

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 10th FEBRUARY 2020

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[9:30]

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Appointment of the Chair of the Privileges and Procedures Committee

The Bailiff:

The first matter this morning follows on from the appointment of Deputy Labey as Minister for Children and Housing. That means there is a vacancy for the role of chair of P.P.C. (Privileges and Procedures Committee). In accordance with Standing Order 118, I invite Members to make nominations for this office.

Deputy R. Labey of St. Helier:

I take great pleasure in nominating my vice-chairman on Privileges and Procedures, Deputy Alves, for the post. She will be known to Members because she has worked on a record number of policy development boards and across Scrutiny Panels. I am sure I do not need to tell Members what a fantastic asset she is to the Assembly and she would do a great job.

The Bailiff:

Is that nomination seconded? **[Seconded]** Other nominations, Senator Gorst?

Senator I.J. Gorst:

Yes, I would like to nominate Constable Jackson of St. Brelade for the position of chair of P.P.C. This is a very important role taking over from the previous chair. It is a time when we are looking to deliver reform and change and a number of those pieces of work need to be continued. It is extremely important that balance and bringing the Assembly together remains a priority but equally bringing the Island together, which are skills that I think the Constable of St. Brelade enjoys and will bring to the role.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? Then in accordance with Standing Order 118(3) I will invite the candidates to speak and answer questions in the order in which they were nominated, and that of course will start with Deputy Alves. Candidates will speak for 10 minutes and then Members will have up to 20 minutes to ask them questions. The Greffier will ring a bell when the candidate has been speaking for 10 minutes to signal that time is up. When candidates have made their speeches and answered questions we will take a recorded vote and the candidate who receives more than half the votes cast will be appointed. In accordance with the normal rules then, when Deputy Alves is speaking and being questioned the Connétable of St. Brelade must not be present. Therefore the position will be that the Connétable will be asked to leave the meeting and will be contacted by a member of the States Greffe and will be brought back into the meeting when the process dealing with Deputy Alves has been dealt with, and then the same will operate in reverse after that. Connétable of St. Brelade, could I ask you please to leave the meeting? I will just wait for the Greffe to confirm that we are in a position to continue. Obviously because we are operating remotely it takes a little bit of time because not only has the Connétable to leave but a member of the States Greffe has to telephone and make contact with him at this point. We will move on to deal with the speeches when we are certain that the rules have been observed. Yes, the protocol has been complied with. Accordingly, Deputy Alves, you may speak for 10 minutes followed by 20 minutes of questions. The timer will start now and a bell will ring when your time is up.

1.1 Deputy C.S. Alves of St. Helier:

Over the past 2½ years I have had the pleasure of working closely with Deputy Labey on P.P.C. as his vice-chair. I would like to congratulate him on his recent appointment and thank him for all the work he has done. Filling his space will be no easy feat and I sincerely hope that with the Chief Minister's backing he will be back on P.P.C. to continue to support the good work that was started. Working on the subcommittee looking at implementing the E.O.M. (Election Observation Mission) recommendations has been the highlight of my work on P.P.C. so far. Putting together various proposals to bring forward for more equitable electoral districts, seeing this work evolve and working with Members from across the Assembly as well as taking part in Parish roadshows and communicating these proposals to the public was interesting and enjoyable. At times it was also frustrating when the numbers did not add up and we did not always get the results we were hoping for but I am glad that we were able to adapt and bring forward a compromise on our original proposals, which the Assembly agreed to pass, after decades of electoral reform standing still. This is an outstanding achievement for us all and I am keen to have this legislation brought back as soon as possible for final approval. I thank Members wholeheartedly for their support in achieving this. I am also excited to bring forward the remaining changes to the Public Elections Law, which I hope will be done in time for the next election. Having successfully completed the C.P.A. (Commonwealth Parliamentary Association) Election Observer programme and more recently the one-year Professional Development Certificate in Parliamentary Governance run by McGill University has given me a good understanding of best practices for democratic legislators and an insight into areas that we need to work on as a parliamentary body. Areas such as support for Members when dealing with constituents, communications and professional development. During my election campaign and since being elected I have been vocal about the importance of ensuring the public are informed of our electoral system and the working of the Assembly. I was shocked but not surprised that Jersey was ranked one of the lowest for civic engagement in all the O.E.C.D. (Organisation for Economic Co-operation and Development) countries. Having been born here and raised here I knew there was very little in the way of political education on the Island and this is why I asked to set up the Political Education and Awareness Sub-committee of P.P.C., which I chair. The work done on this committee really needs to be pushed forward in the final 16 months of this term if we are serious about achieving better voter turnout and engagement. Although COVID has presented us with challenges in this area I will be making this a priority if I am elected. All Members work extremely hard and I know that non-Executive Members especially often feel there are less resources available to them therefore it is vital that P.P.C. continues to build on and strengthen the fantastic work already being undertaken by the Greffier Department in providing support to all Members. Provisions for accessible resources and training for Members needs to continue to evolve so that our Parliament is given the tools to function at its best and given the importance it deserves.

[9:45]

COVID has presented us with many challenges this past year with us all remote working and many of us having not physically been in each other's presence for months. I have strived to support and assist Members as much as possible during this difficult time and I hope I have shown that I am able to work with all Members regardless of our politics. As an Assembly we have had to adapt, reach compromises and meet tight deadlines, and we have done so in an exceptional manner. I hope that Members will entrust me with the role of P.P.C. and I hope that I will be able to advance the work that is undertaken by the committee and achieve the best outcomes for our Assembly Members and the public.

The Bailiff:

Thank you very much, Deputy. There is now 20 minutes of questions to you. The timing starts now.

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

The Deputy will know that St. Helier residents are under-represented in the States. Even with the reforms that have recently been agreed St. Helier will have 13 votes in the Assembly of 49 when we know that it has at least a third of the population. Could the Deputy say what she will do if she is elected chair of P.P.C. to continue to make sure to work towards a state where everybody in the Island has the same power at the ballot box as each other?

Deputy C.S. Alves:

I thank the Constable for his question. As I am sure the Assembly are aware, we recently approved some electoral reform although, like the Constable says, it probably does not go far enough for St. Helier residents. The Assembly has made its decision and I will not be seeking to overturn that at this stage. In that proposal, the Assembly also approved the Jersey election authority body to be set up so that going forward things like this would be looked into by that election authority, which will be completely independent from the States Assembly. I think that is a real important key to ensure that any electoral reforms going forward are taken seriously because it can often be seen that Members are maybe working in their best interests when looking at electoral reform. So I hope that when the legislation is brought back for the election authority that this is approved by the Assembly, as it has been agreed in principle last year.

1.1.2 The Connétable of St. Helier:

Would the Deputy agree with me that with thousands of new units destined for St. Helier the situation of voter inequity is only going to get worse with each passing year and an Assembly that refuses to deal with this lack of equity can fairly be described as gerrymandering?

Deputy C.S. Alves:

I thank the Constable for his follow-up. This is quite an emotive subject and I would agree with the Constable in that the population is ever increasing in the centre of St. Helier and that the system does need to be looked into, to ensure that there is voter equity across the board. We will also have the Boundaries Commission that will be set up to look at that and I hope that with the Census coming forward there will be more evidence to support any possible changes that there might be proposed by that commissioning body.

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

May I ask the candidate, as she will know that during the reform debate into larger constituencies I have expressed concerns about the cost of running for election and its particular impact on young people and people from poorer backgrounds, I wonder whether the candidate has any plans to address these concerns?

Deputy C.S. Alves:

I thank the Deputy for his question. Yes, this is something that we have looked at. Obviously the concern that the area that will now be covered by some of the new districts is significantly larger than it was before for some of the candidates that will be standing. I know that Guernsey, for example, gave all of their candidates that were standing for election a set amount of money to help them with this. I think there are other options that can be explored. For example, providing a facility where the candidates can have their leaflets delivered to everyone in the district through the Greffier Department. I know that obviously we have had the vote.je booklet in the past, which is great but it is limited in what ... candidates are limited on what they can put into that booklet and I think that you often cannot get a sense for what a person is truly about and what they stand for from something that is generic. I would like to see maybe some kind of provision that would allow candidates to make sure that their leaflets are distributed to everyone in the district. Failing that, the other option would be to have their leaflets uploaded on to the vote.je website. Obviously everybody's leaflets are different and it does communicate an aspect of that candidate that cannot be communicated or put across to the public in just a simple 500-word blurb.

1.1.4 Deputy J.M. Maçon:

I thank the candidate for her response. Therefore, when putting together P.P.C.'s bid to the Government Plan for next year, given that it is an election year, would the candidate be proposing funds into that process in order to cover any of these ideas?

Deputy C.S. Alves:

I have been in talks with the Assistant Greffier about this. There might be the need to ask for some more money however I am hoping that getting rid of the need to put across the volume that used to be produced before of the vote.je booklet will be reduced significantly. So that might reduce the cost of producing that, for example, and that could be redirected to distribute the leaflets, for example. Uploading the leaflet on to the website, I think the website is there so it can be still utilised. There are also savings to be made if, for example, automatic registration comes in as things like letters, for example. There will not be a need to put out letters to every single household.

1.1.5 Deputy I. Gardiner of St. Helier:

I would like to ask the candidate what are her views and maybe plans about the letter register being automatic.

Deputy C.S. Alves:

I thank the Deputy for her question. This is a workstream which is currently underway. The aim of this register is that it will draw on various databases that are currently available within Government and it will become an automatic process so that when members of the public reach the qualifying period to be able to vote they will be automatically put on to this automatic register. It will be an electronic register. It will be centrally populated but it would still be administrated by the Parishes, which I think is really important, as this was something that the election observers highlighted as a positive when they came to observe us in the last election.

1.1.6 Deputy I. Gardiner:

Is the conversation ongoing with the Parishes to bring the workstream together?

Deputy C.S. Alves:

Yes, I believe that the Parishes have been included in all of the work around bringing forward the electronic register. This is why we still want them to administrate it and have oversight of it. I am hoping that with this electronic register it will make things easier for candidates as well. I believe we had the Deputy of Grouville, who brought up the issue that the electoral registers at the moment are in very different formats across the different Parishes, so this will mean that the register will come together in one format and hopefully it will be a lot more accessible for any candidates who wish to stand. There is also the issue that we need to look at as to how accessible we want to make that electoral register. I know that in the U.K., for example, there were complications around businesses getting access to that information and using it for marketing purposes, which is obviously something we want to avoid. One area I have not mentioned is the opt-out system for the electoral register would also still exist for the same reasons that it currently exists as well.

1.1.7 Connétable R.A. Buchanan of St. Ouen:

If I could just ask the candidate, could she please set out very briefly, because I realise time is limited, her views on the Constables retaining their seats in the Assembly going forward? I know this was decided at the last vote on this subject but clearly it could easily come up again. I am just keen to understand what her position is on this.

Deputy C.S. Alves:

I am sure, as Members are aware, I obviously campaigned for one type of States Member only however I think the public have spoken and also the Assembly has spoken as well. I think it is really important that the Constables are seen as the heart of the community and they do play a role in the Parishes. I think that as long as the public believe that the Constables should retain some kind of role within the Assembly then that needs to be respected.

1.1.8 The Connétable of St. Ouen:

I thank the candidate for her clear expression of her views. Could she also just express a view on the recent introduction of “none of the above” as an option on the ballot paper and what her views on that are?

Deputy C.S. Alves:

I am not sure if Members were aware but I think I was the only one out of my party that voted in favour of that. I understand that there are some difficulties around the “none of the above” option. Obviously if the “none of the above” option wins we need to look into what would happen there. However, I did, during the election campaign, hear a lot from the members of the public that one of the reasons that they often did not vote was because they did not want to vote for any of the candidates and they did not want to spoil their ballot paper. I think in the interest of increasing voter turnout and voter engagement, I supported the idea of having “none of the above” and I look forward to seeing how that pans out in the future.

1.1.9 Deputy R.J. Ward of St. Helier:

Can I ask the candidate what actions she has taken to increase her knowledge since being elected of the areas around P.P.C. and governance and what she would feel would be useful for Members of the Assembly to undertake in terms of their own personal development and professional development?

Deputy C.S. Alves:

I thank the Deputy for his question. I mentioned in my opening speech that I have taken part in the one-year Professional Development Certificate in Parliamentary Governance, which was set up by C.P.A. and run by McGill University. I think it is a shame that this is not open to all Members. It is specifically designed for new members joining Parliament but I think that there are areas in that that are definitely worth maybe putting together a bespoke programme for all Members and giving all Members access to that. I think talking more widely, I would like to see more events run by professionals or experts in different fields. For example, I know that many Members attended the briefing on attracting a more diverse range of election candidates, which might have been last month, I think, or beginning of this month, which was organised by Deputy Doublet as the chair of the Diversity Forum. I had a lot of positive feedback from that. I think that this is the kind of thing that should be put on more often for Members so that we can look at more professional development opportunities.

[10:00]

1.1.10 Deputy R.J. Ward:

I was going to ask what type of ideas for training. Can I ask the candidate, does she believe that perhaps areas such as training in developing media skills, *et cetera*, is something that should be offered to States Members?

Deputy C.S. Alves:

Yes, absolutely. I know that personally having come into this role and never been in contact with the media it was a very daunting thing and it is definitely an area that we can evolve. I know there have been a couple of sessions run before because I attended a one-day one regarding working with the media. But I am very open to hear Members' ideas and I think anything that makes us more

productive as an Assembly and more confident in the way that we work needs to definitely be explored and looked into.

The Bailiff:

I will just mention there are a large number of Members who still wish to ask questions and we are into our last 5 minutes.

1.1.11 Senator S.Y. Mézec:

Since returning to the Back Benches I have found it very frustrating dealing with States Members resources and, in particular, the computers in the States Members facilities in the Assembly room, which are appalling and take about 3 hours to log into. If elected, would this candidate offer to discuss with States Members how facilities could be improved for them, so that we are able to do our jobs and be able to print things off and things like that, just because that is something that has caused me a lot of frustration recently?

Deputy C.S. Alves:

Yes, and I thank the Senator for his question. I am always open to Members issues and I think one of the things that we could do is maybe put together a survey to look at improving the facilities that we currently have. I think it is really important that Members time is used productively and waiting around for old computers to boot up is not a productive use of time. I have to say that I did go into the States building the other day and I noticed that some of the screens, for example, had been upgraded but I think the machines have not been upgraded necessarily. I think this just highlights that I would like to see our Parliament given the same level of support and importance and urgency when it comes to upgrading equipment, as is given to government departments. Because in my opinion, first and foremost, we are all Members of Parliament before any of us become Members of Government and so we should be given the same level of support and resources.

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

I would like to ask the candidate, I am quoting a phrase from the proposer of the other candidate, who said: "Balance and bringing the Assembly together is important." I would like this candidate to explain how she would do this and how she would do it in as inclusive manner as possible.

Deputy C.S. Alves:

I thank the Deputy for her question. Obviously it is very important that we have representation on the panel, which is as representative as possible from the Assembly. I will state now that I would like the committee to stay as it is as much as possible I think for continuity. We have worked really well as a team and there is a good balance there of gender and interests as well. We have not always agreed and I think that is really important because it is often how we disagree that pushes us forward. But I am sure the Deputy is aware that I have been involved in numerous policy boards, for example, and I am not afraid to talk to anyone and ask for ideas from anyone. In fact I welcome that, I think it is really important that we get different perspectives on issues because different people see things in different ways and that always needs to be taken into account.

1.1.13 Deputy L.M.C. Doublet:

How would the candidate involve the wider Assembly who are not necessarily members of the committee?

Deputy C.S. Alves:

I thank the Deputy for her question. I think that P.P.C. has various sub-committees that are set up to bring Members together. I would encourage Members to take part in those sub-committees because those sub-committees often form part of feeding back into things that we discuss as the main P.P.C. committee. I think that would be a way of bringing Members together and also things like surveying

Members for looking at Members support, which has been mentioned before. I think that is really important as well.

The Bailiff:

Deputy Southern, there may be a chance for an extremely swift question.

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

I will try, Sir. What concrete steps will the candidate take to improve voter participation in our electoral process?

Deputy C.S. Alves:

I think the key to this is informing the public, keeping the public informed and educating and raising political awareness as a whole. I am sure Members are aware that I am the chair of the Political Education and Awareness Sub-Committee and on that sub-committee I have made sure that I have had a balance of members, which include 2 Constables, the Constable of Grouville and the Constable of St. Helier. This is a workstream that I think definitely needs to be looked into. Obviously COVID has given us some issues because originally we wanted to get out into community events, for example, and kind of spread the word on how to vote ...

The Bailiff:

I am afraid, Deputy, I must ask you to stop at this point, your time has expired. Thank you, Deputy Alves. If you would now leave the meeting and, again, as the way it has operated before, someone from the States Greffe will telephone you and when we are satisfied that that system is set up, then we will proceed with the Connétable of St. Brelade. Could the States Greffe please now arrange for the Connétable of St. Brelade to re-join the meeting? Thank you. This may take a moment or 2, so we will pause. Welcome back, Connétable of St. Brelade. We will start when we are sure the protocol applying to Deputy Alves has been complied with. Just a moment. The protocol has been complied with. Connétable of St. Brelade, you have 10 minutes to speak, the time starts now. It will be followed by 20 minutes of questions.

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

This has taken me somewhat by surprise and has not given me much time for preparation, apart from the last 10 minutes of Deputy Alves' speech, which I of course did not hear. I do, however, speak in these times of diversity as a white-haired old male who fully supports the philosophy of diversity. The former chairman has performed the role of chairman of P.P.C. with great efficiency and aplomb, which no one could aspire to emulate. But I can assure Members that in all the roles I have undertaken I would perform it to the best of my ability. This is my third term in the Assembly and the array of procedural complexity never ceases to amaze me in this Assembly. Having a Connétable of P.P.C. is not new and I recall the former Connétable of St. Clement, Derek Gray, held the position when I was first elected in 2005 and he was ably followed by the former Connétable of St. Mary, Juliette Gallichan. Members will be curious as to my views on election reform, as proposed by the present committee. I am by nature a traditionalist but I am not at all averse to new ideas and change if it can be justified. I believe and have always maintained in election manifestos that the Jersey public like stability, business-like stability, and that is also my philosophy. I am a traditionalist but I welcome new ideas and we cannot cast ourselves in aspic and get left behind. My thoughts on parties are yet to be confirmed and I can only observe that even going back to the Rose and Laurel Party in the mid-19th century, they have never really worked over here. I am fiercely independent and my voting record will dictate that. I tend to support whatever I deem to be the best for the Island, based on the best information of the day. I do believe in fairness and integrity and trust and I can assure Members that I shall always adhere to those principles, whether elected or not. The work of P.P.C. is much and varied and I would confirm that my application to the tasks in hand, if elected, would be assiduous and concentrated. I am aware of the close role played by P.P.C. with the Greffe and, rest assured, I

will continue, if elected, to cultivate that. The membership of the present committee is broad and with varied experience and it would not be my intention, if elected, to make any changes in that respect if those members wished to continue to serve. I thank Members for their attention and look forward to their questions.

The Bailiff:

Thank you very much, Connétable. There now follows a period of 20 minutes, the clock is starting now.

1.2.1 The Connétable of St. Helier:

I would like to ask a question as a former chair of P.P.C., probably before the candidate's time though. Would the candidate advise what action he would seek to take to address the inequity that exists in voting in Jersey, which could lead one to say that we have a gerrymandered system, even with the reforms recently agreed St. Helier will only have 13 votes in an Assembly of 49 Members, whereas it should have at least a third of the seats? Could he say what steps he would take to address this important issue?

The Connétable of St. Brelade:

My views are that I agree that the representation of St. Helier is poor but I would suggest that that is sometimes dictated by the lack of voter turnout in St. Helier and thereby, in turn, the lack of candidates coming forward to serve the Parish. I believe that the proposals made by the present P.P.C. are a halfway house and are contributing to remove that inequity. I would always be open to the ideas of the Connétable of St. Helier to propose alternatives, should he so wish.

1.2.2 The Connétable of St. Helier:

Is it a matter of concern to the candidate that when the Constable of St. Mary votes on an important matter affecting the Island or indeed affecting St. Helier, he has far more power at the ballot box than the Constable of St. Helier:?

The Connétable of St. Brelade:

Yes, no doubt in terms of numbers that is the case. But in reality that is the situation we have in Jersey. If we wish to throw out all our traditions, we could aspire to the Connétable's wishes. But in reality we have to make a compromise and that is a compromise we have to make, should we wish to retain our 12 Parishes.

