in other words adding to the housing stock. What they are doing is coming in and buying up all the different properties that are coming up for sale here. They get them, they then go to a letting agent, add on the letting agent's fee, look at what they are paying in interest on the loan, and then they add all this on to the cost rental. Not only have they hoovered up the houses that are there, they have also added to rental costs and made it unaffordable for people to get houses. In the same way, I also believe that some of our 2(1)(e)s are doing this. It was mentioned in a previous debate: "Oh they cannot." They can; the law was changed and they can. Therefore, we have even 2(1)(e)s who are speculating by buying up properties to let and, again, adding to the upward rise in prices. This has to stop. We need a population policy. If we do not have a population policy we will never ever get to grips with housing. We will never ever get to grips with the housing situation that we have. That policy has to be in place. We are told that it will be there before the next election. I personally do not believe it. I do not think we will have an agreed policy, because I do not believe the current Members of the Government, when they go to the electorate, will want to defend a set-in-stone policy, which I am sure will be inadequate. If we come back to the States of Jersey Development Company, do I have any confidence in them? No, I do not. Like Senator Ferguson, I am appalled at the bonuses they pay themselves. I am not convinced that they have done the best for this Island. I can remember the arguments saying: "Oh we have to have our own development company, who are going to engage in construction." In some ways I wonder if we would have a better return and had better control if we had just put the sites up to tender and allowed others to go for them and build on the sites. Perhaps we would have got a quicker and better return. I did hear the part from the Constable of St. John, I fully agree with everything he said, and Deputy Luce. Let me just go back to the States of Jersey Development Company for a moment; we see all the plans they are putting forward for the waterfront. Who wanted a 16-storey building? It was a non-starter from the beginning. They are now talking about a 12-storey building. They are even talking about an iconic building with something on the top. Everything is iconic and world-class in this Island, but they are not meeting the needs of Islanders. I do not believe that people will want that either. In fact, to be perfectly honest, the States of Jersey Development Company are out of control and need to be reined in or even wound up. Let me just mention again why I do not think anything is going to get done. There are wheels and wheels of invested interest in this Island. I am sure my colleagues in the States will not like me saying this, but the landlord situation is ridiculous, where landlords of this Island who are in the States are blocking legislation. No doubt in my mind that that is going on. It is appalling. I brought forward a proposition in September of last year, to have a digital register of all commercial and residential properties, so we can see who owns what and realise the level of monopoly of duopoly or oligopoly that exists in our various markets. Many people think we need market forces. We do not know what the market is really. All we know is it is not working and it is not delivering for the people of this Island. Yet, where is that? I do not think they have started work on it. It certainly will not be in place by the end of this year, which is what the States agreed to do. Again, we seem to have people who are against it, whether they be Ministers or they be civil servants dragging their feet or vested interests influencing things here and there. I despair and so does the public despair of us. The South Hill site, I have said for years, and in fact I have mentioned it and have been put down at various times, it is probably one of the best hotel sites in the Island. A hotel would be good for the tourism industry. If anything happens to finance, we are going to have to rely on tourism. Not only that if it was a hotel, it could have, for example, a rooftop garden where people could go have a meal or enjoy the view. If it goes into these expensive houses that are being put forward, again, it will almost be like Portelet. Only those who can afford it will get the best views, so Islanders in general will be denied our own natural heritage and our views in this Island. To be honest, I despair with this type of debate as we see it come out again. We have those who believe profit is everything and maximise this and maximise that and pay lip service to affordable housing for the people of this Island. Probably people can hear in my voice the frustration and despair I have of our system of government. I shall be supporting this proposition. I



will support anything that will try to provide affordable housing and stop this power grab for the best sites.

**6.1.16 Deputy S.J. Pinel of St. Clement:**

I am not making a speech. Deputy Ash has already eloquently explained the Treasury view and my extensive comments have been circulated. However, I am a little alarmed that several Members keep repeating the phrase that S.o.J.D.C. are operating outside the framework. They are not. P.73/2010 provides the framework involving the Regeneration Steering Group and the Minister for the Environment and S.o.J.D.C. are obliged to advance their development plans in accordance with that framework. Just for those listening, the first 2 lines of my published comments say: “The Regeneration Steering Group gave approval in April 2019 for States of Jersey Development Company to redevelop the South Hill site and in accordance with P.73/2010 asked the Minister for the Environment to produce a development brief, to which they are adhering.” Thank you, that is all I wanted to say.

**6.1.17 Deputy G.P. Southern:**

I will not be very long, because I understand that Deputy Higgins has used most of what my speech was to give his. I wholeheartedly support what he had to say. In particular, I share his sense of despair about this Government; this Government in particular. This Government is obligated to house its residents, its voters. It is absolutely essential that we do and we do it in an affordable manner. Anything less than attempting to meet the objectives of building affordable homes on our own land is a travesty of Government. This Government has a duty to build more affordable homes so it can house all of our population, whatever that turns out to be in the coming years, in a decent manner. Failure to do so is failure absolute and true. I urge this House to support this proposition so we can get on with building something decent at least in one place and seeing where we go from there. This myth that we can build expensive luxury flats and when we have sold them on use that money to build more housing is a nonsense. The most direct way is for us to build on land that we own. If we do not start getting on with that now then heaven help us come a year’s time, because there will be a reaction to this if we turn down housing on this particular site.