[10:15]

1.2.3 The Connétable of St. Ouen:

Could I ask the candidate, given that the position of the Constables in the States was a fairly controversial topic during the last debate, could he set out his views on whether he believes the Constables should retain their seat in the Assembly or whether he feels in time that that will disappear?

The Connétable of St. Brelade:

Clearly, there is a desire by the public of the Island that the Connétables do remain in the States and that, in turn, leads to the point that there is an inexorable link between the Parishes and Government. I think that were Connétables to be removed from the States, I think we would lose that link, which would be a detriment to Jersey and to the public in general.

1.2.4 The Connétable of St. Ouen:

Could I ask the candidate to set out his views on the recent introduction of the "none of the above" option, which was agreed by the Assembly at the last debate on the construction of the Assembly?

The Connétable of St. Brelade:

I do not agree with having that particular element in a choice because it is akin to abstaining in a States election. There will be those who choose not to have a view but I think it is important to give the public sufficient choice in views to avoid having to offer such a choice.

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

I would like to know the candidate's views; the States, after many, many years, has agreed to larger districts and changing the composition of the States by removing the Senators. This is coming back to the Assembly in the form of legislation. Does the candidate fully support that or would he support those who would like to try and change it yet again?

The Connétable of St. Brelade:

I believe that the States have agreed to that proposal and it is for that to be enacted. I am a believer in democracy, whether I agree with it or not, but once a democratic decision has been made I see no advantage in revisiting the whole thing and starting all over again. Yes, the straight answer is that I would proceed with the decision made by this Assembly.

1.2.6 Deputy M.R. Higgins:

One of the problems, especially in places like St. Helier, not so much a problem in the Parishes, is where people cast their votes, a lack of parking and everything else, and for as long as I have been in the States we have been trying to seek new locations so people can vote easily or even electronically. What is the candidate's view on those 2 issues?

The Connétable of St. Brelade:

I would concur wholeheartedly with the Deputy's suggestion, in that the ability of the electorate to vote must be made easier and by making it difficult by insufficient parking at the voting stations is of course something we have to overcome. I do believe that we will embrace technology to make it simpler. I do think that the public ought to be able to vote for whichever district they live in, wherever they live, and particularly in St. Helier where people are working, so that we can, yes, get the numbers up to satisfy democracy.

1.2.7 Deputy L.M.C. Doublet:

The proposer for the candidate mentioned balance and bringing the Assembly together. I would like to ask the candidate how he would achieve this and how he would be inclusive in doing so?

The Connétable of St. Brelade:

I think the important thing is to work with prospective candidates before the election time and encourage those from a broad base of backgrounds to allow their names to go forward, so that the public of the Island have the choice and the best candidates for the job get elected.

1.2.8 Deputy L.M.C. Doublet:

I think perhaps the candidate might have misunderstood the question, it was more about involving the wider States Assembly and how the candidate would do that.

The Connétable of St. Brelade:

Once the wider-ranging Members have been elected, I think it can only be by invitation, by outreach and by encouraging those who are perhaps not involved in certain areas, which they would prove to be of benefit to reach out and encourage them to join in and that has been my *modus operandi* throughout Parish life as well.

1.2.9 Deputy I. Gardiner:

I would like to ask the candidate if he will be successful, what will be his plans and, if no plans, what are his views about the electoral register being automatic?

The Connétable of St. Brelade:

I think the electoral registration needs work. At present it is easy to say it is automatic but there have to be filters; that could be done in technological terms. I think there will be technological input into any future registers. I can assure the Deputy, from experience of working in the Parish and having close involvement with how the registration works, it is not as simple as might be thought but I would be very keen to modernise it to ensure that everyone in the Island has a vote.

1.2.10 Deputy R.J. Ward:

I am just trying to remember my wording before I start; it is the same question and a fair test. Can I ask the candidate what training he has undertaken since being elected, which is relevant to the role of chair of P.P.C. and what he believes Members should be offered in terms of training to assist them in their roles?

The Connétable of St. Brelade:

I think in terms of my training I have attended some 2 C.P.A. events with particular application to electoral management. I think that has been a very useful experience. I do think that the process, and I go back to a response I made just now, that there is need for training prior to election, so that those Members who put their names forward into the States do have some idea of what is going on, rather than coming in completely green, as is the case very often at the moment. Our election processes have evolved over many years and are well-organised but we must always look ahead. Training in terms of technological input, I think, is essential. A lot of us, and I speak for myself, benefit from that, to take full advantage of the facilities that we have out there and technological improvements, which have been revealed, shall we say, in the last year or so with the necessities of COVID.

1.2.11 Deputy R.J. Ward:

Yes. Can I ask the candidate's opinion on diversity training and unconscious-bias training and things like dealing with the media; would he suggest that Members are given access to those?

The Connétable of St. Brelade:

Yes, indeed, the unconscious-bias training has been provided to date and I think there is more to come. Training with the media has been provided and I have attended some of those. We can always improve ourselves and I think the more training opportunities that P.P.C. can provide by the Greffe members the better.

1.2.12 Deputy M. Tadier of St. Brelade:

Does the candidate think that engagement of young people in the political process is an issue currently and, if so, what steps might he take to deal with that?

The Connétable of St. Brelade:

Yes, it is lacking. It goes back to the previous question, as maybe that States Members need education in dealing with the younger residents of the Island. Maybe we need to do more work with the schools to stimulate more interest from the younger people in our political situation. I would confirm with the Deputy that my enthusiasm for dealing with the younger members of our population is very high.

1.2.13 Deputy G.P. Southern:

What concrete steps would the candidate take to improve participation in our electoral process?

The Connétable of St. Brelade:

Going back to the previous response, I think work on making it easier for electors to vote has to be a priority. It is challenging at the moment and I have seen this at ground level when people turn up to vote and cannot, for whatever reason. Then we have queues coming in after work where people are having to form long queues to be able to vote; that is far from satisfactory. Perhaps more voting stations in the town or in the concentrated areas where people are working would be an advantage. Cross-referencing throughout the Island has to be made to work technologically and I can see that being an easy win to start with.

1.2.14 Deputy J.M. Maçon:

I asked the other candidate the same question. In the recent reform debate and the move to the larger districts I expressed concern about the cost of standing for election for younger and poorer candidates. I wonder whether the candidate has any thoughts if anything can be done to support candidates who come from these backgrounds.

The Connétable of St. Brelade:

If I am understanding the questioner correctly, he is questioning the ability to provide funding for elections. If that is the case, my suggestion is that with the new proposals the costs need not be as much as they would have been for a former senatorial candidate and would be restricted to possibly a similar amount that has been paid or been put out by Deputorial and Constable candidates presently. The cost can of course be whatever one wishes it to be and probably depend on the amount of effort a particular candidate is prepared to make themselves or put into, shall we say, printing posters, putting up posters and such like. I think that there will have to be consideration given in the light of changed processes to the amounts allowable. But I would imagine they would be not dissimilar to those allowed to Deputies at present.

1.2.15 Deputy J.M. Maçon:

I thank the candidate for his answer. Can I ask whether the candidate feels that extra support could be given around, for example, providing an envelope and the stamp postage so that candidates can be able to put out their literature to a wider district and whether he would be prepared to put that into P.P.C.'s M.T.F.P. (Medium Term Financial Plan) budget request in the next Government Plan?

The Connétable of St. Brelade:

Yes, I would tend to agree with the Deputy. But of course already there is a mass circulation of manifestos done by the Greffe, so there is no reason why that should not be just discussed further to establish what would work better. Because the bottom line has to be to get the maximum amount of information to the electorate so that they can vote in accordance with their wishes.

1.2.16 Senator T.A. Vallois:

I would like to ask the candidate what 3 top areas of work would he focus on to achieve during the remainder of this term of office if appointed?

The Connétable of St. Brelade:

That is an interesting question with a short lead time. But I think the first one is to close off the electoral forms proposed by the existing P.P.C., as the States have decided we must proceed with that. I think that improvement in technology processes, which we have learned rapidly over the last year and the improvement thereof is high on the priority list. I would suggest that, thirdly, the training, as indicated by former questioners, is an area which I would like to enhance.

1.2.17 Senator T.A. Vallois:

Can I ask the candidate then what his view is of machinery of government and whether that needs continuous review and what he would do about it?

The Connétable of St. Brelade:

I am not overly sure whether the present machinery of government has worked terribly well, as we would have wished. I can only say that from the experience I have had of working with a particular chief officer, as a former Minister. My take, shall we say, on the present situation with a particularly dominant chief officer or chief officer role, not applying to any individual, is that it does not appear to me to be working as we would have wished. I think that review is continually needed.

1.2.18 Senator S.Y. Mézec:

The same question that I asked previously. Would the candidate pledge to engage with States Members, if elected, on what can be done to improve facilities for States Members? Obviously Members of the Government have facilities provided for them at Broad Street and Constables have their Parish Halls but some of the facilities in the States Assembly building itself are pretty poor, in particular the computer facilities.

[10:30]

Would he pledge to do that work with Members to work out how that can be improved?

The Connétable of St. Brelade:

I would agree and my understanding is that the Greffe are underway and have a budget for doing exactly that. I see no reason why that process should not continue and will no doubt be enhanced in time, depending on technology available. But for Back-Benchers to do their job properly the facilities must be provided. I would take this opportunity to thank those in the Greffe who have been doing that to date.

1.2.19 Senator L.J. Farnham:

Could the candidate inform the Assembly on his views on States Members remuneration and whether he thinks appropriate, adequate or need complete review?

The Connétable of St. Brelade:

Yes, I am aware that there are those of the view that the States Members should not be remunerated at all. There are those with a view that the remuneration is adequate and there are those who take the view that they are totally out of kilter with the private sector and the sort of responsibility that States Members have in relation to the private sector are not in harmony. We find ourselves with a base salary, some would dispute that and I think that a review is long overdue.

1.2.20 Senator L.J. Farnham:

Does the candidate think that the level of States Members pay has impact on the type and number of candidates coming forward for election?

The Connétable of St. Brelade:

It has been made clear that that is the case and I have read from several that they feel deterred by the level of salary, in that if it is equated, as I indicated earlier, with the private sector, it is much less. That will, inevitably, have an effect on those Members putting their names forward for election.

1.2.21 Deputy D. Johnson of St. Mary:

If elected, will the candidate still intend to carry on with his present role as chair of the Environment Panel?

The Connétable of St. Brelade:

Sadly not, and it is a role I have thoroughly enjoyed and would be reluctant to give up. But I think realistically one would not have the time in the running of a Parish, which I have to give much attention to and more than one additional role.

The Bailiff:

Any there other questions for the candidate? There is 30 seconds to go, so it would have to be an exceptionally brief one. Senator Pallett, you have got 20 seconds.

Senator S.W. Pallett:

Sir, as you said it is only 20 seconds, I will withdraw the question because it is going to take a longer answer.

The Bailiff:

The time has now expired for questions to this candidate. There will be a pause while the Greffier arranges for Deputy Alves to return to the meeting and at that point then we will deal with the voting.

Deputy J.A. Martin of St. Helier:

Sir, could I just ask a question? Can I check if this is an open vote for the chair, like it is for Ministers?

The Bailiff:

Yes, it is, Deputy, it is an open vote. When the link is posted and Members seek to vote, there will be a choice between candidates. It is not a *pour*, *contre* or abstain. There is just a choice between candidates which can be voted on.

Deputy M. Tadier:

Sir, could I just ask a point of order? It is not so much for ... Deputy Tadier.

The Bailiff:

Yes, Deputy, what can I do for you?

Deputy M. Tadier:

It is probably not going to be relevant to this vote but I think that it is always useful to have an abstention option in these kind of debates because any Member, if it was done by paper or in the Assembly, could abstain.

The Bailiff:

Yes.

Deputy M. Tadier:

I am not encouraging that by any means but I think just the proper process, Sir.

Senator L.J. Farnham:

Sir, I presume if a Member wishes to abstain, they simply do not vote or would they write abstain in the chat, Sir? What would your advice be?

The Bailiff:

One moment, I am just making sure I understand exactly what the options are on the vote itself, one moment. In the circumstances and while we are waiting for Deputy Alves to return, it is an option not to vote but the Greffier informs me that we can add abstain to the voting options and are content to do so.

Deputy C.S. Alves:

I am back, Sir, thank you.

The Bailiff:

Thank you very much, Deputy. I see Deputy Alves has re-joined us. We will just wait then for the Greffier to make that slight alteration and then the link will be posted. Members may recall it has formally been ruled that in the event that a Member abstains or there are a number of abstentions, an abstention does not count as a vote cast for the purposes of assessing whether a sufficient majority of votes has been received by one candidate or another. Very well, apparently we are now ready and the link is in the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that Deputy Alves has been elected: 31 votes for Deputy Alves and 12 votes for Connétable Jackson in the link and one vote for each of them in the chat.

Deputy C.S. ALVES: 32	CONNÉTABLE OF ST. BRELADE: 13	ABSTAIN: 2
Senator T.A. Vallois	Senator I.J. Gorst	Senator J.A.N. Le Fondré
Senator K.L. Moore	Senator L.J. Farnham	Connétable of St. Brelade
Senator S.W. Pallett	Senator S.C Ferguson	
Senator S.Y. Mézec	Connétable of St. Clement	
Connétable of St. Helier	Connétable of St. Lawrence	
Connétable of Trinity	Connétable of St. Saviour	
Connétable of St. Ouen	Connétable of Grouville	
Connétable of St. Martin	Connétable of St. John	
Deputy J.A. Martin (H)	Connétable of St. Peter	
Deputy G.P. Southern (H)	Deputy of Grouville	
Deputy K.C. Lewis (S)	Deputy G.J. Truscott (B)	
Deputy M. Tadier (B)	Deputy G.C.U. Guida (L)	
Deputy M.R. Higgins (H)	Deputy of St. Peter	
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

Deputy I. Gardiner (H)				
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Deputy J.A. Martin:

Sir, as it is an open vote, can we have them read out for both candidates, please? Thank you.

Deputy M.R. Higgins:

The abstentions, please.

The Bailiff:

Yes, they can be read out but of course is that necessary? Because they are all listed now, they have all appeared in the list in the chat but entirely happy to read them out if people want them read out.

Deputy J.A. Martin:

I am fine with that. As you say, it is an open vote, anyone can pick that up. I am fine, Sir, if that is okay with everyone else.

Deputy G.P. Southern:

The listening public ...

The Bailiff:

That is a fair point, could you please read out the votes?

The Deputy Greffier of the States:

Those voting for Deputy Alves: Deputy Doublet, Deputy Pamplin, Deputy Labey, the Deputy of St. Martin, Deputy Alves, Senator Mézec, Deputy Ward, Deputy Perchard, Deputy Ahier, Deputy Higgins, Senator Vallois, Deputy Gardiner, Deputy Le Hegarat, Deputy Martin, Senator Moore, the Connétable of St. Helier, Deputy Pinel, Deputy Tadier, the Connétable of St. Ouen, Deputy Southern, the Deputy of St. Ouen, Deputy Young, Senator Pallett, the Deputy of Trinity, the Constable of Trinity, Deputy Morel, Deputy Ash, Deputy Maçon, Deputy Lewis, the Connétable of St. Martin and the Deputy of St. John. Those voting for the Connétable of St. Brelade: the Deputy of St. Peter, the Connétable of Grouville, the Connétable of St. Clement, Senator Gorst, Deputy Guida, the Connétable of St. Saviour, the Deputy of Grouville, Senator Farnham, the Connétable of St. Lawrence, Deputy Truscott, the Connétable of St. Peter and the Connétable of St. John. Those abstaining: the Connétable of St. Brelade and Senator Le Fondré.

Connétable J. Le Bailly of St. Mary:

Could I please note that, this is the Constable of St. Mary, I did try to vote for Constable Jackson but I was unable to get into the system.

The Bailiff:

Very well. Thank you, well that would not have changed the result, Connétable, but thank you for that. Connétable of St. Brelade, you indicated a desire to say something.

The Connétable of St. Brelade:

Yes, Sir, just to offer my congratulations to Deputy Alves and pledge my support for her chairmanship of P.P.C.

The Bailiff:

Thank you very much, Connétable. I congratulate the successful candidate of course and we now move on as ... yes, Deputy Alves, did you want to say something?

Deputy C.S. Alves:

Sorry, I just wanted to thank all Members for their support.

2. Appointment of the Chair of the Planning Committee

The Bailiff:

Thank you very much, Deputy. Following, again, the appointment of Deputy Labey as Minister, there is a vacancy for the position of the chair of the Planning Committee and in accordance with Standing Order 120AA, I invite nominations from Members for the office of chair of the Planning Committee.

Deputy G.J. Truscott of St. Brelade:

I am delighted to nominate the Connétable of Trinity for the position of chair of the Planning Committee.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations for the chair of the Planning Committee? If there are no other nominations, then I invite the Connétable of Trinity to speak for up to 10 minutes, after which there will be questions for about 20 minutes in the normal way.

2.1 Connétable P.B. Le Sueur of Trinity:

Firstly, I would like to add my congratulations to Deputy Russell Labey on his recent appointment. He leaves some big shoes to fill and has done a sterling job as the chairman of the Planning Committee. While I do not share his stage presence, I will do my very best to continue the work of the committee. I would also like to thank Deputy Truscott for nominating me, as we both joined the Planning Committee shortly after we were first elected in 2014 when I served as the vice-chairman to Constable Juliette Gallichan. In November 2018 I was persuaded to re-join the committee by Deputy Russell Labey and have served as a regular member ever since. I have a genuine interest in the development of our built environment and the planning process, which is derived from my working career back when I had a proper job, which was entirely in the construction industry. I worked in many aspects of the industry, coming from a trade background, progressing through to senior management and during that time involved in all types of construction work, from new build to restoration projects with English Heritage and just about everything else in between, spending part of the last 20 years in Jersey working for a property development company. This has given me a real understanding of the construction process, design, interpretation of working drawings, through which I believe I can make a positive contribution to this role and the work of the Planning Committee. I have never made a secret of the fact that I will not stand by and see our historical assets and built heritage lost in the name of progress.

[10:45]

But by the same token I will take a pragmatic view in determining applications in whatever means I believe is for the best outcome for the whole of the people of Jersey. As a committee, we are not a rubber-stamping exercise and we do not always follow the officers' recommendations. Our role is to challenge those recommendations and indeed the applications before us. If it was simply a case of applications being approved, if they ticked all the boxes, then there would be no purpose of having a Planning Committee. Often the decisions we must take are particularly difficult and sometimes emotive, as they directly impact on people's lives. Often one party will leave a public meeting happy and the other party disappointed. We do not, however, take the easy option or kowtow to commercial blackmail but will arrive at a democratic decision in the very best interests of all. We are only part of the overall planning process. There is always the option to appeal a committee decision to an independent planning inspector and the final determination is always made by the Minister for Planning. I do not think there is any need for me to say much more at this point. There is a significant

backlog of work for the committee, which has not been helped by the COVID restrictions, but I look forward to taking on this role and, hopefully, have the confidence of the other members. I am in a position to nominate a committee this morning.

The Bailiff:

Thank you very much indeed, Connétable. There is now a period of 20 minutes of questions and the time starts now.

2.1.1 Deputy M.R. Higgins:

Could the chair-elect for this body state what his view is, that when the panel rejects a property with significant reasons and it is then overturned by officers within days, what is his view on that?

The Connétable of Trinity:

I do not understand the circumstances in which that would occur. Because if a matter has been brought to committee and the committee has determined, then that particular application is determined on the outturn of the result of the committee decision. If then the applicant reapplies and there are no grounds on which it needs to be brought back to the committee, I am afraid I cannot really comment because I am not aware of any particular circumstance where that has occurred.

2.1.2 Deputy M.R. Higgins:

I might add that it has happened. Could I ask the candidate as well what his view is on preserving Jersey's historic houses and where owners convert them without permission? What sort of penalties does he think they should suffer?

The Connétable of Trinity:

I do not really think that that is a decision for the Planning Applications Committee. Our role is to determine the applications before us, not to comment on wider aspects of the bylaws and planning process.

2.1.3 Deputy J.M. Maçon:

May I congratulate the chairman-elect on this position? Obviously I have served on the Planning Committee with him and know he will be a great asset in that role. But can I ask the candidate, when members sit on the Planning Committee they are there in a quasi-judicial role and obviously they have to work within the parameters of the Island Plan and their decisions can be appealed through the Royal Court, as you have a tribunal system as well now? I wonder whether the candidate feels that because of that it would be appropriate to take this as an opportunity perhaps to promote the parameters of the committee to Members and the wider public, as we do not make purely political decisions on the Planning Committee.

The Connétable of Trinity:

I am not quite sure how to best answer that. I do feel that sometimes that by delegating the decisions to an independent planning inspector who is not necessarily resident in Jersey, that we are sort of dodging a bullet really. I think we should be more in control of our own destiny as an Island. I do not know if that answers the question adequately but ...

2.1.4 Deputy J.M. Maçon:

I thank the candidate for his response. I apologise, I will try and be clearer. Does the candidate think that this is an opportunity for him, as chairman, to better inform States Members and the public of the role of the Planning Committee?

The Connétable of Trinity:

Yes. As a committee, we will be producing our annual report, which is due in Q1 of this year and I will do my best to enhance and perhaps better amplify the work of the committee in that report.

2.1.5 Deputy R.J. Ward:

Can I ask the Constable and to congratulate him on his election, what is the role of Planning in the promotion of a more sustainable build, both in terms of the lived environment and in terms of our commitment to carbon neutrality and future builds that have to last long into the coming years?

The Connétable of Trinity:

As a committee, we sit to determine the applications that are before us. We can, as part of our committee role, make recommendations to the Minister but it is not for us to design or advise people on how they should apply the regulations and the bylaws, although I am sure that we will take the appropriate view when green initiatives come forward. I think it is beholden on all of us to support those initiatives.

2.1.6 Deputy R.J. Ward:

Does the chair-elect feel that the Island Plan coming forward could have more rigour in terms of its definition of sustainability?

The Connétable of Trinity:

I think that is straying away from the role of the Planning Committee. But obviously our Minister for Planning is committed to delivery of carbon-neutral strategies and I am sure that work will be embodied in the plan that is going to come forward fairly shortly.

2.1.7 The Connétable of St. Brelade:

Would the candidate outline to Members what his views are on the architecture of Jersey in that does he prefer a particular vernacular style or could he just outline his views in general?

The Connétable of Trinity:

Again, it is not really for the committee to say whether they like something or not. It is whether it is right in its particular context. I obviously come from a traditional background but I still enjoy modern and innovative architecture, as I am sure with many people. All I would say is that every scheme has to be judged on its merits and set within the context of which it has got to live.

2.1.8 Senator K.L. Moore:

Given the chair's comment about the role of independent inspectors in the planning process, does the chair consider that the Planning Committee should have a greater role in determining any application made to build our hospital?

The Connétable of Trinity:

No, I think that the hospital is such a major project that it would be unwise to take it to a local Planning Committee. I think it is a much bigger scheme and I think in that circumstance it should go to an independent inspector to advise the Minister. I am more inclined when it is the smaller domestic type situations, where we are not as much in control of our own destiny as I would like to see us.

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

We have seen a number of times this term where a planning application has been approved by officers, by the committee, by an independent inspector, only to get to the Minister who unilaterally decides the opposite to everyone. Do you think that the Minister, before overturning such decisions, should speak to the committee to hear why they chose the decision they did as a committee, rather than as an individual, before overturning such applications without visiting sites?

The Connétable of Trinity:

I thank the Deputy for his question and, yes, I think my initial thoughts are that that would be a good idea and is perhaps something that the committee could put in their next report to the Minister on where we think we should be going and how we should perhaps be changing our protocols.

2.1.10 Connétable D.W. Mezbourian of St. Lawrence:

The committee is advised at the decision-making process by an officer from the Planning Department, an officer who very often has already been involved with the application before the committee. Does the chairman believe that the committee should be able to take independent advice, rather than that of an officer from the department?

The Connétable of Trinity:

No, my experience is that the advice that the committee is given is usually very objective and based on the planning policies. I have never felt the need, in my time on the committee, to step outside of that to get further additional advice.

The Bailiff:

Are there any other questions for the Connétable of Trinity? If there are no other questions, then I draw the period of questions to an end. There were no other nominations. The speech and period of questions have been completed. I confirm that the Connétable of Trinity has been selected for appointment.

The Connétable of Trinity:

Thank you, Sir, and I thank Members for their support. I am in a position to nominate a committee. I do not know when we would like to take that.

The Bailiff:

Thank you very much, Connétable. I was next going to ask you that question and you have confirmed the answer. Deputy Alves, are you in a position to nominate a committee?

Deputy C.S. Alves:

Not quite at the moment, Sir, but I probably will be after lunch.

The Bailiff:

I was going to suggest that we dealt with the nomination of committees as the first thing after the luncheon adjournment. Would that suit you, Connétable of Trinity?

The Connétable of Trinity:

Yes, Sir, that will be fine. Just while I am speaking, I would advise the Assembly that I will have to disappear at around 2.45 p.m. for a medical appointment.

The Bailiff:

As I say, if we deal with the appointment of your committee first thing at 2.15 p.m., then that will presumably work.

The Connétable of Trinity:

Thank you.

The Bailiff:

A point of order from Deputy Tadier before we finalise those arrangements. Deputy Tadier, did you have a point of order?

Deputy M. Tadier:

Yes. Sir, I do not know if it is order or something I would like to propose, is that given the argumentation that the majority of us agreed on yesterday, that there should be time for the new chair of each respective panel or committee to ... I think it is best that we have some time to decide who might want to serve and put themselves forward on those panels. Because we did not know who was going to get elected, we cannot take anything as read and so we do not know whether we want to put our names forward for that, as until we know who has been elected. Can I ask that we do not take it after lunch but we take it either tomorrow, if we are still sitting or at the next meeting, please?

The Bailiff:

You are proposing that, Deputy Tadier.

Deputy M. Tadier:

Yes, please.

The Bailiff:

The States, as I say, can regulate its own timing and its own procedure. Obviously the view of the respective chairs will be of significance but that is, nonetheless, a matter for the Assembly. Is that proposition seconded? Is the proposition to defer the matter seconded? **[Seconded]** It is seconded. Does any Member wish to speak on the proposition that the setting up of the committees are deferred until tomorrow, if we are still sitting or until the next meeting, if we are not?

[11:00]

Deputy J.A. Martin:

I absolutely understand where Deputy Tadier thinks he is coming from. If he had listened, obviously he did listen to what the workload of P.P.C. is, the new Planning chair said that he absolutely can go and Deputy Alves has said she will be in a position this afternoon. She already said in her speech she is probably going to keep or ask, and they have already probably committed, to do the final 15, 16 months on P.P.C. We have no guarantee we are sitting tomorrow, we are on a 3-week cycle, we cannot go and put this back. People know whether they want the job, I would suggest to Deputy Tadier, and I do not think he is doing Deputy Alves any favours. I am definitely voting against this; we do it this afternoon.

Connétable C.H. Taylor of St. John:

We heard yesterday how important it was that the Planning Committee with its workload is set up as quickly as possible. That was agreed and I would please urge Members to support our new chair of the Planning Committee so that they can hit the road running and get moving straight away because it is unfair on planning applications that have been waiting for some time to be heard that there is any delay in forming a committee. Can we please respect the new chairman?

Deputy R.E. Huelin of St. Peter:

I just have to remind Members, I declare an interest. I have a planning application outstanding that has to go to committee and, therefore, should this go to a vote, I will be voting solely on the basis of P.P.C. because I would obviously withdraw from my vote from the putting together of the Planning Committee.

Deputy J.H. Young of St. Brelade:

There is no question that the appointment of the Planning Committee as soon as possible is really important. There does not seem to be any issue, frankly, any reason why we should not do that, as the new chairman says. But I do think there might be an issue with the P.P.C. because I did not hear the chairman of P.P.C., Deputy Alves, to be quite clear; she said she thought she would be in a position this afternoon. So can I suggest that we should go ahead absolutely after lunch with the

immediate appointment of Planning members and then only if the chairman of P.P.C. can be very clear that she needs no more time to do that.

The Bailiff:

Deputy, that would happen in any event. If the Assembly says we go ahead this afternoon but Deputy Alves this afternoon is not in a position to go ahead, she will simply say to the Assembly she is not in a position to go ahead and it will have to come back when it next comes back. I hope that helps the Assembly but I ...

Deputy J.H. Young:

Thank you, that clears it up.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition, I close the debate and ask Deputy Tadier to respond.

Deputy M. Tadier:

First of all, to address Deputy Martin, well I am not trying to do anybody any favours. She said it is not going to do Deputy Alves any favours to delay it to tomorrow, but was she trying to imply that simply because I am the same party as the chairman that I might wish to do some favours? What concerns me in all of these processes, and why I raised these issues, is that my concern is that thinking independently from an original Rawlsian position, if you like, about how I would like to see the Assembly operate along completely fair lines irrespective of who the chairs or who the Ministers, *et cetera*, are, is that process is vitally important because it sets precedents. If we are going to argue yesterday that we should not have an election for these key roles because some people might not be ready to put themselves forward, which is absolutely valid and correct, then similarly we should also have a process in place whereby we have time to digest who has been appointed, who they might wish to put forward as a slate for their committees. But I remind Members that it is not the chairs who appoint or elect the committees, it is the Assembly who elects the committees and nobody else. We are not here simply to rubberstamp their selection either. There might be some people who think: "Well I do not necessarily want to put myself forward for that committee but I need to know that as an Assembly I feel we are in good hands with the committee that has been selected." If you think that the slate that has been put forward is not balanced or does not represent the best that the Assembly could do, then you may wish to put yourself forward after that. So I think I know how the wind is blowing today, and it is not because these positions are not important, it is because they are so important, and it is not just the chairs who are important but it is the whole panels that are important, that we do have a proper process in place. So even if this vote does not win today - we do not know if we are coming back tomorrow, I accept that is part of the problem - I would urge P.P.C. and the new chair and the new committee to look at this because I think there does need to be a break. In future, we should be coming back, leave 24 hours as was suggested by the Deputy of Grouville, perhaps allow the committee chairs to put their nominations forward, for that to be circulated and then for other nominations to be forthcoming the next day. If that is not the case, that is fine, there will not be an election, but if there is then the democratic process is respected and that is why I put these things forward. It is not because I have a penchant for pedantry but parliamentary process is vitally important and we cannot just make things up on the hoof because it is convenient for us to do so. I think we have to have processes in place irrespective of who in the future might be taking these roles up, so I do maintain the proposition even though it may be doomed to failure.

The Bailiff:

I ask the Greffier to put a vote into the link. A vote *pour* would be to defer the appointment of the panels to tomorrow morning if we are still sitting or until the next sitting of the States Assembly if we are not sitting tomorrow. I open the voting and ask Members to vote. If Members have had the

opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been defeated: 3 votes *pour*, 39 votes *contre* in the link and one further vote *contre* in the chat.

POUR: 3		CONTRE: 40		ABSTAIN: 0
Deputy of Grouville		Senator I.J. Gorst		
Deputy M. Tadier (B)		Senator L.J. Farnham		
Deputy J.H. Perchard (S)		Senator J.A.N. Le Fondré		
		Senator T.A. Vallois		
		Senator K.L. Moore		
		Senator S.W. Pallett		
		Senator S.Y. Mézec		
		Connétable of St. Clement		
		Connétable of St. Saviour		
		Connétable of St. Brelade		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		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 of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		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)		

The Deputy Greffier of the States:

Those voting *pour*: the Deputy of Grouville, Deputy Tadier and Deputy Perchard.

The Bailiff:

We will then deal with the elections at 2.15 p.m. As I say, if either of the chairmen are not able to proceed at that point and wish for further time, it is more than open to them to inform the Assembly at that juncture but otherwise we will deal with them then.

PUBLIC BUSINESS - resumption

3. Residential Properties in the Waterfront Development (P.165/2020) - as amended (P.165/2020 Amd.)

The Bailiff:

The next item of Public Business to be dealt with is the Residential Properties in the Waterfront Development, P.165, lodged by Senator Mézec. An amendment has been lodged by the Council of Ministers. Senator, do you accept that amendment and wish the proposition read as amended?

Senator S.Y. Mézec:

Yes, that is right, I do.

The Bailiff:

Do Members agree to have the proposition read as amended? If anyone does not, could they just indicate in the ... very well, I ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion that in the proposed development of the Waterfront (defined as Key Opportunities Sites 1, 2 and 3 in the South-west St. Helier Development Framework) by the S.o.J.D.C. (States of Jersey Development Company) (a) no residential properties should be sold by the S.o.J.D.C. to foreign buy-to-let investors; (b) to request the Council of Ministers to present a report to the States Assembly by 30th April 2021 which provides guidance to be used by S.o.J.D.C. with the aim of maximising the proportion of affordable units allocated through the Housing Gateway, together with a range of other residential accommodation of varying prices, types and tenure, to help meet the housing aspirations of other Islanders within the Waterfront Development, while maintaining the overall viability of the scheme including all public realm improvements and other community and leisure uses; and (c) to request the Minister for Treasury and Resources, as shareholder representative, to instruct the S.o.J.D.C. accordingly.

3.1 Senator S.Y. Mézec:

Can I start by saying I am grateful to Deputies Pinel and Ash for meeting with me recently to discuss ways forward on this and I was pleased to be able to contribute to the report that accompanied their amendment, so I guess I hope that means this might be a relatively short debate. The intention of my proposition was to ensure that a mandate is given by this Assembly to the S.o.J.D.C. that whatever they plan for the Waterfront must play a direct part in addressing the housing needs of the Island rather than a less tangible indirect part by supposedly raising profits to channel elsewhere which is a dubious strategy, in my view. I propose that no properties should be sold to foreign investors who would take advantage of a Government-backed scheme to profiteer, funnel money out of our economy and risk damaging our local housing market by contributing to rental inflation and I am pleased that the Government has accepted this. I also propose that there ought to be a 50:50 split in the housing that is created with half being allocated through our established Affordable Housing

Gateway, which basically means it would be for first-time buyers who cannot afford to purchase on the open market or for social renters. The Government's amendment takes out a specific commitment to a 50:50 split but instead it accepts that the proportion of affordable housing should be maximised, and "maximised" is the key word there, while maintaining the viability of the whole plan, including the community facilities and public realm improvements. They say that that work should be done to define this balance more clearly and then presented back to the States in the coming months. So since our principles are aligned there in wanting to maximise the proportion of affordable housing, then I think it is worth accepting that. I do not think there is use fighting over a specific 50:50 split when the optimum could be something else. If it turned out to be a 51:49 split or anything that can be defined and justified, then I say that is something to welcome and it takes us in the right direction. I have to say that I do take particular gratification at this meeting of minds, given that when I proposed this radical notion that publicly-owned developers working on publicly-owned land should be providing a public benefit, I was accused by commentators in the *J.E.P. (Jersey Evening Post)* of being "economically illiterate" and a "muddle-headed left-winger". In actual fact, this proposal's strength is its economic literacy. The *raison d'être* is to provide a targeted supply of housing to people who need it so that they are able to establish their lives around the stability that provides, to be happier and more productive and able to spend more in the local economy because they are not sending half of their hard-earned wages to some faceless investor somewhere else in the world. When interest rates are so low and the Government acts as guarantor to our government-owned developers, it simply does not make sense to try to profiteer out of our land to cross-subsidise a scheme on land we would have to buy elsewhere when this scheme will pay itself off anyway with the rental income over a planned period.

[11:15]

Some detractors were also making what I thought were quite nasty suggestions that a nice view was something that poorer people should never be entitled to and I am glad that that view is rejected. Jersey faces a housing affordability crisis. Home ownership is growing further out of reach for many as house prices have consistently increased at a greater rate than earnings, while the numbers of those living in rental stress goes up and up. The cost of housing is the single biggest contributory factor for causing relative poverty in the Island and we need to take action to deal with this. Some say that the solution to this is simply to increase the supply of housing, and I do not completely agree with that, because I think it is more complicated than just building new homes. We could continue building new homes but if they all get bought up by the wrong people for things like lock-up-and-leave then we will not be doing anything to address housing need. We need to get the right type of homes to go to the right people and we need a more targeted approach. On an Island with not a lot of space to be building homes, we need to take advantage of every opportunity we get and that is why I say we need to make the most out of this particular opportunity. I think you would probably struggle to find anyone who believes that our waterfront is currently meeting its potential, so it is welcome that the S.o.J.D.C. want to deliver on a visionary scheme there and make it something that we can all be proud of and that is a prospect I am quite excited by. But this proposition says that this should not come at any cost. If it is purely to be a money-making scheme then we will have to live with the legacy of that for decades to come and a better legacy would be a Waterfront Development that balances out the need for new facilities down there and produce targeted housing for people in Jersey who need it. This is perfectly financially feasible, we just need to do the work to demonstrate how and that is what this proposition now will do with the amendment from the Council of Ministers. If any of what I have said makes sense to Members, and I apologise if they think that they might get tarred with a muddle-headed left-wing brush as well, but I hope that they can put that aside and support this and help us take a step towards getting a waterfront that we can be proud of as an Island that plays a huge role in contributing to the housing needs of our constituents. For those reasons I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Deputy Young, you have a question for the Attorney General.

Deputy J.H. Young:

Yes, I see that the Minister for Treasury and Resources wanted to speak; I am happy to do my question after Deputy Pinel has spoken if that helps. I can ask it now. I did give notice to the A.G. (Attorney General) if you prefer.

The Bailiff:

Yes, I think you could ask it now. I think that is appropriate.

Deputy J.H. Young:

What I am hoping I can do, I can ask the question without speaking, as it were, and then decide to speak later if I need to.

The Bailiff:

You can if you limit it to the question alone.

Deputy J.H. Young:

Part (a) of the proposition proposes that no residential properties should be sold by S.o.J.D.C. to foreign buy-to-let investors. I have been raising for a very long time the issue of the legal devices which are used by development companies to sell residential properties. The last lot of figures were: there was about 62 per cent of the flats and so on are sold through share transfer. The specific question is: can the sale of shares be restricted to people who do not hold local residential qualifications and can that be done at the start or can that be controlled as far as onward sales after that? Can it be put in the Memorandum and Articles of Association of the company, various things, I would very much value an opinion on that.

The Bailiff:

Mr. Attorney, are you in a position to assist the Assembly at this point?

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

Yes, I am grateful that the Deputy has given me some notice this morning of his question, so I am in a position to answer it now. Essentially, yes, share transfer properties do pose some challenges in relation to trying to control ownership of property because they are not immoveable property, they are moveable property, and that creates some difficulties in controlling transfer of ownership of those shares. But having looked at the Control of Housing and Work Law, in my view, Articles 15 and 20 do provide some ability for the Minister to impose some conditions in advance on the ownership of those properties. As far as I am aware, they have not been tested before but my preliminary view is that they could be used in these circumstances to impose control right from the start and specify perhaps that these are not to be share transfer property developments. So, I have also given consideration to whether or not use of these powers might result in a form of discrimination on the basis of race, direct or indirect discrimination on the basis of race, as it would mean that a certain racial profile has perhaps more access to these properties than others but in my view I think the provisions of the Discrimination Law are sufficient to discount the possibility of a successful claim. So my preliminary view is that our existing laws do allow the sort of controls that are contemplated in Senator Mézec's proposition as amended.

3.1.1 Deputy S.J. Pinel of St. Clement:

As indicated by the proposer at the beginning of his opening remarks, we conducted very helpful and constructive discussions about the proposition with Senator Mézec and I just wanted to thank him on behalf of the Council of Ministers for accepting the amendment.