**6.1.18 Deputy G.J. Truscott:**

I have been following the debate with some interest. I have to say, and it might surprise some in the Assembly, that I am quite allured to this proposition. I have 2 children requiring housing, as have many other people in my position. The housing market is desperate; there are no 2 ways about it. I really did like Deputy Higgins’ speech. He hit the nail on the head. I totally understand where the S.o.J.D.C. are coming from on the site. It is an excellent site, where we can maximise or sweat the asset, as has been described. It is a premier site. I have no issue with that. Even on the basis of not making what is built there available to buy-to-let investors, I still feel they will be able to sweat the asset. It is such a really good location. There will be many locals, whether it is people like myself who are possibly wanting to downsize, freeing up the house that I am in. There are so many connotations that would work at South Hill. Since 2008, since the financial crash, the banks have not offered any interests on deposits and the buy-to-let market locally has been extremely lucrative and attractive to many people. We have just seen in that period of time since 2008 that the price of property has just skyrocketed and if you had let something you had the return on the rents as well, so it has been an excellent investment.

[16:30]

You have to look in the *J.E.P. (Jersey Evening Post)* for houses for sale on the open market and then once they are sold very shortly they are back in on the paper for rent at £3,000, £4,000 a month. Everybody is in on it. To a degree I believe in market forces and freedom as well, but nevertheless

we have a crisis. What Senator Mézec is proposing here, for me, makes sense. I will be supporting Senator Mézec.

#### **6.1.19 Deputy G.C. Guida:**

I would like to talk about 2 general principles here. The first one I have some difficulties with because it is a very well-known physical principle and in French is called *vases communicants*. I just could not find a translation for it in English, but it seems that the same laws of physics apply here and that it is called the principle of communicating vessels. Basically it is the notion that it does not matter in which market we introduce new housing, we create the space. If we sell £31 million apartment, £900,000 apartments will be sold by the people moving out and then it will go down all the way to affordable housing. What is important is that if we build housing, not exactly how much it costs, the vacuum will be created, the imbalance in the market will be fixed. That is a law of physics. You can say anything you want, but that is a law of physics and it applies in the economy. Another principle that I would really like to get: what is it with this Assembly and money? It seems that money is such a dirty thing that we really should not be touching or doing anything with or considering or talking about or counting: “It is just a dirty, horrible thing. Why should we be talking about money?” If I am not mistaken, we, as an Assembly, spend £800 million of it every year. Next year it will be £900 million. What is the disgust for that thing that we are so involved with using and that we need so much? Where does this money come from? There are not many places that the Government can find money. The biggest one is to forcibly take it out of the population. It is called taxes. It is compulsory. Nobody is queuing up outside of the Treasury with their wallets open saying: “Take what you need.” No, we establish a figure and people in general agree to it, but it is forced. It is not up to the choice of the people to decide whether they are going to pay their taxes or not. The other one is to make people pay for some services. We are very careful with that. We make sure that it is not too much, that it is limited. The Government does not make money on services. The third one is that the Government itself can be in business, it can make money without having to take it by force. When we have the chance to do so, we should. Here, we have the chance to make a profit of £12 million. Why should we say it is dirty money? We need it, but let us just avoid it. Let us just not have it to go a little bit quicker, I agree, on social housing. Although it would take a year just to redraw the planning application. So it is not going to be that quick. Should we just let go of £12 million and ask the population for it. If I remember Senator Mézec’s proposition a couple of years ago, that is the amount of money you would get from taxing people 25 per cent instead of 20 per cent. So, yes, let us tax everybody an extra 5 per cent and now we can have affordable housing on South Hill and we are even, we do not have a deficit in the budget. It is an excellent way of using money without taxing, without using the population. If you need another metaphor, I am sure there are a few gold bars in the Treasury, so if your table is uneven and you need to prop it, why do you not go and borrow a gold bar and use it for that? It is probably quite urgent that your computer does not wobble while you talk. Just borrow a gold bar, it is the most available thing, you can have it right now, put it under your desk and that is fine. No, this site has value. We need to realise that value. We need to use it, because we have an £800 million budget that we need to find from somewhere. Think about that. Please, please, stop this thing about money is dirty. We spend more money in Jersey than any other organisation. Thank you, Sir.

#### **6.1.20 The Connétable of St. Helier:**

I apologise for coming in late, but Senator Ferguson asked a specific question, which I thought at the very least I should reply to, that was the extent to which the Parish of St. Helier owns land in the area. The Parish has made it clear to Government for many years now that its landholdings in the Mount Bingham area should be considered as part of the public land, but obviously the Parish expects to be compensated for any use of it. As things have turned out on the South Hill site though, the Parish land is essentially the playground and that is what has been subject of, as the Assistant Minister for Treasury and Resources explained, a design competition which local young people have been

involved in to completely remodel the playground that will be serving not only this development but also the wider community. I have a couple of things to say about this. I have been listening with interest to the different arguments being made about it. Perhaps I could start with the playground and the fact that I attended the playground quite recently to meet the young winning designers who had put forward their schemes. There were 3 of them. The idea that their work is effectively going to be torn up if this proposition goes through is one that is perhaps not a huge matter to many Members, but it certainly is in 3 local households and possibly in 3 local schools the States of Jersey would be criticised as being an organisation that invites children to get involved in a design competition and then changes its mind and says: "Well now we are not going to use those designs after all." That would be unfortunate. Of course, it would not be the first time it happened. I remember when the Millennium Town Park was just an idea, it was being chosen by the Island as its preferred Millennium project and we invited town primary schools to participate in a workshop. I can still remember the designs that were spread out in the assembly rooms of the Town Hall showing what the Town Park would look like. Of course, by the time the Government got around to building the Town Park those same children were probably at university or even further on in their careers. The States does have a reputation for starting projects and then abandoning them. It is a pity in a way that this discussion was not being held a few years ago when the future of South Hill was being talked about. Critics of the scheme have already alluded to the fact that these decisions were taken out of the public eye. They were taken by the Regeneration Steering Group, on which I sit. Perhaps there should have been a States debate at that point. That may well be the case. I have been quite vocal in some of my criticisms of how Regeneration Steering Group operates. In particular the way high profile projects, such as Fort Regent and the South West St. Helier Masterplan, have elbowed out the kind of grassroots regeneration work that should have been going on for many years now; not only elbowing out in terms of the agenda, but also, of course, depriving regeneration schemes of necessary funding. That is a matter that I believe is being addressed by the Chief Minister and by other Members of the group. What I am loathe to do at the moment is to take a scheme which is so well-advanced, which has been the subject of so much public consultation in terms of how the units are going to look. There has been a particular emphasis on the environmental credentials of these proposed new housing units. I do accept to some extent some of the arguments made by the Assistant Minister for Treasury and Resources when he spoke at the beginning of the debate, that these units, given our decisions, will be going essentially to local people. The scheme is nearly ready to go and we need to get on with it. There is no case for further delay. It is perhaps worth reminding ourselves that we have been talking about developing the South Hill site for a couple of decades now. It is something which has been talked about by the States for so long that to introduce further delay at this stage and to, effectively, tell S.o.J.D.C. to go back to the drawing board would be unfortunate, in terms of overall credibility of the States, as much as for those people who are local people, who I believe will end up living in these units if they are constructed.

### **The Deputy Bailiff:**

Thank you, Connétable. Does any other Member wish to speak on this proposition?

### **6.1.21 The Deputy of St. Peter:**

This is confession time. In 1978, I worked for a well-known estate agent in Kensington. One of the wily old partners said to me: "There are only 3 things you need to know about property, young boy: location, location and location." What we have here is a prime location; a prime location that should be used to generate the appropriately prime returns from the development. The other thing you learn very quickly when you are a young estate agent is supply and demand drives the prices. What we have in this Island is quite simple: we have not enough supply and too much demand. We have an imbalance; an imbalance that must be addressed. I am determined to play my part and I am working with the Connétable of St. Peter on playing our part in building as many affordable homes as we can in our Parish. What happens is we are going to build this stock on South Hill and South Hill will

then reduce the demand, because it will improve the supply. That will filter down to the rest of the marketplace. That will open up opportunities, albeit only 35 flats, but it will create opportunities further down in the lower-value properties. I cannot understand why we cannot go ahead with this development, allow S.o.J.D.C. to maximise their returns and then, and I will be very happy to hear this, carve out a high percentage of the profits to that and dedicate that profit into affordable homes elsewhere within the Island. We will be maximising every single pound here and maximising the delivery we can for those people that desperately need homes in our Island. I fail to understand why we have been debating this for so long. The principles are very, very simple. Let us say, *contre* to all of these, and get on with doing the job.

**The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on this proposition? Accordingly I close the debate and invite the Senator to reply.

**6.1.22 Senator S.Y. Mézec:**

I thank Members who have taken part in what has been a very interesting debate. As I normally do, I want to get my most negative point over and done with at the start, which is to say how disappointed I was in comments that were made by the Constable of St. Helier about the potential for this to tear up the work done in the consultation over the children's playground. I think that was a really out-of-order point to make, because it so obviously not the intention of this proposition and so obviously not an inevitable consequence of it. Part (c) of this proposition is so clear in its wording about maintaining the viability of the site and the regeneration of the playground is clearly a fundamental part of that. I really resented him making that point. That was not fair at all. Moving on, there were some very good contributions in this debate. Deputy Truscott started his remarks by making a point about how he had arrived at his position on this by thinking about his children's situation. I am going to come back to that point later, because he was touching on something that ought to be at the forefront of all of our minds when considering this proposition and others as well, so I will get back to that point. I feel that Senator Ferguson, Senator Pallett and Senator Moore, in particular, made some good contributions. I want to start by making a point, which is a bit topical this week, considering we are at now the dawn of a full party-political system in our politics, which I know has some people nervous. I want to just stick my neck out and say that I am really impressed with the Progress Party's approach to this proposition. They have got it right here in that they have started by analysing what they think a problem is by working out what the outcomes are that they would like to see achieved and looking at my proposition and measuring it up against what they stand for, concluding that it is in line with what they stand for and sticking to it and wanting to vote for it on that basis. That is a positive and constructive approach to take to these sorts of propositions. I confess that when I saw their announcement and their housing policy I remember thinking: "Do you know what? I agree with most of what they are saying in this." I had a conversation with some of my party colleagues to say: "Look, when the Progress Party have got something right, we should be open and positive about that and be prepared to work with them." That is the approach we want to take to these sorts of propositions then we can be in a much better position to get things done properly and on the basis of policy and not the basis of personality. I want to thank Senator Pallett and Deputy Luce for taking that approach to that and I agreed with what they were saying. There is a real problem in the approach that has been taken by so many Members to this particular site, where their desire is to get as much money as possible out of it, and they say then that that can then be redirected to housing projects elsewhere, which will end up being of greater benefit to the public. That is a line that Deputy Guida was pushing. It is a line that the Constable of St. Mary was pushing as well. He says, and I made a note out of this, that the money would build 3 times the housing on other sites. I say to Members that that is pulled out of thin air. There is absolutely nothing on paper whatsoever that says for the money we are going to get out of a cash cow approach to South Hill will get 3 times the number of homes elsewhere. That is pulled out of thin air. There is nothing whatsoever on paper