3.1.2 Deputy L.B.E. Ash of St. Clement:

I am happy to follow Deputy Pinel there and echo those sentiments. I have enjoyed working with Senator Mézec, not only on this, but in my capacity with Andium and S.o.J.D.C. when he was Minister for Children and Housing. I would say that we shared many ... well, we had common ground on many issues. We both felt people should have houses: I felt they should pay for them, he did not. Sorry, I jest there, I do not want the *J.E.P.* to run with that story and Senator Mézec be swept to power with a massive common mandate. No, we shared a lot on this and that is why I am glad that he has brought this forward. But I do think, and it is one of the reasons I wish to speak on this topic, it is an important issue. It is one of the most important issues that face us in this Assembly. Obviously many of our important issues have been swept to the back slightly - not even slightly, majorly - by the COVID issue but housing is a major issue. There is a general acknowledgement that we have a shortage of housing and that something needs to be done about it. This will probably have cued much sage nodding of virtual heads. There are also too much “love” solutions that are put out there. Firstly, one of the solutions that people love to put forward is to stop people coming in. Stop people coming in, stop immigration, freeze population, we are fine. This is obviously much loved by the populists because they know it plays very well with Hedley and Snow down at the Pétanque Club. But in theory it is much harder to do and even if we froze the population here, we are still very, very short of housing. The second, which is perhaps the more obvious one, is to build more accommodation. There of course lies your answer, it is blindingly obvious, staring us in the face: off we go then; problem solved. Although it is not, is it? This is where Senator Mézec and myself shared a lot of common ground. Because when we try to build anything anywhere any time, and we have seen this with the amount of places that Andium could be building on now but is still stymied in doing so, all the States Members suddenly receive 5 or 6 communications stating: “I cannot believe that Senator Structure is putting up this monstrosity in St. Somewhere” and, bingo, we end up with gridlock, the States get cold feet. Now if this housing problem is to be solved, it will need more things such as this that are brought by Senator Mézec. It will need this Assembly in short to show true leadership, the sort that can make you unpopular, can make the Assembly unpopular, the sort of leadership that we saw in the past when we flooded Queen’s Valley, 22,000 signatures were against that - 22,000 - and that was in the days when one needed a paper and pen to sign a petition, not merely press a button. But people had the courage to make that decision then that I think few would now doubt has benefited the Island hugely and in an ironic sort of way has also created a magnificent spot in replacement for what was already a great beauty spot. So that is what we need, we need leadership, proper leadership. Not the leadership to lead a mini revolution of keyboard warriors proposing any substantial change; no, proper leadership. We have seen outbreaks of that courage in the Assembly this term, most notably with COVID and the hospital to name but 2. In the hospital’s case it will require still more if that holy grail that has eluded our predecessors is to fall into the Island’s grasp. This move by Senator Mézec, as I said, is an attempt by him to make housing more available which I and S.o.J.D.C., the Minister and, I hope, the Council of Ministers have all discussed prior to this being brought. My problem now is that many will think: “Okay, lovely, that is sorted.” Well it is not and it will not be unless it is taken on. To that end, I was very heartened by what Deputy Labey, the new Minister for Children and Housing, said yesterday about how he intends to do that. If we look at what Senator Mézec has brought to us, one of his main bits, I agreed with him, I was happy to agree with it, but it really does not cut much ice, and that is the non-purchase of properties by foreigners, for want of a better word, non-locals, to be rented out. Because much of our housing is not rented out by non-locals but by locals and it will not stop local purchasers buying it and renting out these properties. If you are one of the people having to pay high rents and you are shelling out in excess of £1,000 a month for a one-bedroom flat, do you think people are sitting there consoling themselves with the fact that it is not going to a Vlad, it is going to a Vibert? I do not think they care less. It is merely a populist move by the Assembly. It solves nothing as far as the rental prices, I do not think, it is just a “nice to have”. If you want to look at sky-high rents, have a look at the retail

sector. Are they caused by foreign buy-to-lets? Not really. They are caused by people who have owned those properties for years and years and years and have benefited greatly from doing it. The blame of the foreigner is an easy one if we wish to deflect difficulties nearer to home that we have to tackle. In closing, I would say that the former Minister for Children and Housing and myself, I am so pleased that he accepted our amendment because, as he said himself in his speech, it widens the scope available from what he had set out initially. This allows, as the current Minister for Children and Housing said yesterday, us to look at real change in a development such as this. First-time buyers, shared equity, downsizing, it opens up a whole different gamut of possibilities and I think it is really something we should do. If we do it properly, we could have a truly mixed project. With the backing it deserves from this Assembly, it could become an iconic development for Jersey and I hope it is.

The Bailiff:

Deputy of St. Mary, you have a question for the Attorney General?

The Deputy of St. Mary:

It rather follows on from the answer he gave to Deputy Young who stole my lines so far as the original question was concerned. I thank the Attorney for his reply but could he just clarify that it relates to the basic question as to the ability to prevent a foreign owner acquiring one of these properties.

[11:30]

Could he just clarify that under the Articles of Association as are now in force, no such restriction could take place and it will therefore mean that the Articles will need to be amended to prevent a foreign entity acquiring a unit? Secondly, could he perhaps elaborate on the point that the Articles could be so amended to prevent an onward sale as to which in fact S.o.J.D.C. would have little control and on what basis would S.o.J.D.C. be able to satisfy themselves that there is no foreign involvement in any such onward transfer? I would appreciate his views on both those points.

The Bailiff:

Are you able to assist, Mr. Attorney?

The Attorney General:

Yes. I think the questioner slightly misunderstood my answer. The powers in Articles 15 and 20 of the Control of Housing and Work Law are directed at giving any jurisdiction for the Minister to impose conditions on ownership of property in the first instance. Those powers could be used to impose a condition that the property is not to be owned by someone who is not resident or does not have entitled or licensed status in Jersey. In terms of whether they could further be used to go on to amend the Articles, I am not sure whether that is necessary in terms that there is a ministerial condition that sets out that the property needs to be subject to a ministerial condition that it is to be owned by someone with entitled or licensed status. There is a supplemental power in Article 20 which I think can also be used to similar effect. To my knowledge, they have not been used in Jersey previously, so I think we would need to devote further thought to how exactly they would be used in relation to this particular development but one option is to say that the property is not to be owned by way of share ownership but is to be owned by way of a flying freehold under the 1991 law. That is another possible way of achieving the object of this particular proposition. So, I think my answer is basically in principle. I think that there are powers under Articles 15 and 20 of the Control of Housing and Work Law which can be used to achieve the effect of this particular proposition but I think there would need to be some work done as to how exactly they would be used in this particular case. As I understand it, this is an in-principle proposition and it requires, whether it is the Minister or the Council of Ministers to come back with a report. It may be that this point can be dealt with in more detail in that report. So I hope that answers the Deputy's questions.

The Deputy of St. Mary:

Yes, I thank the Attorney General for his reply which does indeed highlight the fact that further work does need to be done on this to arrive at what we will say to somebody ...

The Bailiff:

Are you now making a speech, Deputy of St. Mary?

The Deputy of St. Mary:

No, I thank the Attorney for his reply. Thank you.

3.1.3 The Connétable of St. Helier:

I realise that this proposition before us is on the relatively narrow subject of who should be able to buy new properties that are built on the Waterfront. However, given that the Senator in his opening remarks referred to the housing needs of the Island, he referred to the risk that profits from the Jersey Development Company will be funnelled or syphoned, I do not recall which word he used, those profits will be passed elsewhere. He also said that the public are generally unimpressed by the Waterfront Development so far. I hope that I will be given some latitude in the comments that I wish to make on the proposition. First of all, and this is something that I was pursuing through question time yesterday, it is inescapable that the Parish of St. Helier is being asked to take on the majority of the housing needs of the Island both now and in the coming decade. That is a matter which makes of course perfect sense, and I have said this often in the Assembly, it makes sense because it reduces the need for travel, people will be close to the schools and their workplaces if they live on the Waterfront and that of course is good for the Island. It saves us building on greenfield sites because generally the density that can be achieved on the Waterfront will be higher than in the rural Parishes, therefore, preserving the Island's countryside and coastline for everyone to enjoy. That is, of course, not just the people who are lucky enough to live in those places but those who are living in town, who are living on the Waterfront who want to enjoy an unspoilt Island when they visit. So I think the caveat which I always make, and I think it is important I make it today, is that it is only right that St. Helier is asked to take on - I will not call it a burden because I think people are good for town, that they add to the vibrancy and the life of the town 24/7 - but if St. Helier is taking on all these thousands of extra units, even on the Waterfront, then there must be that compensatory provision of open space, community and leisure facilities, all the things that these St. Helier residents are going to need to enjoy their new homes. Parking, of course, will also be important and it is a matter of concern to me that increasingly these developments are pricing their parking out of the hands of the people who buy the units. The parking will be an expensive add-on which many of the people who buy these flats, whatever their tenure, will be unable to afford and that is a matter that I believe the Island must return to when the long-awaited transport strategies are presented to the States for debate. I also mentioned yesterday my belief that the co-ordination of these new housing developments in town are being left in the hands of the Regeneration Steering Group on which I sit is not achieving the holistic approach to the planning of the whole town and the funding of these kind of amenities that we need and that I will be coming forward to the States with a proposal that we have an urban renewal or regeneration body which brings together all the key players, including Planning, and of course the Minister for the Environment is not even given a seat at the table of the Regeneration Steering Group. I think it is vital going forward that these homes in the Waterfront, whatever their tenure, give their occupants the full range of services that they would expect to have a comparable quality of life to those people who live in other parts of the Island. I cannot help but mention in the light of the election of the chair of P.P.C. and my questions to the candidates that it is ironic that whatever category of units the residents on the next phase of the Waterfront are, they will have less influence at the ballot box than if they were buying properties in, for example, St. Mary. I am not sure that I agree with the notion that Waterfront properties should be mixed up in the way that the Senator is clearly hoping for, he has removed his requirement that 50 per cent should be for social

rented, because I think that the key point is that the money that is made from the development needs to be used in the best possible way. If the Jersey Development Company can build more homes by allocating the units in certain ways, then surely more homes must be the key criteria that we select. The constituents that I talk to are not so concerned about whether they have a view of the sea, about whether they have a property on the Waterfront, they are much more concerned about how warm their rental homes are, whether they are watertight, whether they are big enough, whether the rooms are big enough, whether they have parking, whether they have a garden or a balcony or access to a park. These are the key things and the more homes we build that tick those particular boxes the better and I would not want us to be in a position where we are building fewer homes just because we have to provide some of them in a position which is expensive to build on. I also want to refer to the 2 other remarks made by the Senator: one was that the development company might funnel their profits elsewhere. I have to say that I think one of the functions of the Regeneration Steering Group that needs to be more widely broadcast is that it is that body which is responsible for allocating the profits of the Jersey Development Company. The offer which I mentioned in a question to the Minister for the Environment yesterday that up to £70 million from the Waterfront development and the Esplanade Quarter development should be going into regeneration is a matter which I believe must be pursued because there are few Members in the States today who remember the Minister for the Environment making that promise to the Assembly. I think that is a matter of concern and it is something that again needs to be refreshed. I also cannot agree with the comment that the majority of Islanders are unimpressed with how the Waterfront is developing. It is a work in progress but many parts of the Waterfront are really very fine and I think certainly the more recent developments, the Financial Services buildings, the new square that has been provided, Trenton Square, and the plans for the future which will have a range of cultural and community and amenity spaces are very exciting indeed. I do not think we should share in any kind of view that things are not going well. I think things are moving in the right direction, even if some of the initial buildings that were put on the Waterfront, and I will not name them to spare their blushes, but clearly those do need to be reconsidered in future. So I think it is a good proposition now that it has been amended, and it is something that I can support, but I do want to raise these concerns so that they are not forgotten and so that they are pursued by the various Ministers and bodies responsible for housing on the Island.

3.1.4 Deputy M.R. Higgins:

I shall be supporting this proposition but I believe it does not go far enough. Foreign direct investment by overseas investors is, and has been, a problem. It has caused property prices to be at least 30 per cent higher than they would otherwise be as foreign demand is being added to domestic demand. It also causes rental prices to be higher than they need be as the tenant is covering the purchaser's borrowing, maintenance, costs and profit. They are also making social housing to be more expensive due to the States requirement that social housing rents should be 90 per cent of the market rate, which in turn causes income support for rent to be higher than it would otherwise be. I think that the 90 per cent needs to be looked at and should be looked at before the next election. However, foreign investment purchasers are only part of the problem, as we also have internal investors, perhaps some of our 2(1)(e)s who we give special tax status to who may be purchasing numerous properties and building up substantial property portfolios to rent out and we will not know this until we have our digital property register. Remember, every property they purchase means less properties at affordable prices that are available to purchase by local residents wanting to buy their own homes. Now I have no problem with these investors investing themselves in constructing new-build homes for those who wish to rent but oppose them buying up homes in other developments for purchase which they then rent out because that is not helping the situation. Just 2 other comments: Deputy Ash mentioned that the retail market is due not to foreign investors but to historical local owners but the truth of the matter is we do not know and we will not know until we have the digital property register that the States has agreed to be established by the end of this year. If the Government does not get its skates on and treat this as a priority, we will not have it by the end of

the year and their failure to do so will become an election issue. Just one other comment and that is to do with the A.G.'s comment regarding discrimination.

[11:45]

I would point out that Guernsey has a 2-tier housing market, one open to all and one restricted to locals, so I do not believe that would be insurmountable. I am also sure that with Jersey's inventiveness we can come up with, even if the existing ownership team for these properties do not deal with the matter, we can come up with an alternative which could perhaps achieve what we want. Anyway, I will leave it there. Thank you very much.

3.1.5 Deputy K.F. Morel of St. Lawrence:

Just a question really and then maybe a comment. I would be really pleased if Senator Mézec, in his response, could just confirm his definition of "foreign". In my mind it means anyone, any corporation which is not Jersey, and I just wanted to check that is what he means; so other Channel Islands, the U.K. will be deemed as foreign. I just wanted to get that confirmation from the Senator if possible. Just another brief comment. It is clear in the report that when he was Minister for Children and Housing, Senator Mézec was not consulted about the plans for the Waterfront and I remember the Minister for the Environment also saying that the first he knew of the plans for the Waterfront was when they were published in the *J.E.P.* Really, it is just a comment to say that this lack of consultation is appalling by the part of the S.o.J.D.C. It shows a lack of being joined up. I think one aspect is in culture, is talk of a national gallery, yet we have no known need for such a thing at the moment. We have an art strategy going through government at the moment, should be published in a few months' time, and that will be the place to decide whether or not a national gallery is needed, not just because S.o.J.D.C. decides that it is needed or the Regeneration Steering Group decides that it is needed, so a much more joined-up approach. I would appreciate if the Minister for Treasury and Resources would ensure that that is the case. But my question for Senator Mézec is: exactly what does he mean by "foreign"?

3.1.6 The Deputy of St. Peter:

It is clear, given the overwhelming evidence we have today, that we need more housing, especially social rental and affordable housing. I fully and totally support this and, let me say at the outset, I will be supporting this amended proposition. What we also know is that we have finite resources, finite land. We are due an Island Plan to determine how we can best use our land; however, we should make sure we maximise the returns from these cherished assets. The land on the Waterfront has the highest value in Jersey and the subsequent potential sale value realised from these residential units will reflect that. I feel, and while Senator Mézec argues very well to the contrary, that we should be looking to - and please forgive this expression - sweat that asset without compromising on the planned outcome and the overall benefit to the Island and ensure a significant amount of the profits are carved out to develop affordable and social rental homes elsewhere. Now, if only for comparative purposes, I would like to see that option modelled in the Council of Ministers' report, not just for us and the Constable of St. Helier who expressed similar concerns but all Islanders who need to be assured our money is being well spent. The objective, and let me be clear, is to try and achieve more homes for the safe financial investment on our limited space.

3.1.7 Senator J.A.N. Le Fondré:

Just very briefly, I just wanted to say although I do not always agree with everything that the proposer, Senator Mézec, says all of the time, I do thank him for his constructive approach on this. Obviously we have come to a mutual position which I hope is deemed a constructive way. It does show that, obviously if Members do produce propositions, if we can work together on these, sometimes we can come to - sometimes it is compromise - but hopefully we can come to a position that is a constructive way forward. So I do thank him for his approach on that and hopefully we will all continue in that

same spirit. What I was also going to say is just in relation to part (a) just to re-emphasise the point the reason we did not have any problem with it particularly was that essentially it had been implemented through S.o.J.D.C. back in August 2019, as is noted in the report to the amendment, is consistent with concerns that were raised in the last election. We probably should be doing more in that area, at least trying to understand it, but it is a start. Again, obviously to re-emphasise the point that really, because of COVID, and which we are still dealing with, it has caused a lot of delays in a number of the areas that we would love to be addressing. Hopefully as we progress through the year we can start re-focusing a greater attention in those areas. I just really wanted to say, there are a couple of points, to thank Senator Mézec for his approach on this and obviously will be supporting the amended proposition.

3.1.8 Deputy M. Tadier:

I will keep it relatively brief. I wanted to talk about the issue from buy-to-lets by giving a tangible example. There was a fire in St. Aubin in December last year, just before Christmas. It was particularly bad timing, not just in terms of the seasonal aspect of it, but also the fact that it happened during a pandemic which further complicated what would have already been a bad situation for 6 households who were renting in a block of flats down there. The block of flats in question was owned by a Guernsey company, a trust company. One of the issues with buy-to-lets in general is not just the fact that it has an economic impact on the Island and that profits are going out of the Island which could be remaining in the Island, it is the fact that there is not that relationship that you might expect between landlord and tenants in terms of the accountability. I raised this during question time with the new Minister for Children and Housing. One of the issues that they are facing still is that you would normally expect some kind of duty of care between a landlord and a tenant. Indeed, the new Minister for Children and Housing said that he owns property in the U.K. and he likes to try and keep the same tenants there for as long as possible and as an incentive to be a good landlord because you want to keep the tenants there, and I would suggest that it is exactly the same in a small Island. If you are going to come face to face with your tenants, or you are a tenant and you are going to come face to face with your landlord when you are walking down King Street or if you are going to church or if you are going to the Parish fête, you want to make sure that you are doing the right thing, hopefully because that is the way you operate anyway, but also because there is a social accountability there and a social interaction. That simply does not exist when you are dealing with a faceless company that - I think Deputy Morel raised the question - yes, it would include Guernsey companies in my mind. I have always found it slightly strange that we have a residential qualification for living in Jersey and for buying property and living in it but yet we have lots of people who, for whatever reason, cannot yet buy their own home, they might not be able to afford the deposit. You have got people who have not yet got their residential qualifications but they are very much firmly Jersey residents. They might have been here for 5 to 9 years and made their homes here and give a lot socially, economically as well, contribute in many ways to our communities, yet, they can live here but they cannot buy their own properties. But somebody, or a construct company, a corporation that does not have any presence in Jersey or, indeed, any interest in Jersey, can buy up property and then rent it to people who do live here but who, for whatever reason, are not allowed or cannot afford to otherwise own their own properties, and it seems a complete contradiction. So I think this is moving in the right direction and I hope it will focus the minds of Ministers and everybody concerned about how we deal with issues of housing. These are homes we are talking about, homes for people. Whether or not they end up owning those properties or whether they rent them, they are homes. We should not simply be thinking about assets. I was disappointed by the comments of the Constable of St. Helier, and I have heard them previously, they are effectively saying the Waterfront is too good for social housing. I think he said if we can realise more money from the Waterfront and then use it to spend elsewhere, we can produce much more housing elsewhere but not in prime locations. I find that personally disgusting as an attitude if anyone does espouse that because we should be saying that things like the Waterfront, things with a view which are sought after, and of course they have a

premium value economically, that is because they also have a premium social value and social status. I would say what is wrong with giving poor people, poor families a sea view? I think it is really important that we do have quality builds right across the Island and that we have mixed communities. It becomes very divisive when we have any kind of, I think, ghettoisation potentially going on. I have certainly dealt with many constituency cases as well as social interactions, for example, in Le Marais flats and it has to be said that they are remarkably well built. Those high-rises which may not look particularly attractive from the outside are, I think, both functional and they are well built. They are spacious and they have got sea views and why should they not? People are paying, nowadays especially, quite high rents to live. Often these are people who are hard-working as well. They may not be unemployed people and, even if they are, that is still money that is theirs that is going out paying for rents which are quite high and which would probably get them premium places, were they living elsewhere. So to get back to my initial story about the foreign buy-to-lets and the St. Aubin's case is that you have a scenario where there is a fire and the landlords basically say: "I am sorry, you are out on the street now. You are going to have to house yourselves. Our responsibility under the law is simply that we do not charge you rent but we have got absolutely no legal responsibility to provide you with alternative accommodation. You are out on your ear, mate, even though you might have been living here 15 or 20 years." I think that is a disgraceful way to treat anyone but that is what the law is. But you would think that is probably not going to happen if you have got a local landlord who knows the people who are living in his or her apartment and that there is a duty of care there as well. So of course there is legal responsibility but I think there is social responsibility and this is about: what kind of Island do we want to see; what kind of Island do we want to live in? I do echo the words of the new culture Minister that it is really important the waterfront is vibrant and that it is not simply what we might have seen - I do not know if there are any South Park aficionados out there - but they parodied it quite well about what can happen in a part of town where there seeks to be gentrification but in fact it is not done very well and it just becomes a part of town which nobody really wants to go to. It is just another generic branded U.K. or U.S. (United States) offering which has no soul of its own and which will be shunned by the spirit of the community because they do not feel part of it, so I think it is really important that the key players there are not simply Treasury. It is crazy that in the past the Minister for Children and Housing, the Minister for the Environment, the cultural representatives of the Government have not been kept in the loop of making what has got to be one of the key areas in St. Helier and at the heart of our Island, so I do obviously welcome this proposition as well.