to say that. I would say to those Members that if you want to advance the line that will use Government property and a Government-owned developer to build X number of homes because that will raise for us the revenue for us to then build this greater number of homes elsewhere, I want to see the numbers before I can see any confidence in that. If we are not putting numbers behind it then all we are doing is talking about theory. There is an absurdity here to be talking about the States of Jersey Development Company as being something to provide a financial return to Government so we can fund more housing elsewhere, when the financial return we get from S.o.J.D.C. every year, and in some years if I recall there has not been a return, pales into insignificance compared to the return that we do get from Andium Homes every year. We get £30 million a year from Andium Homes every year. I wish I had the figures to hand so I could be more precise about this, but it is more than several years combined of returns from the S.o.J.D.C. Yet nobody is saying: "Well, hang on, we are making £30 million a year from Andium, why do we not scoop up some of that return to divert to other housing projects?" We are not doing that. We are saying: "We will have that money and we will stick it towards anything else other than housing." There is a real inconsistency there. If we were serious about cross-subsidising, so making a profit out of one scheme and using that profit to fund another scheme, we would be allowing Andium to keep more of that return, so that it could put it into more of their projects, so they could buy more land from the private sector to build their homes on, so that they can pay back their loans in an easier, less onerous way. We are not. We only seem to apply that to S.o.J.D.C., when that is the body which provides us minimal returns as it is. That strikes me as not making sense. There is another reason that it does not make sense, to say we are going to go for the cross-subsidy model, it is the fact that interest rates are so low. The fact that we can just borrow the money to build these homes and the homes themselves end up raising the revenue to pay that money back over a period of times, whether it is by renting them out and getting the revenue that way or by selling them on and we can keep a stake in it as well and then you manage that debt of the years. We do not need to cross-subsidise to be able to do these housing projects. Andium have proved that and S.o.J.D.C. would be more than capable of proving that if that is the instruction we chose to give to them. If we are going to genuinely say we are going to provide more homes elsewhere based on the return we get from a project like this, the Government has to provide more detail about how that will be delivered, because right now it is just nice words, nothing more than that. No proposal for what site it will be. No proposal for how that money will be moved from one pot to another pot. Without a clear plan on that, I just cannot believe it. I will just assume that it will be like everything else that we have had from the existence of the S.o.J.D.C., which has been nowhere near as much financial return provided as Andium, because that is just the situation it has been. In the wording of part (c) of this proposition, I made sure to be very careful about the specific words I was using. There is a slight difference in the wording to this one compared to the wording I used for the waterfront proposition or the wording I sought to use for the waterfront proposition before it was amended by the Government, where I referred to the Affordable Housing Gateway in that proposition. Saying that the definition of affordable housing we would go by would be the definition that meets a home that goes on the Affordable Housing Gateway, so for distribution to either social renters or their first-time buyer list. I changed that wording deliberately for this one, where I simply say "affordable purchase". I do not say "affordable purchase through the Affordable Housing Gateway", specifically because I was trying to make sure there would be flexibility there and to meet the aspirations that Senator Ferguson raised in her speech. She made some really good points about not simply providing housing at the lower end for social rent or at the top end for whoever it will end up being, some multimillionaire investor or whatever, but for having a range of reasonable housing options. That would include people who would not be rich, but certainly would not be poor either, but who might want to downsize, but downsize to somewhere that was comfortable for them and had the nice things that they would choose to pay extra to enjoy, like the nice view and amenities and what have you. I deliberately used that phrasing, because what I want the Government to do is to come back to us and say: "Well, here is what we can accommodate in that. That will not just be for first-time buyers through the Affordable Housing Gateway, but it can be for those who

want to downsize, if they can demonstrate that they are freeing up a family home for a younger family and they are downsizing then they can be considered for that as well.” I really hope that I will get Senator Ferguson’s vote on this, because the way I have worded that is specifically to meet the aspirations for what she was saying, so that this can be a development for all types of people who would benefit from different housing options there and not just purely for investors or purely for social rental. It will be a nice mix. That is the aspiration there. It is still bewildering that the Council of Ministers will oppose part (c), because it is not a threat whatsoever to a development on South Hill. Yes, it will probably annoy a handful of people who have sat in offices and who have been working on the basis that they will be able to sell these properties to investors to then have to rejig it and say: “Well, okay, we will have to think of this slightly differently.” It will be a pain for them, but it specifically says in the wording that it is to maximise the proportion of homes, so I am not dictating what proportion that is. I am not saying it has to be 80 per cent of homes. It is to maximise it. That could be a handful of homes. It could be a lot of homes. It could be whatever the Government concludes is the maximum that they can deliver while maintaining the overall viability of the scheme. They will come back to us with that guidance as I am proposing by the end of August on this to say: “Look, if you want to make sure that we have a decent café there, that you have the money to do the children’s playground next to it [all of those lovely things we are proposing] we believe that you can fit X number of affordable homes in there to go through the Gateway or to downsizers or what have you, but we will need to keep this number at the higher end of the spectrum to make sure that we get the revenue to fund the rest of it, cross-subsidise it.” If they can demonstrate that they have done that, that they have maximised it, who will be unhappy then? We will have a nice mix. We will have the development, have its viability secured, the funding it needs to be able to go ahead and not miss out on anything. That is the intention here. It is not to harm the development. It is not to ruin the prospects of a new children’s playground or to leave the site empty for so many years, as Deputy Martin suggested in her rather bewildering speech, her saying that this ties their hands, when it quite clearly does not. I just want to point out what has been a bit of a red herring, which is the prospect of the Minister for the Environment having a planning inspector look at this. I just do not see how that is problematic at all. If the Minister for the Environment judges that that is the right thing to do just to make sure that you get that perspective involved in it and go through that process, as he does for other developments as well, great go for it. The inspector will inspect what they are told to inspect. We can tell them to inspect a proposed scheme where homes will go to investors and that the main aim of it is to make as much money as possible or we can tell them to inspect a development that is aiming to have a nice balance in there of different housing options, particularly options that meets the evidenced housing needs that there is out there. It is not disruptive at all. That is not going to cause any problems. The Minister has the right to do that and he can go ahead and do that. It is not going to spoil it. If we decide we are going to take some Government-owned land and build more affordable housing there instead, it does not get in the way of it whatsoever. Coming back now, as I draw to a finish, to the points that Deputy Truscott stated in his speech. He said that as somebody who believes in markets and believes in the market approach, that he had come to his view on supporting this proposition when he talked about his children’s situation, who are grown up children and obviously wanting to have their own homes as well. Being in the position that so many young adults will be in in our Island, who are finding it impossible to get on the housing ladder, for those who aspire to own their own homes, and for those who are out in the rental sector who are paying extortionate amounts to investors to live in homes, because they are not able to buy those homes. What hope is there for those people if we are not prepared as an Assembly and the Government to say: that is the need at its most desperate and we are going to use our resources to be directed at resolving that need? There is not a desperate need for a whole bunch of luxury investment apartments on Government-owned land to make some money for some intangible benefit there may well be for other projects somewhere else down the line on a non-identified piece of land at an unidentified scale of housing. Rather than to say: we own this land, it is ours, we own the developer, and let us make