[12:00]

The Bailiff:

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

3.1.9 Senator S.Y. Mézec:

Thank you to all the Members who have spoken in this debate. I will not do a very lengthy closing speech because I think some really good points have been made and the questions to the Attorney General at the start were helpful as well just to underline that part (a) certainly is practical and can be done. In response to Deputy Morel's question about the definition of foreign buy-to-let in this, there is no legal definition, so it is about applying what definition meets our aims here. From my perspective, the aim certainly does mean to exclude any off-Island investor. You could perhaps say off-Island investors rather than foreign investors, if that is easier to understand the point there. I totally agree with what he said as well about the lack of consultation here. The first I heard about this proposal was when it was on the front page of the *J.E.P.* and I was Minister for Children and Housing at the time, reading an article saying: "We are going to deliver 1,000 new homes on that site" and the media asking me for my response and me having to say: "Well I do not have a clue what is on the table here", which is undemocratic and unacceptable in my view. That is why it is important

to have this proposition on the table that requires the Government to go and produce some work to outline what housing need specifically will be addressed in this development. When they come back with that report, if we do not like it, we can bring subsequent propositions to the States Assembly to provide other directions to them instead. That is a more democratic way forward. I thought that the speech from Deputy Ash at the start was particularly good and he identified a lot of the right issues here. In particular, he spoke about the issue of population policy. I see this all the time, people saying: “The housing would be solved in Jersey if only we had a population cap.” That is complete nonsense. We could go to net-zero growth in immigration, or population from inward migration, today. We would still have an increasing housing need over the next 10 years. There is no sense in believing that we can hold back on housing developments and simply institute a population policy and everything will magically find its own equilibrium and everyone will have the home they need. That is just not the case. It is more complicated than that. That is why it is right, when we have an opportunity on Government-owned land, with a Government-owned developer, it is not purely about raising money. It is about addressing specific housing need. We have all the statistics we need to know what that need is going to be. The Objective Assessment of Housing Needs Report provides a really helpful breakdown on that. That examined different immigration scenarios as well. So it gives you different models to work from. We have all the statistics we need. So it is disappointing when I hear comments like that from the Deputy of St. Peter, and the Constable of St. Helier raised this as well, about making money on this prime site so that we can deliver homes elsewhere. It misses the point for 2 reasons. Firstly, it is possible to build housing that is counterproductive. If we are building homes purely for investors to profiteer out of and get as much money as possible out of it, you can end up contributing to rental inflation. Because, while we are spending time delivering on that scheme, we are not spending time delivering an alternative affordable scheme at that moment. While there is a need, you will end up with people moving into those homes because they simply have no other option, paying through the roof all their rent when they cannot really afford it. There are negative economic consequences from allowing that. Whereas, if our focus is purely on the more affordable options, we mitigate that. So it is an opportunity, and an opportunity we should take. More importantly, it misunderstands how we fund the building of social housing and affordable housing elsewhere. It simply makes no sense, when interest rates are so low, to say we are going to build a big profit-generating scheme and use those profits as grants to build affordable housing elsewhere. Why would you do that when it costs so little to borrow? It is a wasted opportunity because they will build homes for affordable purchase or for social rent that will make money. The Government acts as guarantor. The banks love giving money in that situation because it is safe. They know they will get it back. They will plan to pay it back over several decades, no problem. To do it on a grant-based model is a waste of opportunity and a waste of time. I would say to the Deputy of St. Peter and the Constable of St. Helier that my experience, when I was Minister for Children and Housing, in my engagements with the social housing providers, they were not coming to me to beg for grants to deliver new schemes. They were coming to me to beg for sites, places to build their homes, because they knew that they could get the financing to do the development. They just need the place to do it. That was where they found their difficulty. So the contributions from those Members misunderstood how we can deliver more affordable housing. But the Constable of St. Helier’s contribution was particularly disappointing because he just frankly misquoted me on multiple occasions. It was on 2 occasions he referred to me saying that Islanders were unimpressed by the Waterfront. I just did not say that. What I said is that most people would say that the Waterfront does not meet its potential. That is a different thing. By the sounds of it, the Constable of St. Helier agrees that it does not meet its potential because he says it is getting better over time and will continue to get better over time. Great, I hope that is the case, but that does not mean we are coming from a different perspective there. He was wrong to attribute those words to me. He then also said I have referred to the S.o.J.D.C. funnelling money elsewhere. “Funnel” was the key word there. Again that is a misquote. I did not use the word “funnel” when referring to the S.o.J.D.C. and it is using the profits it makes to cross-subsidise other things, like public realm improvements. When

I spoke of the S.o.J.D.C., I said cross-subsidise, not funnel. When I said “funnel” I was referring to off-Island investors who funnel money out of the Island for it never to come back here again. Leave here, often by putting people in rental stress, taking out the money that they earn through their hard work every day, to somebody, who we will never know who they are or what they do with that money, and it will never come back and benefit Jersey by swirling around our economy. It just leaves instead. So I wish he had paid more attention there because he would have understood the points I was making there better. Deputy Higgins said that this proposition does not go far enough. I agree with him on principle. We do need to take much tougher action across the board on these issues. But the reason I have gone for this proposition quite simply is because it felt like low-hanging fruit. Because we own the S.o.J.D.C. we can tell them what to do and we do not need to change any laws to enable us to do that. We do not need to introduce legislation, which bans foreign buy-to-let investing in this scheme. We can just tell the S.o.J.D.C.: “Do not sell any to foreign buy-to-let investors” and they will have to do that. So work does need to go across the wider housing market but, in accepting this proposition today, on a big upcoming scheme, we can make sure that it meets the needs of Islanders and we get the most out of this opportunity. That is why I was pleased to bring this proposition and accept the amendment from the Minister for Treasury and Resources and Assistant Minister for Treasury and Resources. I hope that this Assembly will now back it wholeheartedly. So I call for the *appel*.

The Bailiff:

Thank you very much, Senator. I ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The proposition has been adopted: 39 votes *pour*, one vote *contre*, no abstentions in the link, and a further one vote *pour* in the chat.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Deputy G.C.U. Guida (L)		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				

Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
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:

Deputy Guida voted *contre*.

4. Draft COVID-19 (Island Plan) (Jersey) Regulations 202- (P.168/2020) - as amended (P.168/2020 Amd.)

The Bailiff:

We now come on to the Draft COVID-19 Island Plan (Jersey) Regulations, P.168, lodged by the Minister for the Environment. The main responder will be the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft COVID-19 (Island Plan) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the COVID-19 (Enabling Provisions) (Jersey) Law 2020.

Deputy J.H. Young:

I did lodge an amendment. Can I ask for it to be taken as amended please?

The Bailiff:

You can. But the amendment was to the individual Articles and what we are dealing with are the principles. But thank you for indicating to Members that, when we come to deal with the Articles, you will take them as amended.

4.1 Deputy J.H. Young (The Minister for the Environment):

Thank you very much. Members will know that the main task that falls within my ministerial team in the time this Parliament has left before the elections is the Island Plan. The work has proceeded apace by the officers team. An incredible amount has been done since, Members will recall, in-

committee debates, which we had in July. We made it plain, as part of that work, in order to be able to deal with the processing of the draft Island Plan, it would have to be done in a different way. That is defined in law. What these regulations do is to enable that process to happen. It is using the emergency powers to change the key provisions in the Planning and Building Law. I do not know how long, Members may be concerned that these look quite complex, but I am going to try to take a simplistic approach, if I can, to try to reduce the amount of time. But of course if Members want to go into more detail I am prepared to. What I would like to cover is why we need them, which I have covered, what the regulations do and what effect it has on the public and States Members and indeed the Ministers' roles themselves. Just to show, of course, these are finite and temporary changes. Because the changes, the underlying law for future Island Plans will remain, but this enables us to do this changed procedure for these COVID circumstances. Under the current rules, an initial draft plan is published for public consultation well before the draft Island Plan is lodged formally with the Greffier. That then, at that point, States Members are able to lodge amendments before the debate.

[12:15]

Of course, that timescale cannot be and so the regulations here see an initial draft Island Plan lodged in the States at the same time that it is published for public consultation. We are now weeks away from that. The latest target I have been given is mid-March. So, in other words, it will be a plan for a shorter period, which is 2022 to 2024. Of course, current legislation proposed 2011 to 2020, which is why the current plan expires. Then of course it will be 2025 to 2034 for the next one after that. But one thing I want to be clear on, this will be a comprehensive Island Plan. It will provide a framework for very much the longer term in a number of areas. What effect will these regulations have? They will not affect the ability of the public to engage with and submit representations to the Island Plan. That absolutely remains. It will have no effect on the ability for the necessity for an independent examination in public. In other words, a planning inquiry before inspectors. On the current information I have, it is likely to be a team of inspectors because of the scope of the plan and the timescale. Of course, it is likely now, it is difficult to predict whether that will be virtually or physically, but either way the preparations with the inspectors are well-advanced as to how that can be done in either event. The current Island Plan Order prescribes a minimum period of not less than 8 weeks for the public. Here we are in fact, under these regulations, we are proposing 12 weeks. So, if you like, that is an improvement. Also, for States Members, as I explained under the current law States Members would lodge their amendments to the draft plan right at the end of the process, after they have gone through public consultation and what have you. Now, States amendments would be lodged at the same time. So there is a twin-tracked approach. So that will increase the time that Members have under the current law. At the moment it increases, at the current time it is 4 weeks for amendments and of course under this arrangement it would be 12 weeks. So that will provide a process leading up to the Planning inquiry. Now, obviously things are likely to change at that point, either as a result of things said in the inquiry or information coming out and indeed the inspector's report. There does need to be procedure and these regulations provide for that, for amendments, then to put forward further amendments once the independent planning inspector has published the report. So Members will get 3 opportunities to state their views, during the public consultation in the 12 weeks, during the public inquiry and after the inspector's report. The law sets down the timescales, which has been the trickiest part of this legislation to get right. That is why I am grateful for the work we have been able to do with the Scrutiny Panel - I thank the chairman for that - and the officers and the legal advice. Because it has been quite tricky to try to provide an accommodation in there that is practical. Because the Island Plan debate has to be manageable. I am grateful for the Greffier as well who has given the team an enormous amount of help to produce workable proposals. For the Minister, there is this provision that the Minister can lodge an amendment after the publication of the inspector's report and not later than 2 weeks before a debate. That allows the Minister to respond to the inspector's report. So, for example, if an inspector says something should not be done or something is not recommended, then the Minister can at that point remove it. There is also a

provision, which is a very exceptional one, which is about a provision for dealing with unforeseen issues that emerge during a debate, where the Minister can put forward an amendment with the permission of the States. This is really designed to iron out what you might call technical difficulties. Because the Island Plan debate can get quite complex because obviously the amendments that Members have are on the table for debate. We will then have probably amendments to amendments. Sometimes, with the complexity of the Island Plan, there is a danger that mistakes can be made. That provision would enable that to be sorted out. So that is the very high level. Obviously, the Scrutiny Panel have published a report, we have discussed it with the panel at length. The Island Plan process will be comprehensive. The report produced by the panel really gave us the flavour of the issues that are going to be coming out of the plan. So it is a good helpful lead-in to the publication of the plan. With the opportunities there are for all of the amendments, as I have said, and the opportunity for Members to bring amendments, the plan that is likely to come forward, which will deal with affordable housing, the use of public land, supporting Parish communities, affordable homes, protecting our coast, countryside and marine environment, a plan for town, protecting public open space and play space for children, and particularly infrastructure and Our Hospital. That vital project. As Members have said, dealing with climate change. So it is an ambition but the team have done fantastic work. I am delighted with the work that has been done so far. I will promise to see this through. So there is no escaping it, these regulations are necessary because without it there is no legal framework to do what we agreed to do in the in-committee debates and adopt the interim Island Plan. So I ask Members please, I make the debate on regulations in principle. I have tried to keep it simple to save time. But I will respond to detailed Members' points if they have them.

The Bailiff:

Are the principles seconded? **[Seconded]**

4.1.1 The Connétable of St. Brelade:

I commend the Minister for bringing this 3-year bridging plan to the Assembly. In the light of COVID restrictions it would appear to be the right thing to do. We must, however, be cognisant that there is a real risk that not much will be achieved in this condensed period of 3 years. My panel considers that there may be a significant scaling-back from a 10-year plan and I would ask the Minister which areas he would think most at risk. One of these risks is that it may be perceived as a plan driven by Government without the support of the general public and key stakeholders. They are vital to delivering the outcomes of the Island Plan. It is evident from the panel's findings that meaningful consultation and clear communication with stakeholders is key to securing the plan's success. It is crucial therefore that the Council of Ministers puts forward the plan that States Members and the public can have faith will successfully deliver on its aims in the short timeframe. It is clear that prioritising and addressing the shortage of affordable homes will be a key element in the bridging Island Plan and we are reassured to note there is some degree of known certainty within planning assumptions for this element of the plan. Approval of this proposition will enable the proposed changes in process that are required to lodge and debate the bridging plan. While it is appreciated that an extended lodging period of 12 weeks will be provided for, there are concerns in respect of public consultation running at the same time as the lodging period. This may be unsatisfactory to States Members, who may wish to bring amendments based on feedback gained from public consultation. The panel's review also found that there was a lack of clarity and assurance as to how a shorter bridging Island Plan will interlink with the subsequent 10-year plan to ensure the sustainable longevity of developments as they go through the design and build lifespan of the project. I refer Members to our review S.R.3/2021, which makes a number of recommendations on page 9, in the interests of providing some positive feedback and help in mitigating any potential implications, should Members agree to adopt this proposition and the subsequent draft bridging Island Plan.

The Bailiff:

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

4.1.2 Deputy J.H. Young:

I thank the Connétable for his support, but really important questions. Starting with the issue of public consultation, it is fundamental that we manage to achieve it. That has to be that no plan can succeed, and I personally would not expect it to be approved by the States Members, if the situation arises where for any reason we fail to achieve that. We have an excellent team. We have a very well-resourced team, thankfully to the budgets provided, with external partners. So we are not in the usual position where one is having to cut our cloth, as it were. We can use every way we can of being able to engage in the public, we will. This is where I am strongly relying on our comms team, on all the expert partners and so on. I will, as Minister, have to monitor that, as I am doing already on the work so far. I ask Members to have faith with myself and my ministerial team, my colleagues, that if we feel that is not being successful, we will make sure we put that right before things advance too far. When you ask about areas of risk, I do not believe there is a risk that there will be a key subject omitted from the plan. If anything, the work has been very comprehensive. That links into the other point the Connétable made about how the plans for the 3-year period will mesh with longer-term. I am very clear, from again the work I have seen, those policies that are coming forward and the work being done is setting the context as well for the longer term. For example, in the case of housing, even though it is a 3-year plan, what we have had to do is to adopt all the targets and the policy drafts for 5 years. The reason for that is logical. The cycle from identifying a site to procuring and seeing that housing implemented is certainly longer than 3 years. So that is why we have adopted the 5-year. Also, when it comes to issues like the infrastructure and provisions where we have taken a much longer view, because you cannot avoid issues like water supply and mineral supply and all those type of things, dealing with them in just a 3-year period. So those are examples. But, obviously, in population we have had to make a best-informed planning assumption. If migration exceeds the assumption numbers, then we will underachieve. But, if it is less, then we will overachieve. Of course the draft plan as we have published, it is a strategy statement, we published it a couple of months ago.

[12:30]

That information is all set out in full in that document. At the moment I have not had a lot of feedback on it, but it is there. If Members read that, you will be able to find that the longer term links in. I agree, and I did make this point earlier, Members may prefer the current process whereby Members can effectively observe what happens during a public consultation process, albeit one that is shorter, only 8 weeks, and then put their amendments in. Now we are asking Members to do it concurrently and that is why we have put out a longer period. But of course there is the second bite of the cherry after the inspector's report where I am proposing that amendments can be brought and the intention is to relate those amendments to things that have already been put forward, matters considered by the inspector, and the opinions and the content of the inspector's report. Of course, this time the other gain there is that all Members' amendments now will be subjected to the public inquiry process. Where, previously, they were not. That is an important situation because, in the past, there has been a risk that a last-minute amendment can be made, which is very material, and has not been subject to an inspector's independent review. Now of course that risk has been reduced. Of course, it does mean the inquiry will be bigger and that is why we have had to talk about 2 or 3 inspectors. Therefore, it has put everybody on their mettle in terms of the resources that we put into that. But I have to say, we have had some good response and we have a good team there and I really believe that is all very doable. I think I have picked up the points that the Connétable raised and I again thank him for his work. I can assure him that the team will keep the Scrutiny Panel fully apprised on process issues. Even though of course members of the panel may have substantive issues as we go through, no different to any other Members, which is absolutely right and proper that happens. The process here

will enable all that to do the job that we hope of it. I hope with those comments that I can propose the regulations in principle and ask for the *appel*.

The Bailiff:

Thank you very much, Deputy. I will ask the Greffier to place a vote into the chat. The vote is on the principles of the regulations. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The principles have been adopted: 41 votes *pour*, one vote *contre* and no abstention in the link and a further 3 votes *pour* in the chat.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
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 of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (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 J.H. Perchard (S)				
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:

Deputy Tadier voted *contre*.

The Bailiff:

I assume from what you have said, Connétable of St. Brelade, that your panel does not wish to scrutinise the matter again?

The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure):

That is correct.

The Bailiff:

We are 10 minutes before we need to consider the adjournment. How do you wish to deal with the matter in Second Reading, Minister?

Deputy J.H. Young:

There is an amendment on Regulation 2, so the main material is Regulation 2, 1 and 3 and then amendment 2.

The Bailiff:

That is your amendment, is it not, Minister?

Deputy J.H. Young:

Yes.

The Bailiff:

So you would ask it to be taken as amended. Do Members agree that the regulations may be taken as amended? Who, if anyone, does not, can they indicate in the chat? I will take that as effectively an agreement on a standing vote. So, Minister, you can propose all 3 regulations in any way you wish.

4.2 Deputy J.H. Young:

I would like to propose the regulations *en bloc*. They do look complicated, but they boil down to the simple summation that I gave when I was proposing the proposition. We have gone to great lengths and I am grateful for my colleagues, Deputy Guida and Deputy Perchard, and indeed Deputy Morel, who has been involved in the dialogue about getting these lodging periods correct, and the Greffier. So I really think we have the best we can achieve. In that case, I propose the regulations *en bloc*.

The Bailiff:

Are the regulations seconded for Second Reading? **[Seconded]** Does any Member wish to speak on the regulations or any of them in Second Reading? If no Member wishes to speak in Second Reading then I close the debate and ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote in Second Reading. 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: 43 votes *pour* and no votes *contre*, no abstentions in the link and one vote *pour* in the chat.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
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 of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (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)				

How do you wish to deal with the matter in Third Reading, Minister?

4.3 Deputy J.H. Young:

In proposing the Third Reading, I would like to thank Members for making my task easy so far. I hope we can finally give these the seal of approval today. Because I have had to summarise, but I have to say the work that has gone into these by all of the officers concerned on these details, because it is a complicated matter in law. There is no question, this achieves and the safeguards are all there. It is an ambitious plan, the Island Plan. As I say, frankly I feel very excited. I am an optimist and from work I have seen already, Members have seen some, the consultations that have all taken place with Members on Parish matters, on housing and so on, have been very high quality. The team have got a lot of information together. So again, in thanking my team, thanking the Greffier and the law officers, I would like to ask the States please to support this in Third Reading. I make that proposal.

The Bailiff:

Are the regulations seconded in Third Reading? **[Seconded]**

4.3.1 The Connétable of St. Brelade:

I would likewise like to thank the Minister and his team for their openness with the panel in the drafting of this bridging Island Plan in a very short timeframe. My thanks also go to the Scrutiny officers and the Greffe for producing an analysis of the process in our report. I am well aware of their late-night working to achieve this in the limited time available.

The Bailiff:

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

4.3.2 Deputy J.H. Young:

I would like to echo the Connétable's comments because this has been an enormous teamwork project so far. It is paying dividends and I feel very confident that, with that support, and particularly the way Members have responded today, I thank Members. I think the portent for a really good planning process are positive. I ask for the *appel*.

The Bailiff:

The *appel* is called for. I ask the Greffier to post a link for voting into the chat. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted in third reading: 41 votes *pour*, no votes *contre*, no abstentions, in the link, and a further 4 votes *pour* outside of the link.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				

Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
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 of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Is the adjournment proposed? Very well, the Assembly stands adjourned until 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:14]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

5. Appointment of the Members of the Privileges and Procedures Committee

The Bailiff:

In accordance with what was established prior to the adjournment we move now to the appointment of members of P.P.C. and Planning. We will deal first with P.P.C. and in accordance with Standing Order 122 I would invite the chair of P.P.C. to nominate 3 elected Members who are neither Ministers or Assistant Ministers as candidates for membership.

[14:15]

5.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

I would like to nominate the Constable of St. Helier, Senator Vallois and the Constable of St. Martin. I would hope that Members will accept all of my nominations for the membership of this new P.P.C. I have tried to achieve a balance between continuity and new blood. I have proposed some new members in the shape of the Constable of St Martin and Senator Vallois, who only joined the committee at its last meeting. I believe that if we are to make progress we need to be able to work effectively together and I firmly believe that the names I have put forward will produce a balanced and dedicated team.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations?

5.2 Deputy S.M. Wickenden:

I would like to add another member to the list for Members to consider. I would like to put forward the Constable of St. John. The Constable of St. John was a member of P.P.C. this term for 2 years until he had to step down. He was I know a valued member of the committee for the previous chair and I think he would be a valued member on the team.

The Bailiff:

Thank you very much, Deputy. Is that nomination seconded? **[Seconded]**. Are there any other nominations?

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

I would like to nominate Senator Steve Pallett.

The Bailiff:

Is that nomination seconded? **[Seconded]**. Are there any other nominations? If there are no other nominations in accordance with Standing Order 122(4) we will take a secret vote and the candidates who receive the highest number of votes will be appointed. So I would ask Members to remember that ... the voting link has not been posted, for whoever is expressing concern at this point. Members can vote for up to 3 candidates on the voting link, so we are now going to post a link into the chat. I remind Members that they can vote for up to 3 candidates and the candidates who receive the highest number of votes will be appointed. I open the voting and invite Members to vote.

Deputy C.S. Alves:

Sorry, Sir. The link only allows us to vote for one.

The Bailiff:

In which case will Members please ignore that particular link? We will cancel it and we will put up another link which enables Members to vote for 3 and it will just take a moment to do that, so we will go on pause.

Deputy G.P. Southern:

Excuse me, Sir. I was late. It is Deputy Southern here. I was late tuning in. What vote are we having here?

The Bailiff:

This is the vote for membership of P.P.C., those Members who are neither Ministers nor Assistant Ministers. Deputy Alves has proposed the Connétable of St. Helier, Senator Vallois and the Connétable of St. Martin. Deputy Wickenden has proposed the Connétable of St. John and the Deputy of St. Martin has proposed Senator Pallett and when the voting link has been placed up, which we will do shortly, it is not yet there, then Members can open the link and vote for up to 3 members. I am afraid we have technical difficulties inasmuch as we cannot put up a link that enables Members to vote for 3 individuals. Members can only vote one at a time. There will therefore either have to be a succession of links, or a more practical way of dealing with the matter may be for Members to vote for their 3 candidates by email directed to the Deputy Greffier, Lisa Hart, and the Assistant Greffier and to send their selection of 3 to those emails and then the counting can be done. We will not probably declare the result until later on in the afternoon, but at least we can work out that is the best way of doing it. There is no other way of doing a secret ballot, I am afraid. We thought that there was, but it appears that there is not, at this point. I would therefore ask Members to email Lisa Hart and Tim Oldham, the Deputy Greffier and Assistant Greffier, with their 3 choices and that will ensure a secret ballot.

Deputy T. Pointon of St. John:

Sir, could you just repeat the candidates?

The Bailiff:

Yes, certainly. Deputy Alves has proposed the Connétable of St. Helier, Senator Vallois and the Connétable of St. Martin. Deputy Wickenden has proposed the Connétable of St. John and the Deputy of St. Martin has proposed Senator Pallett. The candidates are accordingly the Connétable of St. Helier, Senator Vallois, the Connétable of St. Martin, the Connétable of St. John and Senator Pallett and from those 5 names 3 need to be chosen. If one opens the voting form, even though you cannot vote on it, you will see I think the names of the candidates. Thank you, Deputy Morel, for that suggestion.

The Deputy of St. John:

Would you mind saying again the second person to send it to, Sir?

The Bailiff:

Yes, just one moment. We may have solved the technical difficulty. Hold on.

Deputy K.F. Morel:

Sir, it is Deputy Morel here. If we only vote for 2 would that invalidate our vote or is that still a valid vote?

The Bailiff:

No, you can vote for up to 3.

Deputy K.F. Morel:

Up to 3, thank you very much.

The Bailiff:

But if you hold on from doing anything at the moment, we are just seeing if we can solve the technical problem. In order to keep Members properly informed there are optimistic murmurings coming from the Greffe's table, so if Members will bear with us for a moment we will see what can be achieved. The Greffier is about to post a link into the chat. Apparently it is impossible to remove the first 2 parts but if Members when they open the link scroll down they will see that there is a choice of 5 candidates. Members will please vote for up to 3 candidates. If any Member votes for more than 3 candidates that will inevitably result in a spoiled ballot from that Member, or is that possible, Greffier? So I open the voting and I invite Members to vote and we will see where that takes us.

Deputy R.J. Ward:

That just worked for me, Sir.

The Bailiff:

Thank you very much indeed. That is very helpful. We will be ignoring any emails now, on the basis that Members are able to vote using the link. It appears that voting returns are being made over the link and when a sufficient number have been received I will close the voting and we will do the count. It may take a little while to do the count. I am not sure if that can be done automatically or not; we shall see.

The Deputy of St. Martin:

Sir, can I thank the Greffe team for getting this together? Once again it would appear that our Assembly is leading the way in this type of technology. It is marvellous.

The Bailiff:

On their behalf, as they cannot speak at the moment, thank you very much indeed, Deputy, and I think at the moment they are not entirely confident that they have achieved the result but are hopeful. As everyone knows the Greffe works enormously hard to support both the sittings of the Assembly and Members generally and this is one such example. Forty-three Members have voted. If Members have had the opportunity of voting I ask the Greffier to close the voting and we will return with the result as soon as we are able to do so. There we are, the Connétable of St. Helier, Senator Vallois and the Connétable of St. Martin are duly elected, having achieved the highest number of votes each of the 5 candidates.

Deputy C.S. Alves:

I would like to thank Members for their support with that. Thank you.

The Bailiff:

Thank you very much. We now move on to the next stage, which is in accordance with Standing Order 122(5), Chair. You now need to nominate, having consulted with the Chief Minister, 2 members who are Ministers or Assistant Ministers.

5.4 Deputy C.S. Alves:

The Chief Minister has written to me and I have accepted his nominations and they are Deputy Russell Labey and Deputy Gregory Guida.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations for members who are either Ministers or Assistant Ministers? If there are no other nominations in accordance with Standing Order 122(7) I can confirm that Deputy Labey and Deputy Guida are appointed as members

of the P.P.C. We come now to the final part of this process in accordance with Standing Order 122(9) you must nominate a member who is a member of the Scrutiny Liaison Committee. Do you make a nomination, Chair?

5.5 Deputy C.S. Alves:

Yes, thank you, Sir. That nomination is Deputy Mary Le Hegarat.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? Senator Moore, you asked to speak?

[14:30]

Senator K.L. Moore:

It was for the previous round of nominations for a ministerial candidate.

The Bailiff:

You had wished to put forward a candidate?

Senator K.L. Moore:

I did, but perhaps I was not seen in time.

The Bailiff:

I do not think you were, because I looked for quite some time to see if there were any other nominations. So, are there any other nominations for the member who is part of the Scrutiny Liaison Committee? Very well, if there are no other nominations in accordance with Standing Order 122(11) I can confirm that Deputy Le Hegarat has been appointed as a member of P.P.C. That fully constitutes P.P.C. and we now turn to Planning.

6. Appointment of the Members of the Planning Committee

The Bailiff:

In accordance with Standing Order 125A, Chair, you will need to indicate the number of members you wish to have on your committee. It must be not less than 3 and no more than 9 and nominate them accordingly. So, the Connétable of Trinity, who do you nominate?

6.1 The Connétable of Trinity (Chair, Planning Committee):

I would like to nominate 9 members, obviously including myself. First of all, Deputy Graham Truscott as vice-chairman, Deputy Kirsten Morel, Deputy Lindsay Ash, Deputy Rowland Huelin, Deputy Scott Wickenden, the Connétable of St. Lawrence, Deputy Steve Luce and Deputy Mary Le Hegarat.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations for the Planning Committee? If there are no other nominations then in accordance with Standing Order 125A(3) I can confirm that Deputy Truscott, Deputy Morel, Deputy Ash, the Deputy of St. Peter, Deputy Wickenden, the Deputy of St. Martin and Deputy Le Hegarat are duly appointed as members of the Planning Committee.

The Connétable of Trinity:

If I could thank the Members for supporting my choice of my team and particularly for the new members to mention that the first public meeting of the committee will be on Thursday, 25th February and there will be site visits on Tuesday, 23rd.

The Bailiff:

Thank you very much indeed, Connétable.

PUBLIC BUSINESS – resumption

7. Draft Taxation (Companies – Economic Substance) (Amendment No. 2) (Jersey) Law 202- (P.172/2020)

The Bailiff:

We now return to Public Business and the next item is the Draft Taxation (Companies - Economic Substance) (Amendment No. 2) (Jersey) Law lodged by the Minister for External Relations. The main responder is the chair of the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read out the citation.

The Deputy Greffier of the States:

Draft Taxation (Companies – Economic Substance) (Amendment No. 2) (Jersey) Law 202-. A law to further amend the Taxation (Companies - Economic Substance) (Jersey) Law 2019. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

The Bailiff:

Could I just interject? When I was reading out the successful candidates I think I forgot to mention the Connétable of St. Lawrence and I was reminded of the fact that I should have named her, if I did not. I apologise.

The Connétable of St. Lawrence:

Thank you, Sir.

7.1 Senator I.J. Gorst (The Minister for External Relations):

This legislation amends the Companies - Economic Substance (Jersey) Law which Members will recall was brought in, in order to show that we were a jurisdiction of substance and it arose out of our conversations with the E.U. (European Union) and the Code of Conduct Group on matters of business taxation. There are 2 amendments to this amendment. One of them takes what is currently required in guidance around the fund exemption and puts it on the face of the legislation to make it clearer, and the second is an amendment in regard to self-managed funds and brings them into the scope of the legislation. This was part of the political commitment that the Jersey Government gave to the Code of Conduct Group back in December 2007 that we would do more work on this. As I say, they are straightforward amendments to the substance legislation and I would like to also say that Scrutiny have been engaged on these amendments and I am grateful for their input and their time in that regard. I maintain the principle.

The Bailiff:

Thank you very much, Minister. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

7.1.1 The Deputy of St. Mary:

Apologies for the delay. Just to confirm what the Minister has said. The Minister and his officers gave a very full presentation to the panel. We are appreciative of what the aim of the legislation is and the reasons for it and we fully support it.

The Bailiff:

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

7.1.2 Senator I.J. Gorst:

Again, I thank the Scrutiny Panel for their engagement on this subject. As ever it is greatly appreciated and I maintain the principle and call for the *appel*.

The Bailiff:

I will ask the Greffier therefore to post a voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The principles have been adopted: 40 votes *pour*, no votes *contre*, no abstentions.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
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 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)				

May I take it that the Economic and International Affairs Scrutiny Panel do not wish to scrutinise the matter in the light of what has been said?

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

Yes, you have picked that rightly, Sir.

The Bailiff:

We come to Second Reading. How do you wish to propose the Articles, Minister?

7.2 Senator I.J. Gorst:

Yes, indeed, *en bloc*. As I said earlier they are 2 straightforward amendments, Articles 1, 2, 3 and 4 and they bring into the face of the law the funds exemption and they create the need for self-managed funds to show substance. I maintain them in Second Reading.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate and ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The Articles have been adopted in Second Reading: 39 votes *pour*, no votes *contre*, no abstentions in the link and a further 2 votes *pour* in the chat.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the matter in Third Reading, Minister?

7.3 Senator I.J. Gorst:

Indeed, I do and I just want to thank all those officials who engaged directly with the Code of Conduct Group in the global markets and wider External Relations team as well as the International Tax teams in the Treasury. This is ongoing work. It is often challenging work but they do their Island proud and I am very grateful to them.

The Bailiff:

Thank you very much. Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak?

7.3.1 The Connétable of St. Ouen:

I would just like to endorse my Minister's comments and also remind the Assembly that the Jersey funds industry is a very important part of our financial services industry. We currently have £365 billion under management and a total of 781 vehicles registered in the Island and this number does

not include private fund vehicles registered in Jersey, so it is a very valuable and important part of our industry and worthy of our support.

The Bailiff:

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

7.3.2 Senator I.J. Gorst:

I do not think there is any need to respond, my Assistant Minister eloquently reminding Members the importance of the funds sector and of course the wider financial services industry to our community and the resilience that they have shown throughout this COVID pandemic. We are grateful for everyone who works in that sector.

The Bailiff:

Thank you very much, in which case I will ask the Greffier to post a link into the chat. I open the voting and ask Members to vote.

Senator J.A.N. Le Fondré:

Sir, for some reason my chat has disappeared completely.

Deputy J.A. Martin:

As has mine. It might be international, then.

The Bailiff:

So that means you are unable to access the link. If you wish to indicate, Deputy Martin you have already indicated a vote in the chat.

Deputy J.A. Martin:

Yes, it is just that I cannot see it, Sir. It has gone all wibbly-wobbly, thank you, but it has registered.

Deputy G.J. Truscott:

Might I suggest to Members that they just press on their chat button again and that will resolve it?

Deputy K.C. Lewis of St. Saviour:

Yes, just a reload.

The Bailiff:

Chief Minister, you also indicated your vote in the chat, wibbly-wobbly chat or not.

Senator J.A.N. Le Fondré:

Okay, the technical advice from Deputy Lewis and Deputy Truscott has been well-received, Sir, and it works. Thanks.

The Bailiff:

If Members have now had the opportunity of casting their votes I ask the Greffier to close the voting. The law has been adopted in Third Reading: 40 votes *pour*, no votes *contre*, no abstentions in the link and a further 2 votes *pour* notified in the chat.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				

Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy 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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

8. Skatepark at Les Quennevais Sports Centre (P.1/2021)

The Bailiff:

The next item is Skatepark at Les Quennevais Sports Centre (P.1/2021) lodged by Senator Pallett and I ask the Greffier to read that proposition.

[14:45]

An amendment was lodged by the Minister for Economic Development, Tourism, Sport and Culture. Senator, do you accept that amendment or do you wish it to be taken in due course?

Senator S.W. Pallett:

No, Sir, I do not accept the amendment.

The Bailiff:

I will ask the Greffier to read the proposition, in that case.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – (a) to agree that the new skatepark be located at Les Quennevais Sports Centre, St. Brelade; and (b) to request the Minister of Infrastructure to bring forward a formal planning application for a new skatepark at Les Quennevais Sports Centre, no later than 26th February 2021.

Deputy J.H. Young:

Sir, as we have heard in the proposition it does refer to a planning application so I think because this is likely to be an application and whatever the result I think I need to declare an interest and withdraw from this particular debate. Because of that I may have to decide an appeal. I do not know, but I am going to withdraw and please can that be recorded?

The Bailiff:

Yes, that is recorded. Thank you very much, Deputy.

Deputy G.J. Truscott:

Just following on from the Minister, could you give advice to the Planning Committee? I am sure either location could end up as an appeal. Your view on that, please, Sir.

The Bailiff:

My own view is that while I understand the position of the Minister, who is a single voice at the end of the process, I think the committee itself involves a significant number of Members of the Assembly. It is a matter that the committee will hear all of this information once again, one way or the other, and in my view it would not be appropriate for members of the committee to withdraw from the debate. It is certainly not necessary to do so.

Deputy G.J. Truscott:

Thank you for your advice, Sir.

8.1 Senator S.W. Pallett:

To make best use of Members' time it is not my intention to repeat myself within the proposition and the amendment from the Minister. To be clear, I will speak on the site proposed at Les Quennevais Sports Centre in my opening speech on P.1/2021 and deal with the alternative site, the South Hill Gardens, when I respond to the amendment. Briefly in regard to the amendment, I am a little bit disappointed that this amendment was accepted for debate, considering the fundamental change it will make to my proposition if approved by Members. Standing Order 20 rules out an amendment that wholly negates the original proposition and this amendment in my view clearly does that. Including satellite facilities in both the east and the west of the Island as stated in part (a) of the

amendment is not a new addition, in my opinion. Satellite facilities were part of the original Government Plan case for a skatepark that this Assembly agreed both in 2019 and again in 2020. Should this amendment be successful then I would be left with a proposition that is 180 degrees different to the one I lodged. But, I have to accept that may well be the case. It is disappointing that I have had to bring this proposition today as the formal decision to build a new skatepark at Les Quennevais Sports Centre was taken over a year ago following the required public consultation. The Government press release of 22nd January 2020 was clear when it stated that: "Respondents supported the conclusion of a detailed assessment of site suitability that Les Quennevais Sports Centre is the most suitable site for a large facility by a proportion of approximately 4 to one." The press release also said: "Funding for the skatepark had been approved in the Government Plan and that this funding will be available for additional skate-friendly areas elsewhere in the Island." There was also a quote included from the Jersey Skatepark Association that concluded that: "We have worked closely with Government throughout the process of selecting a location and feel that the planned site will provide the best overall experience for park users." It also followed the unanimous support of the Council of Ministers, including Senator Farnham, for not only the location of the new skatepark at Les Quennevais Sports Centre but also the need for additional satellite facilities. The minute from the Council of Ministers' meeting stated that they: "... commended the detailed evaluation criteria used and the thoroughness of the resulting report", the site suitability report. Why have we managed to reach the point we are currently at? Well, that is a really good question and one that I intend to explain, especially my part in the process and show that not only did I follow all the processes that were felt necessary to deliver a new skatepark for the urban sports community in Jersey but that I did it collaboratively with officers. The same officers I believe ultimately took decisions that they were not in a position to make that has led to a further unnecessary delay in delivering a new skatepark for Islanders and potentially wasting valuable funding that could be spent on satellite facilities around the Island. I hope Members have read my report as I do not want to spend too long going over the process that led to the decision to build the new main skatepark at Les Quennevais Sports Centre. Briefly, though, after highlighted antisocial issues in early 2018 at the New North Quay the Ports of Jersey took the decision on safety grounds to close the main skatepark facility on the site. To be clear, those health and safety issues still exist today, which is why it is important that a new site for the skatepark is found without any further unnecessary delay. Ports of Jersey have been clear that their current business plan has other uses for this commercial site and although they are keen to help in the process the timeframe for vacating the site is a matter that concerns them greatly. Under a licence agreement with the department the site reopened in late February 2018 with enhanced management of the site and that remains the position at present. After a well-attended and focused public meeting in the Town Hall in February 2018 it was decided that as part of the process to identify a new site for a skatepark that an options appraisal and social case for a new skatepark should be undertaken. Throughout 2018 this was carried out by a specialist consultant, PMR, sports and leisure consultants. This resulted in a report being published in November 2018 that clearly set out the need for a new skatepark and provided the list of preferred sites, plus a list of others that key stakeholders such as the newly-formed Jersey Skatepark Association, had identified. The report though was clear that any site for a new skatepark should take into account that it could be built without disproportionate initial or long-term costs and that any unnecessary legal, planning, environmental or development issues were to be avoided. The 4 preferred sites at the time included Les Quennevais Sports Centre but did not include South Hill Gardens. There is no doubt that the skating community preferred a town site but were cognisant that site availability was potentially going to be an issue. I think it is important for me to state that I personally have no hidden agenda or preference on where this main skatepark should go, and frankly agree with users that a town site would be desirable but - and it is a very big but - it has to be a suitable site that meets all the necessary criteria and does not involve the sort of unnecessary planning, legal or development issues that the PMR report highlighted. As laid out in my report to the proposition, a site suitability report was carried out by the then G.H.E. (Growth, Housing and Environment) Department, which is now I.H.E.