sure that we are catering for some of this need and taking that approach. That approach is one that the Progress Party advocate, and they are right to do that, to have some vision.

[17:00]

That vision being: we have a Government that looks at what the need is and we try to address it. We put our money where our mouth is and go and deliver it, rather than talking about delivering it or wasting opportunities because it is too far down the line. If we are serious about resolving the housing crisis and securing those opportunities for our young people to have happy futures here in Jersey, if we are serious about it, it is going to require us to make decisions on these sites, rather than selling it off to investors instead. There are so many potential knock-on effects by not getting that broad approach right. You will have those young adults, who will be looking at the cost of housing here, looking at Government that are not doing anywhere near enough to provide for people like them, and they will look at other places, see how much cheaper it is for housing there. Many of these young Jersey people will just decide to clear off and say: "I will go somewhere else, where the cost will not be anywhere near as bad for me." We are at a real risk there, because through the pandemic and people getting used to working from home, I am aware of businesses that are starting to say to some of their employees: "Do you know what? You can do this job off-site. We do not need you in the office. We do not need you in Jersey." If you wanted to go live somewhere else and keep your salary as it is but have a much lower cost of living elsewhere, we may end up losing some of these young people and that causes all sorts of knock-on effects for our population policy as well because these will be young people who we have paid and supported through their education who will then go and benefit somebody else's economy, rather than our own. I ask Members to think of the young people of this Island and the opportunities that we need to provide them, to have the projections for affordable housing that we currently have, as Deputy Ash mentioned, the Andium Homes business plan, which is for 3,000 new affordable homes by 2030. I am well aware of those plans because I was the one who signed them off in their business plan. Absolutely right that they aspire to do that but they cannot do it by themselves. To have 3,000 new homes by 2030 when we have 3,000 applications on the Affordable Housing Gateway right now is not dreaming big enough. We need other bodies providing affordable housing, as well as Andium and that can be the S.o.J.D.C. and we can talk about how the private sector might be able to make a greater contribution in future too. But it is not good enough to stick with the plan that we have now that has been based in the approach we decided at the last Island Plan review, that all affordable housing needs would be met by Andium Homes on States-owned land when that has not worked and now to be giving up on some States-owned land for investors, rather than for that evidence need. I will understand if there are Members who do not like the idea of saying we will have no buy-to-let investors at all in this scheme and there may be some people prefer to have a balance that included some of that. If they do not want to vote for parts (a) or (b) I will be disappointed but I will understand why there may be some who do not want to take that step as I am proposing. I have not heard a single compelling argument against part (c) of this proposition, which merely asks the Government to make the effort. It asks them to say give it a go, please, and come back and tell us what you think is the maximum benefit you could derive from this site without harming its liability. That is not a bad thing to ask them to do and it can only give us confidence that the arms of the States through our States-owned companies are delivering the most they can for the people we represent so that we can meet the desperate need there is for affordable housing and, at the same time, do the regenerative work that we want to support as well. I ask Members to support all parts of this proposition but I will be clear in saying that I will have a separate vote on parts (a) and (b) because they go together, and then on part (c), and then whether we get to part (d) depends obviously on whether the previous ones are accepted. I thank Members for their contributions to this debate and I call for the appel, please.

**The Deputy Bailiff:**

Thank you, Senator. Yes, the appel has been called for. In a moment the Greffier will add a vote into the chat channel of this meeting and the vote is initially on parts (a) and (b) of the proposition. The Greffier has done so and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the vote. Parts (a) and (b) have been adopted.

<b>POUR: 27</b>		<b>CONTRE: 16</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Senator S.C Ferguson		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Brelade		Connétable of Trinity		
Connétable of Grouville		Connétable of St. Mary		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Ouen		Deputy S.J. Pinel (C)		
Connétable of St. Martin		Deputy S.M. Wickenden (H)		
Connétable of St. John		Deputy of St. Mary		
Deputy G.P. Southern (H)		Deputy L.B.E. Ash (C)		
Deputy of Grouville		Deputy G.C.U. Guida (L)		
Deputy M. Tadier (B)		Deputy of St. Peter		
Deputy M.R. Higgins (H)		Deputy of Trinity		
Deputy J.M. Maçon (S)		Deputy S.M. Ahier (H)		
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Greffier of the States:**

Those voting contre in the chat are: Senator Le Fondré, the Connétable of St. Helier, the Constable of St. Mary and Senator Ferguson.