(Infrastructure, Housing and Environment) and that report looked at the suitability of 15 possible sites, using 13 different weighted criteria. The most suitable site identified within this report was Les Quennevais Sports Centre and I will shortly go through why it was considered the most suitable site, even though it was clearly not situated in the preferred area of St. Helier. I do need to go through what the site at Les Quennevais offers to skatepark users, even though we are going to debate an alternative at South Hill Gardens, as in my opinion there has been some misleading information provided recently about aspects of the site at Les Quennevais that needs to be put straight once and for all. Prior to any preparation work on a planning application for Les Quennevais and to meet the requirements laid down by the Council of Ministers a public consultation was held to allow nearby residents, parishioners, Les Quennevais Sports Centre users and the general public an opportunity to give their views on Les Quennevais as the site for a new main skatepark. An open event was organised and attended by users, residents and the general public and although some strong opinions were heard it was clear that the concerns raised did not give any reason as to why Les Quennevais Sports Centre could not be progressed to a planning application. The decision was therefore taken to progress with this site and, as I have said, a press release was issued in January 2020, over a year ago, stating that this was the route Government were going to take. As my report states, a project team was set up to manage the process of delivering a new skatepark at Les Quennevais. That included a project manager from I.H.E. and the Sports Division's operations manager. Regular meetings were held throughout 2020 with progress reports being provided on a regular basis. As far as I was concerned, the project was progressing well throughout 2020, although the effects of the pandemic did create some delay in the timing of a planning application, but it was expected an application would be submitted in November 2020. The date was constant in the progress reports throughout 2020. In recent briefings provided to the department and within the feasibility study for South Hill Gardens it is stated that concerns were raised as early as June 2020 by internal and external stakeholders about the decision to locate the main skatepark at Les Quennevais. I can categorically state that such concerns were not raised with me until I was asked to visit South Hill Gardens on 28th September 2020 by the Sports Division's operations manager. I was informed at this meeting that a desktop review had already taken place on alternative sites to Les Quennevais Sports Centre as the location for the main skatepark and I was frankly amazed and disappointed that such a review had been authorised without the courtesy of informing me. As the Assistant Minister with delegated responsibility for sport and as political lead on the project I should have been formally notified of any such review of the review and any reasons behind it. It states in the amendment of P.1 from the Minister on page 3 that: "Before a significant sum of public funds was committed to the project, a review was commissioned by the incoming acting director general, with political support, taking into account various voices which had been heard raising the question again as to why the site was not in St. Helier, and how the Les Quennevais site might practically work." As the politician responsible for this project who exactly was providing the political support to allow a review of a decision that had been formally made by politicians and been given unanimous support by the Council of Ministers? Since I found out about this I have had the view that this has all the feel of the tail wagging the dog and it has always been my view that it is the job of officers to implement policy and decisions and not to take it on themselves to carry out reviews behind the relevant Minister's back. To repeat, I did not ask for a review of the alternative sites to take place, so if another Minister did agree to it then they are not to have, otherwise the position we find ourselves in today can squarely be laid at the door of officers interfering with a political decision. As I have said, I received progress reports from the project manager throughout 2020 and the last full report I received on 4th September 2020 providing detail around the progress made to date and the plans for the following month and also had the usual financial report. Nowhere in that particular report does it mention any concerns that had been raised by any stakeholder over the siting of the skatepark at Les Quennevais or that any new review of sites had been commissioned. In fact, plans for October included agreeing a communications plan, preparing a child impact assessment for the site, continuing the design of satellite facilities and a survey to be carried out and drawings prepared for the adjacent pavilion

building, which to be clear to Members are changing rooms and toilets that are adjacent to the proposed site. It was also stated that the date of submission for a planning application, as I have said, was November 2020. I had therefore no reason to believe that the project was not on track. Going back briefly to the meeting I had with the operations manager on 28th September 2020 at South Hill Gardens, it was at that meeting that the bombshell of an alternative site was raised with me. I have a great deal of respect for both the Sports Division's operations manager who I have worked closely with for over 5 years and similar respect for the skatepark project manager who is passionate about his work.

[15:00]

It was because of my respect for both of them that I reluctantly agreed to a feasibility study on South Hill Gardens to take place. That mistake was mine and I apologise to Members for not sticking to my guns at the time and insisting we got on with the project as planned. I did, though, register my displeasure at what was being proposed, as I wrote to the operations manager, the project manager and the interim director general of I.H.E. on 7th October 2020 and some of the comments I made were: "I am extremely wary of delay with this project" "There are an awful lot of unknowns in regards to South Hill" and: "As much as it is on the outskirts there are many issues that may render the site unusable as a skatepark" and: "I need to see some real progress on this project by the end of the month if I am not to ask that all focus is centred on Les Quennevais as the site of the main skatepark." As I say, I know that it was a mistake on my part to agree to the feasibility study, but essentially I expected to rule out a site that had previously been rejected. Unfortunately this study has been used to promote an alternative to Les Quennevais Sports Centre that I am afraid is substandard, dangerous and riddled with a number of planning risks, but I will go into that further detail about South Hill and its problems when we come to the amendment. I did feel, though, that it was important to explain to Members why I agreed to the feasibility study being carried out. Moving on, the quarterly hearing with the Minister for Economic Development, Tourism, Sport and Culture in December 2020, the change of site for the new skatepark was brought up by the Economic and International Affairs Scrutiny Panel. Jersey Sport's views on the change of site was mentioned in that they had requested an alternative site to be considered and a review conducted. In an email I have received since from the C.E.O. (chief executive officer) of Jersey Sport it is clear her concerns were not about the location of the skatepark at Les Quennevais but more around the future use of the park. I certainly do not hold Jersey Sport responsible in any way for the position we find ourselves in today and I felt it important that I put the record straight on that as well. Moving back to the site at Les Quennevais Sports Centre and the criteria that were used to assess the site in the site suitability report, as we know Les Quennevais was judged to be the most suitable site in the report and that was based on a number of factors. It is in the ownership of the States, it has no covenant leases in place on the site and has the required space for a skatepark. On the issue of space, the proposed skatepark will be around 2,000 square metres of a site that overall has 134,000 square metres of activity space. I am going to say that again. We are using 2,000 square metres of a site that overall has 134,000 square metres of activity space, not including the sports centre building or the car park. The site selected was chosen because it will have no impact on any of the current sporting activity on the site, no loss of football pitches or cricket pitches, softball or any other sport. I hope Members have had an opportunity to go to have a look at the site, because when you go up there you can understand the scale of the site and when you consider what we are putting on the property it is going to have no effect whatsoever. Unfortunately there have been some negative comments from some sports within the recent online survey on the siting of a skatepark at Les Quennevais, which I found particularly disappointing considering the respect that most sportspeople have for their respective sports. Sport in Jersey have been in support of the community in general, and we should - must- embrace urban sports into that community considering the summer in Japan will hopefully see skateboarding and BMX becoming Olympic sports. The site at Les Quennevais is in a built-up area and although designated open space it is already in sports use. There are no listed buildings or places involved on the site and although

situated near to Les Blanchés Banques which is an S.S.I. (site of special interest) the site itself is contained within the sports centre perimeter. Public access to Les Blanchés Banques will exist whether a skatepark is built or not and to suggest that this is a planning risk I believe is somewhat overstated. There are parking facilities within the sports centre itself and Les Quennevais, as you know, is well-served by the No. 15 bus, the most frequent and well-used bus route in the Island. The site also has excellent walking and cycling routes, which improve the opportunity for Islanders to visit Les Quennevais Sports Centre for all sorts of sporting activities. As I have said, unlike what was stated in a briefing I heard where it was stated that they were not, that they were storage space, there are toilets situated in the adjacent pavilion that could be utilised for skatepark users and the pavilion itself could also offer both changing facilities and maybe a small shop for skatepark users if that was deemed necessary. There are no residential or business premises within 50 metres of the site and the nearest residential property is approximately 350 metres away from the perimeter of the proposed skatepark site. I know that because I have measured it. There are good ground conditions for excavation and engineering in that it is sand and has no contaminated soil. The site is flat, has drainage and other services nearby. Its current use is a sports playing field. Importantly from the point of management there are sports centre staff present 7 days a week that manage the site and there are also maintenance and ground staff situated on the site most of the week. In reality, the only criteria that prevents Les Quennevais Sports Centre being the perfect site where there would be no question is its location away from the main population of the Island. In reality without a ready-to-go site at St. Helier, one that will not either be refused or spend months in a difficult or impossible planning process, we need to confirm Les Quennevais Sports Centre as the site for our new skatepark today. I have provided Members with the St. Helier satellite facilities plan that also as well as providing an insight into what could be achieved in and around St. Helier provides a financial breakdown of the skatepark project as a whole if Les Quennevais was to be advanced as the site for the main skatepark. The building of the skatepark at Les Quennevais is estimated at £835,000 in this document, which leaves £450,000 of the overall budget of £1,285,000 for a satellite facility. Even if the cost of building at Les Quennevais has risen by 10 per cent since last year, say to around £927,000 and except that some funding has been wasted on an aborted bid to secure South Hill Gardens as the site for the new skatepark, it would still leave significant funding of around £300,000 to design and build the desired and agreed satellite facilities. The feasibility report for South Hill Gardens provides a budget for constructing a skatepark at this site of £1,157,500 of a remaining budget of £1,185,000, leaving only £27,500 for providing new satellite facilities. I cannot see how any decent satellite facilities can be delivered for this small budget. This also contradicts the content of part (a) of the amendment, if approved, in that satellite facilities in the east and west of the Island would not be affordable as they would not be affordable within the available budget. A small sum of £75,000 has been allowed for decommissioning the equipment at New North Quay, but relocating any of this equipment, which is 13 years old and has been extremely well-used, to build satellite facilities elsewhere on the Island must be very limited due to the state of that equipment and the potential cost of installation. Even by their own admission in 7.4 of the feasibility study, building at Les Quennevais would allow satellite facilities in St. Helier to be completed as set out in the satellite facilities plan along with an underspend of £20,000. Submitting a planning application for Les Quennevais Sports Centre does, I believe, hold by far the better chance of success, fulfil the commitment made by the Council of Ministers to fund not only the new skatepark but also satellite facilities and finally provide the urban sports community in Jersey with a skatepark that meets their needs. As I say I will comment further on South Hill Gardens in the amendment, but that is the end of my opening speech.

The Bailiff:

Deputy Higgins, do you have a point of clarification?

Deputy M.R. Higgins:

Yes, Sir, I do. Obviously Senator Pallett came out with a great deal of detail and equally we have had so many changes of names of departments and moving of staff. Could he clarify for me this afternoon whether the acting director general, who was representing I.H.E. in September of 2020, is the person he is referring to as the person who started the new study into the South Hill one, and again if he knows who the person was who gave the political consent to that can he please tell us?

The Bailiff:

Are you able to provide that clarification, Senator?

Senator S.W. Pallett:

I can on one part of that but not on the other. The acting director general at the time that I believe agreed to the review of all the sites to find an alternative for Les Quennevais Sports Centre is now the director general, the new director general. In terms of who gave the political authorisation for that review to this day I still do not know, but it was not me.

Deputy M.R. Higgins:

A further clarification, Sir. Has the Senator tried to find out who the political person was who gave the consent?

Senator S.W. Pallett:

To be honest, I do not believe that political support was given to it. I think it may refer to me, but I can assure Members that I have gone through every piece of documentation on the skatepark I have and the first time I heard about any alternative site was in September 2020, so I did not give it any political support. That comment was only included in the feasibility study that came out a week and a bit ago, so I have not had the opportunity to investigate who that comment refers to. I am sorry, I cannot give any more detail than that to the Deputy.

Deputy M.R. Higgins:

Can I thank the Senator for his answer and I hope whoever was ...

The Bailiff:

I am sorry, you merely sought a point of clarification. That clarification has been given, Deputy. If you make a comment then after it is seconded I will take it as your speech and I am sure you would wish the opportunity to speak, if you can. Is the proposition seconded? **[Seconded]**

8.2 Skatepark at Les Quennevais Sports Centre (P.1/2021): amendment (P.1/2021 Amd.)

The Bailiff:

Then we now come on to the amendment. There is one amendment lodged by the Minister for Economic Development, Tourism, Sport and Culture and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 2, paragraph (a) – For the words “Les Quennevais Sports Centre, St. Brelade” substitute the words “South Hill Gardens, St. Helier, with satellite facilities in the west and east of the Island”. 2
Page 2, paragraph (b) – For the words “Les Quennevais Sports Centre” substitute the words “South Hill Gardens”.

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

The Deputy of Trinity will act as *rapporteur* for the amendment.

[15:15]

8.2.1 Deputy H.C. Raymond of Trinity (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

Good afternoon to you all. I think it would be totally wrong of me to start talking about the past, and to some degree I would admit that some of the comments that Senator Pallett has made I am in agreement with. But I was looking forward to the debate this afternoon because it was my first opportunity to be able to know that we were happy to put skateparks into the Island, and it was going to be an international skatepark at that. But whatever we decide here today it is for our children and young people who will have a fantastic new facility or facilities, and I hope you listen to my words in facilities. We are already committed to this project and that is absolutely no doubt, and it will be delivered; I can say that here and now. The only question is how and of course where. What is more we have the money to make this reality. While I will question one of the statements made by Senator Pallett, and that is the figures of the money, but I will come on to that later. Of course in my experience that is most unusual; it is the money that often causes the problem and not the siting of such a venture. So I thought we started this debate in a very good position and I think we can safely say that at least Senator Pallett and I will agree that urban sports of the various kinds that would use a new skatepark have a bright future in Jersey. He mentioned the fact about Alex Coleburn and the BMX champion. Hopefully with an international skatepark we will have many more international and national stars. The situation is such that I think we are all coming to the conclusion that it would be good to have 2 skateparks or 3 skateparks as again Senator Pallett said. As we know, the facilities in St. Helier and St. John and St. Ouen, very small though they be, are immensely popular. They are vibrant and busy all the time even though they are relatively modest. We here have an exciting opportunity to really genuinely put children first. This vision is to provide a network of skateparks across the Island so that wherever they live a young person can get away from their computer, get outside and be active. So I am hoping for a constructive debate today - which unfortunately has started a little uneasily for me - hopefully calm where we can stay focused on the end goal which is how we can do the very best for our children in this venture. But I have to put a context on it, very much so, following on from what Senator Pallett said. I did not take over the Sport lead until the second week of December. I was immediately faced with some big issues about what was going to be happening in the future, Fort Regent, COVID's ongoing effect, the facility plans for sport across the Island, and the skatepark, which I have to say I thought was not going to cause me too many problems. The previous head of Sport had done a tremendous job in getting the money into the Government Plan to build such a venture and I thought we were ready to go at Les Quennevais. I had very little to do personally with what has been happening over the last few years with regards to this venture so I tried to start to get up to speed. I was told that a feasibility study had been passed in June to be carried out on South Hill Gardens. The idea behind this was that there was the possibility afterwards of a consultation process if South Hill Gardens came out okay. I hasten to add that this had all been approved before I took over the role, and I am not trying to disregard my responsibilities but I think it must be made clear that when you take on a portfolio you can only deduce from what you are given with regards to the portfolio. You will also appreciate that I was carrying on what I thought now today that the previous postholder wanted and had set in chain. So then I waited for the feasibility study to be produced and then I have been asked why the U-turn, why the sudden change of heart. For me coming late to the project it seemed logical and right to confirm we had chosen the right location before we moved to a planning application. I simply want the best quality facilities where the highest number of users can benefit from them. Again Senator Pallett talks about previous things that were going on in 2018, 2019 and 2020 where the money was available and everybody was ready to go; so I am slightly confused with some of the comments that have been made. Of course the biggest issue of population density is absolutely central to do this. We know that the highest concentration of users live in and around town and although the bus service is good to Les Quennevais we have to be honest that if you are a young person in town or in St. Saviour with access to mum's car getting to Liberation Station and then onwards might not happen as often as we hope. For many of those living in the eastern end of the Island Les Quennevais is effectively out of their reach. It is vitally important for children to have the best possible access to this facility. There is no question that South Hill is more accessible to those that can cycle and walk. Les Quennevais is

accessible to the west but for the majority of Islanders they will need to drive, bus, or be dropped off by parents. Issue of equity comes into play here as well because if children do not have the ability to get lifts from parents the cost of using public transport will put off some of the children going to Les Quennevais. I did refer to one survey carried out in 2018 which showed that young people supported St. Helier as the site for the skatepark, so that is where I am just questioning what Senator Pallett's information was as opposed to mine. This seemed like common sense. The consultation last year focused solely on Les Quennevais as this had scored highest in a desktop survey, and it did not ask about St. Helier. The latest consultation - which I thought had been passed and agreed in January - spread the net wider once again when two-thirds of respondents in this survey preferred St. Helier as the main site. Can I just say, it was St. Helier as the main site? I totally respect the fact that Senator Pallett has agreed that we all know that the vast majority of the people that are using the skatepark do live in and around St. Helier. We then asked the Children's Commissioner and the Jersey Youth Service for their views. Those support the idea of having the main site in St. Helier. Members will be aware that the Jersey Skate Association are supporting a St. Helier skatepark as their preferred option. It is important we take the children's voices. You have to understand, I took notice of these voices because they are what I thought were the people representing the people with regards to the skatepark. This tends to not be the case from some of the comments that Senator Pallett had made. Aside from travel a number of concerns have been placed about the Les Quennevais site as well including the proximity to Les Blanchés Banques, an environmental S.S.I., again which Senator Pallett has mentioned. It is relatively remote and right next to it are some sports pitches. Residents near both sites have expressed concerns and I have had quite a few emails on that. In planning terms let us be fair, both Les Quennevais and South Hill are challenging, but they are achievable as they always are with major projects in Jersey. We know there are issues that need to be mitigated and we make no bones about the fact that we have been advised and that they can be resolved. Planning applications will require detailed information that work through the environment, geological and social concerns. The planning issues have been very much part of my email box of late. Initial discussions have taken place with the appropriate departments. I can confirm that I have read the reports from the officers about both sites, especially concerning South Hill with its historic environment to be maintained, as well as some of the archaeological reports. I know people are concerned about the unique geology and archaeology of the South Hill area. I can reassure Members that there is no intention to do any harm to it; quite the opposite. Sensitive and complimentary designs can enhance historic areas. It does not have to be a choice between history or contemporary life; they can coexist. The site is within a former quarry. The important geological structures are on top of Mount Bingham, therefore, vertically separated from the development. The skatepark will not be built on it. The important ecology is on the top of the neighbouring hillside, therefore, vertically separated. Any proposals will enhance the planting and ecology of the area and not damage it. The proposal is in a listed space. The space was created by quarrying for the construction of Fort Regent, as many people know. We simply are allowing it to be further used much like the driving bay, the footpaths, the steps and the large electricity substation that has already been built within the listed area. A skatepark would not use this space. It allows our heritage landscape to be used in a new way for the next generation rather than becoming an area which is forgotten, little used and little loved. Can I say this point as well; very much like Senator Pallett previously, I can only go on what I am given and what I believe are the professional returns of what people are saying. I can confirm to all Islanders that we have taken ecology advice, we are in consultation relating to heritage and safety issues and we are confident that this can be a facility we will be proud of, which is safe for users and can be accessible to all Islanders. There is also a wider vision. We wanted the Assembly to have the chance to consider South Hill for the skatepark because of the incredible opportunities it offers to bring the whole area to life. With the skatepark being just one element of a family recreation hub right on the edge of town, with playgrounds for the youngsters and reinvigorated gardens for the older Islanders who have put their halfpipe days behind them. There is the ability to further enhance the whole South Hill area as part of wider development plans for South Hill and Fort Regent in the

Government Plan. South Hill needs to be seen as the end point in the chain of linked open spaces which will provide leisure, recreation and open-air opportunities. Questions have been asked about road safety at South Hill and I have asked the team again to look at access. The team, following professional advice, have come back to me with suggestions and ideas again which we need to look at in more detail for the planning application. But it is the intention to have the access from the north via Fort Regent. We have looked at both sites with regards to public conveniences and cafés, and I do not really want to go into how far is it to go from there to there and back again with regards to toilets and cafés, as I said, otherwise we would just go backwards and forwards and we are not getting anywhere. You will see that I have particularly looked at both sites and know both sites very well, and hopefully I have given you a vision as to why we lodged the amendment for the skatepark to be at South Hill. But rest assured that all concerns will be considered whatever site is chosen. Can I say personally I have no pressure in myself because we want the skatepark. There is no doubt there is a case to be made for 2 such sites. Remember first and foremost that the St. Helier option will have more visitors due to the closeness to the largest skateboard population in the Island, and will be certainly more accessible to all. That is very much what I want to say at the present time, bearing in mind I am sure some of the comments from the Assembly Members that will be wanting to speak now.