**The Deputy Bailiff:**

Senator Ferguson’s was too late, so it was not allowed.

**The Deputy Greffier of the States:**

Then within the link those voting contre: Deputy Wickenden, Deputy Ahier, Senator Farnham, the Deputy of St. Peter, Deputy Martin, Senator Gorst, Deputy Guida, the Deputy of St. Mary, Deputy Ash, Deputy Pinel, the Deputy of Trinity and the Connétable of Trinity.

**The Deputy Bailiff:**

Senator Mézec, would you like (c) and (d) dealt with together now?



**Senator S.Y. Mézec:**

Sir, you can advise me on this. It might still be appropriate to have (d) taken separately on the basis that Members may vote against (c) and we would still need (d) to go with (a) and (b).

**The Deputy Bailiff:**

Yes, that is possible, although ...

**Senator S.Y. Mézec:**

I hope not.

**The Deputy Bailiff:**

Members will now be invited to cast their votes in a moment on paragraph (c) of the proposition. The Greffier has placed a link in the chat and the voting is now open. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part (c) of the proposition has also been adopted.

<b>POUR: 24</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 1</b>
Senator S.C Ferguson		Senator I.J. Gorst		Deputy R. Labey (H)
Senator T.A. Vallois		Senator L.J. Farnham		
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Senator S.W. Pallett		Connétable of St. Helier		
Senator S.Y. Mézec		Connétable of Trinity		
Connétable of St. Lawrence		Connétable of St. Peter		
Connétable of St. Brelade		Connétable of St. Mary		
Connétable of Grouville		Connétable of St. Ouen		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Connétable of St. John		Deputy of Grouville		
Deputy G.P. Southern (H)		Deputy J.M. Maçon (S)		
Deputy M. Tadier (B)		Deputy S.J. Pinel (C)		
Deputy M.R. Higgins (H)		Deputy S.M. Wickenden (H)		
Deputy of St. Martin		Deputy L.B.E. Ash (C)		
Deputy L.M.C. Doublet (S)		Deputy G.C.U. Guida (L)		
Deputy of St. Mary		Deputy of St. Peter		
Deputy G.J. Truscott (B)		Deputy of Trinity		
Deputy J.H. Young (B)		Deputy S.M. Ahier (H)		
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We now move to the final part of the proposition, (d), and the Greffier has placed a link in the chat for that purpose and I invite Members to cast their votes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that part (d) of the proposition has been adopted.

<b>POUR: 27</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Connétable of Trinity		

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

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

Those who voted contre in the chat: the Connétable of St. Mary and then in the link: the Deputy of St. Peter, Deputy Ahier, Deputy Guida, Deputy Ash, the Connétable of Trinity, the Connétable of St. Ouen, Deputy Wickenden, Deputy Martin, the Connétable of St. Peter and Deputy Pinel.

### **7. Parental Bereavement Leave (P.70/2021)**

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

The next item on the Order Paper is Parental Bereavement Leave, P.70, lodged by Deputy Ahier. For the purpose of this debate the main respondent is the Minister for Social Security and I ask the Greffier to read the citation.

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

The States are asked to decide whether they are of opinion to request the Minister for Social Security to bring forward proposals to the States for debate prior to the end of March 2022 to grant all employees the right to 2 weeks of parental bereavement leave following the death of a child under the age of 18, the costs of the scheme to be met fully by the States.

#### **7.1 Deputy S.M. Ahier of St. Helier:**

Firstly, I would like to draw the Assembly's attention to the comments paper issued by the Minister in which she states her support for this proposition.

[17:15]

I am thankful for the Minister's engagement with me during the build up to this proposal and for the assistance I received from officers from her department. I am going to begin with the specifics of the legislation I am proposing today before going on to explain why I feel the proposition is worthy of your vote. Parental bereavement leave was introduced in Great Britain in April last year. It entitles any parent of a child under 18 years of age to 2 weeks leave in the event of their child's death. My intention with this proposition is to entitle any employed parent who loses a child to take 2 weeks parental bereavement leave and to claim a salary-equivalent benefit from the Social Security Fund. The remuneration element is, admittedly, more generous than what is offered in the U.K., but in all other respects the legislation I am proposing would be identical. The details are as follows: a working parent becomes eligible for parental bereavement leave if they lose a child aged 18 or under. Parental bereavement leave may be taken either in one go or in 2 separate blocks of one week each, so long as both weeks are taken within a year of the parents' bereavement. All employees will be eligible for parental bereavement leave, regardless of how long they have worked for their employer. All working parents would be entitled to take the parental bereavement leave, regardless of whether they are biological, adoptive or foster parents or whether they are parents by marriage or civil partnership. No eligible parent will have to provide their employer with evidence, such as, for example, a death certificate. Notice need only be given to the employer either verbally or in writing and the date of death must also be provided. All the regulations I have just mentioned are exactly the same as the one contained in the U.K. legislation. I thought it best to closely mirror the precedence set by the United Kingdom, simply because the number of people who will be entitled to claim parental bereavement leave is so low here in Jersey that I do not think any further restrictions on eligibility would be justified. It is not possible for me to give you exact annual figures here today for child deaths in Jersey for reasons of data protection. Nevertheless, I am able to confirm that less than 10 children died in Jersey last year. I can also confirm that the number of child deaths recorded from 2015 to 2019 stands at less than 20. These numbers are important because the cost analysis, which is included in the proposition, is based on an overestimate of the number of people who would be eligible to take parental bereavement leave. This was deliberate on my part. My intention was to establish an upper maximum for how much this legislation would cost to enact. If I am right, that upper maximum stands at £80,000 per annum, though I believe the cost will turn out to be much lower. I reached this figure by working with the upper maximum of 10 infant fatalities per year and then assuming that for every child who dies in Jersey 4 people will have a parental relationship to that child. In other words, I assume that every decedent and either a pair of biological parents and a pair of adoptive parents or that their biological parents had separated and each had new partners. This figure of 40 potential claimants is, in my opinion, implausibly high. It would mean that no bereaved parent had taken a career break to look after young children or being widowed or had become a single parent by choice. While I would not like to rush a judgment without knowing the statistics, I am also not convinced that there will be 4 people with a parental relationship to the child in every case. I must emphasise at this juncture that this proposition would create an entitlement to take parental bereavement leave at full pay, to be paid by the States of Jersey. It is obviously for the Minister to address the issue of whether a cap would be necessary but the figures lead me to think that it would not be. We are talking here about an infinitesimal number of people and a 2-week period for claimants. However, as I have already indicated, capping the pay entitlement under parental bereavement leave of £1,000 per week would mean that the annual cost would not exceed £80,000. On to the rationale for enacting this legislation in Jersey. There is currently no provision for parental bereavement in the Island's employment laws, despite the addition of several family-friendly amendments in 2019. The present situation is that the amount of leave an employee gets in the event of bereavement is determined by his or her employment contract. When I spoke with a local employment law specialist about this I was told that a standard contract usually entitles the employee to only 3 days compassionate leave and that any additional time off would be at the

employer's discretion. It is my view that this is simply not adequate and there are at least 3 further problems that I can foresee arising from this. First, the uncertainty is bound to be a cause of anxiety for parents who simply do not know how their employer is going to react to their situation. Secondly, it is clearly not right for bereaved parents to have to choose between taking unpaid leave or taking less time off than they need because of financial pressures. Finally, the fact that only some employees in the Island have had to face such a choice is irrefutable evidence of an inequitable situation. These final points lead me right back to my first, people whose lives have just been torn apart to not then be subject to the intolerable anxiety of not knowing how many days their boss will allow them to take off. In the proposition I detail several assumptions in support of the case for legislation. These assumptions were as follows: that the death of a child is a time of unimaginable grief and suffering for any parent, that an employee who has just lost a child cannot reasonably be expected to return to work immediately, that an employer has a duty of care towards any employee in such a situation and that the Government has a duty to ensure that no employee is treated with a lack of care in such an emotionally devastating situation. I say these are assumptions but I believe them to be self-evident. I similarly think it is self-evident that parental bereavement leave will be beneficial to the well-being of Islanders who suffer the loss of a child, as well as to other immediate family members. I would like to conclude with a brief observation: this legislation is about providing a measure of comfort and security to some of our Island's most emotionally vulnerable. What I hope to have conveyed to you is that this degree of comfort comes at a small cost to us as an Island; that it will make an enormous difference to people who are going through the worst experience of their lives. We have an opportunity today to provide some small comfort to those whose lives have been torn asunder by tragedy. I hope that all Members will be able to support this proposal in the expectation and sincerest hope that it will rarely be needed. I make the proposition.

**The Deputy Bailiff:**

Thank you, Deputy. Is the proposition seconded? **[Seconded]**

**7.1.1 Deputy J.A. Martin:**

As I said in my published comments on the Deputy's proposition, I fully support and understand the Deputy's intent in bringing this tragic issue to the Assembly. This proposition seeks to guarantee a minimum level of support for every working parent would have by right. I am able to reassure Members that provision already exists to support parents who suffer the tragedy of a stillbirth after 24 weeks or the death of a very young child. Parents in this terrible situation continue to be fully entitled to their parental leave under the Employment Law and their parental benefits under the Social Security Law. The Deputy's proposition seeks to provide support following the death of a child up to the age of 18. The Deputy quotes from the U.K. but it is also interesting to look at New Zealand where they have introduced a statutory entitlement to pay bereavement leave, which covers other close relatives as well as children. The Deputy has my support for the aims in his proposition but the proposals I will bring forward will focus on what we can do in Jersey law in a very short time and will look a bit different to what the Deputy has just described in his speech. It is never as simple as just dropping a bit of U.K. law into our own law. The proposition and report do not clearly separate the 2 different rights; firstly, a legal entitlement to leave, whether that is paid or unpaid under the Employment Law and, secondly, a benefit entitlement under the Social Security Law. The Deputy's report suggests he is looking for changes in both laws but this is not totally clear. The wording of the proposition does not mention bringing forward legislation, which this would obviously require and also does not for paid parental leave. I think I know where the Deputy is coming from but, as a Minister, I would need to go into these issues in much more detail and it is important we find a workable solution for Jersey. To get this to where I think the Deputy wants to be, where it provides the support that he is looking for, will take a bit of time and effort. But I will commit to working with the Deputy to do that and to bring forward a plan to be debated by next year. I hope that all Members will support this proposition.

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

Just briefly I want to thank the Deputy for bringing this proposition. I just wanted to mention a related issue, which is pregnancy loss, and in an answer to a question in early June this year I asked the Minister for Social Security whether she would consider paid leave for those who have experienced pregnancy loss before 24 weeks because at present there is no provision, even for unpaid leave for people in that situation. I would just raise that issue as a related issue, given that the Minister is considering the matter that has been raised in this proposition, I think it would be a good time to consider pregnancy loss leave as well alongside that; I think they go together. I do not think people who lose their child before the 24 weeks gestation who have wanted babies, I do not think they should be forgotten. I just wanted to raise that and ask that that is considered along the same timeline as Deputy Ahier's requests, please.

### **The Deputy Bailiff:**

Thank you, Deputy. Does any Member wish to speak on this proposition? I call upon Deputy Ahier to reply.

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

I would like to thank those who have contributed to this debate. Deputy Doublet mentions that there is no provision for loss under 24 weeks; this is absolutely correct and, hopefully, this will be considered by the Minister when she brings forward her suggested legislation early next year. I obviously look forward to working with the Minister moving forward. Obviously I understand there will be a great deal of time and effort needed to move this forward. I would just like to reiterate a few points. Parental bereavement leave was introduced in Great Britain in April last year. It entitles any parent of a child under 18 years of age, whether that is a biological parent, foster parent or a parent by marriage or adoption to 2 weeks leave in the event of their child's death.

[17:30]

In Great Britain this leave may be taken either in one go or in 2 separate blocks of one week each, so long as the leave is taken within a year of the parents' bereavement. This entitlement is referred to in the proposition as the U.K. precedent because an identical version of the British law reached the second stage instalment last month and it is due to receive Royal Assent before Christmas. The hope is, therefore, to enact parental bereavement leave here in Jersey at around the same time as the law will take effect in Northern Ireland, that is to say by April 2022. It is important to note that the rights which will be conferred on working parents by this proposition are not enjoyed by workers in most other countries. Indeed, the press release in which the U.K. Government introduced this legislation said it was and I quote: "The most generous offer on parental bereavement pay and leave in the world." But the law did not come about through a spontaneous act of Government altruism, instead it was the culmination of 10 years of struggle on the part of a parent whose personal tragedy and the insensitivity she subsequently faced inspired her to effect change on a national level. I would, therefore, be remiss if I did not briefly mention the story of Lucy Herd and her son, Jack. In August 2010, shortly before his second birthday, Jack Herd accidentally drowned in a pond in his parents' back garden. Lucy Herd had been on the phone for a matter of minutes and the toddler had in the meantime managed to climb over a wall to reach a pond. Lucy and the medical staff at her local hospital all attempted to resuscitate the young boy but to no avail. When she later recalled the moment that her son was pronounced dead, Lucy told *The Mirror*: "That's when my heart broke into a million pieces and that's the day that I die." There was, unfortunately, more trauma to follow when Jack's father approached his employer and explained the nature of the tragedy his family had suffered, he was told that he could have 3 days off work and one of those days was to include the funeral. Jack's father was, therefore, forced to use up his remaining holiday entitlement and take additional unpaid leave as sick days. What the Herd family suffered, no matter how much sympathy that story elicits, would not be considered an incentive to make new laws if it were an isolated

incident. I consulted several local experts as part of the process of drafting this proposition and while I will not repeat the quotations I include today, it is clear that Jersey parents have suffered similar problems after the death of a child. It is my firmly held belief that even one example of such treatment is too many, not just because the death of a child is the worst form of bereavement a parent can suffer but because I see it as the Government's responsibility to ensure that everyone is afforded the same fundamental rights. If the Assembly can agree that 2 weeks is the very least that a parent should be entitled to take off work after such a disaster, then it is our duty to ensure that such leave is available to every working parent in the Island, regardless of whether they are a lawyer or, as Jack Herd's father was, an engineer. It is important that grieving parents are given time to come to terms with the unimaginable suffering which is caused by the loss of a child and I am certain that no one in this Assembly would disagree. We have an opportunity before us today to join the United Kingdom in establishing the world-leading rights for our working parents and to become the first of the Channel Islands to implement Jack's Law. I would like to conclude my remarks with these words of William Blake: "Can I see another's grief and not seek for kind relief?" It is this kind of relief which I am seeking from Members today. I maintain the proposition and call for the appel.

**The Deputy Bailiff:**

The appel has been called for. In a moment the Greffier will add a vote into the chat channel of this meeting. She has done so. The vote is now open and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted unanimously.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				

Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Before we adjourn, if we are asked to adjourn, Deputy Tadier, you have got a matter you wish to raise about tomorrow's agenda, I think.

**Deputy M. Tadier:**

Yes, Sir, thank you. It just relates to P.71, which is to do with the Les Quennevais Park funding scheme. I know the Minister has got his own amendment. I have spoken to the Minister and if he can assure me that he is going to move the amendment as he has put it ...

**The Deputy Bailiff:**

His amendment.

**Deputy M. Tadier:**

Yes, if he moves his amendment, I am quite happy that it represents a reasonable compromise on the original loan scheme and so I do not feel the need to pursue my amendment. I was wondering if the Minister, if he is around, could just give a confirmation of that, just so Members do not need to prepare unnecessarily for tomorrow.

**The Deputy Bailiff:**

That is very helpful. Minister, can you respond to that?

**Deputy R. Labey:**

Yes, I am around and I would like to thank Deputy Tadier and assure him that I will be asking to take my proposition as amended by my amendment tomorrow morning.

**The Deputy Bailiff:**

Thank you for that indication. In relation to the forthcoming debate that follows that proposition, the climate change in-committee debate, the view of the Presiding Officer is that half a day should be allowed for that debate, which I hope will be sufficient. Is the adjournment proposed? Is that seconded? **[Seconded]** Does any Member wish to speak on the adjournment? Thank you. The States stand adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:38]