The Bailiff:

Is the amendment seconded? **[Seconded]** Deputy Higgins, you raised initially a desire to speak and then you said it was a point of clarification. You will have to choose which you are going to do before you do it but whichever it is would you like to do it now?

8.2.2 Deputy M.R. Higgins:

I will do a speech but what I will say, I accept the need for a skatepark and I must admit that I am somewhat agnostic about whether it is at Les Quennevais or South Hill, although I must say I do have some concerns about the South Hill site because of the archaeology. What I am concerned about though is good governance. I am really concerned about who made the decision to change from Les Quennevais to South Hill. Was it officers or were political decisions made and political directions?

[15:30]

The States have a right to know. I shall vote for whichever scheme, I will vote for either, but I am concerned about the process that was adopted. I am also concerned about consultation. I would like assurances from someone later on about the quality of the consultation. I have not seen the questions that we used in the consultation and therefore I cannot say whether they were leading or not. But I do wonder if there was another agenda here. I would like more information before I cast my vote.

8.2.3 The Connétable of St. Ouen:

I listened very intently to the speeches that have been made so far by Senator Pallett and also the Deputy of Trinity. One thing that sticks out from the Deputy of Trinity's speech, which sticks in my mind, is that he said we want the best-quality facilities with the highest number of users. My speech today is really designed to look at it from a skater's point of view. As the Constable of St. Ouen, I have a peculiarly close association with skaters because the St. Ouen skatepark is right outside my window. So I am able to observe the activity on there, which is of a very high level most of the time. Indeed, sometimes you wonder why some of the people who are there are not in school, but that is another issue. There is no doubt that there is a need and a demand for a full-sized skatepark in Jersey. One only has to go down to the current park located at the old harbour to see how busy it is, full of youngsters enjoying healthy outdoor exercise in pursuit of their hobby. From a St. Helier-based skater's point of view, the location is ideal, being very close to the town centre and indeed a short walk from most of the outskirts of St. Helier, which I am sure everyone knows, and do not need to be told by me, is the most densely populated area of the Island. Access is easy across a main road

using a pelican crossing. Indeed, the site ticks almost all of the boxes required for users based in town, offering cheap, easy access, being just across the road from the bus station. More broadly, the use of the skateparks in the Island is Island-wide. For example, the ramp at St. Ouen's Parish Hall has had so much use that it wore out, literally the ramp wore out, and the Parish helped the youth club repair the skatepark. As my colleague, the Constable of St. Clement, will rightly remind us, there is also a very strong demand in the east of the Island, which needs to be satisfied too. Therefore, the amendment before us has in many ways an inescapable logic. There is a strong demand for services in both the eastern and western Parishes. The site proposed at Les Quennevais could still be developed if the amendment succeeds as the main western population is south of St. Peter and in St. Brelade itself. So Les Quennevais, from the perspective of a western-based skater, is a good location. There are also a number of locations in the east, which could be developed, which would be within easy reach for a goodly number of youth. I leave the recommendation of sites to the Constable of St. Martin and the Constable of St. Clement, who are much better placed to make those recommendations than I am. This is the key point for me, the original option relocating the St. Helier option at Les Quennevais does not stand up well to closer examination from a St. Helier user's perspective. In my mind, they most certainly make up the largest number of skaters in the Island. Most, if not all, of the current skatepark users walk, or skate, to the park within comfortable convenient walking or skating distance. I would imagine the time taken from even more-distant locations in town is probably about 15 to 20 minutes. If you live in town and want to go Les Quennevais park, if it is built, their options are as follows: you could walk, but that is not realistic as the shortest distance is about 4½ miles and with an average walking time of 1½ hours, so it would take you about 3 hours to do it that way. You could cycle but you would have to carry your board on the bike and the shortest route is probably up the railway walk. According to Google Maps that will take about 30 minutes each way. You could go on the bus. I am not the best at manipulating the bus timetables but even my calculations reckon it is going to take you about 40 minutes each way. Or, alternatively, you could persuade your parents to take you there by car, mum or dad's taxi as it is euphemistically known as. In summary, in my mind, it is not exactly the most convenient or conducive to popping out after school for a quick skate if you live in the centre of town. So really from a town user's perspective, the Les Quennevais option is probably not a particularly satisfactory or attractive opinion, not least if you want to use it during the week. The survey did determine whether Les Quennevais Sport Centre or South Hill Gardens was the preferred site for Jersey's main skatepark, attracting more than 2,500 responses. When asked: "Where would you prefer Jersey's centre for urban sports to be?" the response was as follows: Les Quennevais Sport Centre, 1,011 votes; South Hill Gardens, 1,502 votes. That was 40 per cent of those voting for Les Quennevais and 59.8 per cent of those voting for South Hill Gardens. In that respect, I rest my case. However, I would not for one minute discount the many western and eastern-based youngsters who the town skatepark is equally inconvenient for exactly the same reasons I have just outlined when looking at it from the perspective of a town skater. So, to the new proposed site, and the issue has been cited as the reason not to go ahead, the site is a prehistoric beach. That is not what the report and soil samples indicate. It says this was more likely to have been the floor of a quarry for Fort Regent. Indeed, if you look at the site, that is what it looks like. Furthermore, if it is a prehistoric beach, it has already been disturbed by a number of utility cables that run through the site. Heritage, there is a grade 2 listed place. However, a planning pre-application advice has been submitted to the Historic Environment team, and as a result a number of mitigating measures to make the plan acceptable were suggested. They also noted, and I quote: "New facilities would invigorate forgotten areas and create a new tourist attraction similar to the original area." I want to remind everyone; it was in fact a park for the use of St. Helier residents and their leisure. The rockfaces will be an issue if it is unstable. An assessment has been undertaken and a plan that work would be required. It is feasible and within the scope of the budget. It is within a hazardous zone. Yes, but if you look at the report, it is only the outer zone and the U.K. Health and Safety Guidelines indicate the proposed averment is acceptable. Noise has been cited as a reason, but when you look at the site it is surrounded by cliffs and trees, so I cannot see, even though it is within 50 metres of some housing,

it is going to be an issue. So, in short, the issues that have been thrown at the project in the last days, certainly from my reading, would seem to be surmountable. So, in summary, the proposal to put the main skatepark in South Hill seems feasible. It uses a bit of long-forgotten and neglected area on South Hill, which in my mind, and I walk through the area quite frequently, would be delightful to see. It is away from residential areas, so noise should not be an issue. Access is good via Fort Regent escalators and some town skaters would like to walk. It can be made safe within the budget according to the report and it solves a long-standing issue of the current site with a viable issue for St. Helier users who are, in my mind, the main users of the current park. The thing that swings it for me, it has the support of the skaters who, in reality, are the real people who should have a voice in this matter. So I urge Members to support this amendment and give our skaters the park we have so long promised them.

8.2.4 Deputy I. Gardiner:

I would like to ask the proposer of the amendment to answer 3 questions. These questions, if they can be answered at the closing speech clearly it will help me to make my decision. Where I am coming from, when I was elected as a Deputy and the process around the skatepark took place, as a St. Helier Deputy I was surprised to see Les Quennevais. It took me time, as St. Helier, because I did think that St. Helier is the best place to put the park. It is central where most of the population lives in St. Helier or St. Saviour, St. Clement, suburban areas. When Les Quennevais came to our attention it took me time and I got my head around and it would be good site, I can work with it. Now it is all coming back and both speeches were really convincing. I did listen to Senator Pallett with his proposition, I said: "Oh, it sounds right." I did listen to the Deputy of Trinity and he was convincing as well. So, from my perspective, I need some clarity. The clarity, which I would like to ask, first it is the difference in the cost for South Hill and for Les Quennevais, including creating satellites. If you can give clear numbers, this will cost South Hill, this will cost Les Quennevais, and this is the difference, it will be helpful. Second, percentage or estimation of the possible Planning refusal. I would like the Deputy of Trinity to let the Assembly know if they have received communication from the Housing, Environment and Infrastructure, from development control with their view and the possible problems with the planning application around heritage and around the risk areas. The third is the timing. For me, I would like to see skaters with the park. What will be the difference in delivering both sites? So timing, cost and possible troubles with the planning applications.

8.2.5 Senator T.A. Vallois:

Listening to both the proposer of the original amendment and the amendment by the Council of Ministers, or should I say the Deputy of Trinity, I am looking at it from the point of view of when I stood in the Senatorial elections. The skatepark was quite a huge question on the hustings platform in many areas that we went to. I do wonder whether what we are doing here is a question of managing risk and expectations. What I mean by that is the managing of expectations. Page 3 of the report of the amendment refers to a number of consultations that have been taking place, the requirements around consultation. Many people were referring to, in the debate, about where people want the particular skatepark to go. My concern is, as being a Member of the States for a number of years, the planning requirements that will be needed to achieve what is expected in terms of a skatepark. What I mean by that is, now that we are debating whether we should have it at Les Quennevais or whether we should have it at South Hill Gardens will be taken out of our hands when it goes into Planning. What I do not hear in terms of consideration and managing those expectations in terms of certainty to have a skatepark by the end of this term for the people that we represent is that the planning expectations that are required around these 2 areas, which one is more feasible. There is an issue I believe with both sites. But I think possibly one site might be more predicated on achieving the requirements of a skatepark than the other because of my own experience. But I should not be voting on that basis. I should be voting on the basis that we are providing the best possible outcome

for the people that we represent in the best way. But, if I vote for this amendment, what I want to understand from Deputy Raymond or the Deputy of Trinity around this is the risks that come with regard to the planning requirements. That really does concern me. Because there has been mention of rockfaces. There are concerns around the leisure facilities that are on offer to our younger population in, not just St. Helier, but St. Clement as well and also in the outskirts in St. Saviour, the downward area of St. Lawrence. All of those areas where children are more likely to congregate and understand their peers and want to come together to enjoy a social gathering in an activity that they enjoy together.

[15:45]

So, for me, I understand the arguments about why St. Helier may be the appropriate place to put this. The consultation that was done in January, I do wonder whether that consultation abided by the guidelines of consultation that we apply to all other things that Government require in terms of consultation for policy development and for legislative changes that we ask the public for. My concern, and I want this explained absolutely clearly, because this should not be about whether we politically want to throw each other under the bus or whether we do not like what the other person is suggesting. There is an issue of governance I believe, whether there is a case of political acceptance over which site should be the right one and whether it is officers that have decided whether it is the right scenario for the public. But, at the end of the day, it is managing expectations. We should be requiring and ensuring that we have a site that is suitable for a skatepark for our public that asked us continuously throughout, not just the elections, but also Senator Pallett, when he was in the ministerial role, worked for. Now, the Deputy of Trinity is working for it and the Government are trying to put it in place. So my concern is at the planning stage, in which, if we now decide today to throw out the Les Quennevais option and go for South Hill, whereas South Hill might be more of a planning concern than what Les Quennevais may have been, then we are going to lose out on having any skatepark whatsoever. So I do wonder whether this is an appropriate debate to have and whether we should be putting the 2 sites forward in order to make sure at least we have one. Then go forward with the next one with the right fight with planning application in the right way, in accordance with the legislation that we have in place and the orders that we have to achieve. A skatepark for the public. That is our job. That is what we are being asked to do. That is what we are trying to achieve. I am not sure whether this is the right way to achieve it.

8.2.6 Deputy M.R. Le Hegarat of St. Helier:

As an Assembly, we were briefed last Wednesday in relation to the change of track and looking at the South Hill site. Just a number of days after we had debated Westmount in relation to the new hospital. The concerns here for me are the same. From the perspective that we have yet again failed to consult or engage with any of the residents within the area of South Hill. I am not a district representative for this area but it concerns me greatly that we have not even bothered to take the time to ask what their views are or their opinions. There are many ways that we could engage with the public and I am fully aware that maybe the Deputies from that district would not have been able to do their normal with their associations. But I am sure would have been able to, had they been given that notice, do something in order that they could get some feedback from the residents. Firstly, also, I do not understand why the Government have decided to change track when a decision had already been made for Les Quennevais. I can fully see what the previous speaker said in relation to we continue to do this, we spend a very large amount of money and then halfway through a process decide to go and do something different. There is an excellent sports facility at Les Quennevais. I, for one, have used it over many years as a netball player when we still played outside. We also utilised the facilities and FB Fields. As a sportsperson, you would go where your sport was and you would make an effort in order to get yourself to that location. The facilities at Les Quennevais are well-known and there are already large ancillary facilities nearby. Fully appreciating that St. Helier is a central location, connectivity to Les Quennevais is good with a regular bus service every 15 to

20 minutes from early until late. Also with a very good cycle track. South Hill will have already identified planning issues, but this is not my greatest concern. We are proposing to build a facility located on 4 different hills, which indicates to me that there is a potential danger. It does not matter if the bottom adjacent to the main road is well protected. There are still a number of other exit and entry routes, which will all be down a hill. Knowing what I was like as a child, I am not going to say that I would not have been one of those with my skateboard going down any one of those 4 hills. We are advised the skatepark will be a world-class facility. Therefore, an opportunity for Olympics, *et cetera*. But where will those spectators for this sport stand? When we were at that briefing last week, we were given a view that it may be that they would be able to stand on areas that were not being used at that particular time. However, I am not confident of that fact. Also, some sort of toilet/other facilities will have to be provided. This, Les Quennevais already has, and would provide far more ability for a sport to have spectators watching by. There are also facilities nearby for any family member who may wish to drop someone off at the Les Quennevais facility and use other facilities themselves, for example the sport centre, the squash courts and the swimming pool. I have requested comments from the States of Jersey Police, Honorary Police and Road Safety Officer, in relation to this site. Because, as I said, I have real concerns about it. However, I have not been provided this information, even though I reminded 2 days ago that I wanted it prior to this debate. I am aware that many people think that, following the pandemic, we may not have the money to progress this project. However, I do not agree with this principle. I think it is exactly the right time to be providing this facility and have something positive to put forward, not only to our young people, because I believe and I used to work with one, there are some of our older generation that also like to skate and use BMX bikes. So I think it is the right time to have this project, even though it is going to cost us over £1 million. But I would not support this amendment to the proposition because I genuinely believe that we have far more ability of being able to build a first-class facility at Les Quennevais, which is less likely to be impeded by other outside factors. Therefore, from my perspective, Les Quennevais is the best possibility.

8.2.7 Connétable L. Norman of St. Clement:

I feel that we should feel a bit embarrassed about having this debate today because it shows us in a pretty bad light. It shows how awful we are at making decisions and then remaking decisions and then remaking decisions again. This has got the potential to be worse than deciding where the new hospital was going to go. But what I do know at the moment is that I do not know which way I am going to vote. But what I would like to know, what I would like to come out of this debate, as far as I am concerned, is why all new sports facilities, all new community facilities, all new social facilities and all new recreational facilities, all have to go in the west or in town. I hope that Senator Pallett or the new Minister for Economic Development, Tourism, Sport and Culture, or even Senator Farnham, could explain that to me at some time during this debate. I say that because, in St. Clement alone, leaving aside Grouville and St. Martin for the moment, there are some 400 new homes coming to completion, increasing the population of this Parish by at least 10 per cent. But no new sport facilities, no new recreational facilities, no new social facilities, and no new community facilities. Why? We talk about consultation. A lot has been said about consultation. Whatever we are going to do, if we go out for simple consultation, the town will win every time, because that is where a significant proportion of the population lives. The Constable of St. Helier keeps talking about representation and how there should be more States Members representing St. Helier. That is where the centre of population is. So when you go to a simple consultation that is where the votes will go. The rest of us will never get a look-in. Consultation, I have a letter, and I am sure we all did, from the Jersey Skatepark Association. Just to quote from there: "In the survey we ran in 2018, 50 per cent of survey responders lived in St. Helier, St. Saviour and St. Lawrence, when compared with 31 per cent living in St. Brelade, St. Peter and St. Ouen." I read through the letter a few times and I could find no reference whatsoever to Grouville, St. Martin or St. Clement. We lose out again. Now, I have come to the conclusion that I do not really mind where the skatepark goes. I think we should

have it. It would be nice, wherever it does go, to have a satellite facility in the east. But what is more important to me is a swimming pool in the east. I refer to the Pickering Report. We all remember the Pickering Report, it was commissioned by the States of Jersey Education Committee in 1989. It said, and I will quote from it: "In the longer term, there will be a requirement for a pool towards the east of the Island." In the longer term. Is 32 years long enough to be considered longer term? Of course it is. I am pleased that the Sport Strategy Group, the new Minister for Economic Development, Tourism, Sport and Culture and the Minister for the Environment all support a pool in the east. I look forward to seeing that confirmed in the Island Plan. I do not think I have contributed very much towards this debate. I hope I have shown my frustration at the way we are debating these things and deciding these things. I will decide how I am going to vote later on in the debate.

8.2.8 Connétable R. Vibert of St. Peter:

I am pleased to speak after my fellow Constable of St. Clement. Firstly, I do agree that we require a skatepark and some facilities that are centrally located. If a second facility can be built at Les Quennevais that would be a bonus. But why, again, is the east of the Island forgotten in these proposals? I do not, however, agree that South Hill is the best location. We have been told that development at South Hill is preferable but we cannot ignore that parts of the site are already grade 2 listed. We are putting at risk a site that has both important geology and is historically significant. The geology is not, as suggested, all at the top of a cliff. I can recall, although it was many decades ago, a school trip to the area to see the unique geology in the rockface. A strip of black silica-type material running through the rockface I believe is unique in the Island. The history of the site dates back to the Neolithic period, through Napoleonic times, and finally its use as a World War II prison camp. Importantly, our own Planning Department in pre-planning advice have stated that it would be difficult to place a park there without causing significant damage to a grade 2 listed place. I ask, would we allow a private development to take place on a grade 2 listed site? I suspect not. For these reasons I will not support South Hill as the preferred site. We should be working to preserve our heritage and not destroying it. I suggest we seek a site that will not damage our heritage and consider the facilities for both the west and the east of the Island as well. I will reluctantly support Les Quennevais site as I genuinely believe that a central site is also required. Importantly, also, facilities in the east of the Island.

8.2.9 Deputy K.C. Lewis:

As the Minister for Infrastructure, I have certain functions in this debate.

[16:00]

When I first heard that the La Collette Gardens site was being looked at again, I immediately said: "Who has asked for that?" I was told it was the Assistant Minister for Economic Development, Tourism, Sport and Culture at that time, Senator Pallett. If Senator Pallett says that was not his meaning, then I take him at his word, not a problem. But with the subject in hand, I cannot in all conscience promote La Collette Gardens. I know some people will be very upset by this, but I think it is a totally unsuitable site. Not so long ago, we had some rockfall there into the road, I think about 30,000 tonne of rock spilled into the road. Even though the rope access team did an absolutely superb job chiselling away and pinning the rock back that was remaining, there is nothing to say that it will not happen again. As a matter of fact, the weather we have had recently, we have had the wettest January for about 10 years, where you get water seeps in through the cracks and ingresses and then freezes, it does tend to loosen rocks. So there will be a fenced-off area all the way around, which will not be suitable to be used. My main concern is the fact that Mount Bingham is a major road leading down to La Collette. It is very well used and cars do accelerate up the hill. I just fear for the people using the area, I think it was the Constable of St. Ouen that pointed it out, these youngsters do not walk to the skatepark, they will skate to the park and skate from the park. This is human nature. As they come out of the area they would go right and go down to La Collette or left and go

down to Havre des Pas. If they come through the other way that is not to be recommended to walk through the reversing bays with people learning to drive. So there are quite a few things here. When we had the rockfall at Mount Bingham that was the last time the Constable of St. Helier sent me a very, very nice letter, which I think I will frame. But we do have things coming up in the pipeline. We are building a new town park. Maybe that is a space for a satellite skatepark, BMX park, and obviously something in the east. But it is quite dangerous, there are no facilities, there are no toilets there, and I believe La Collette Gardens would be the wrong choice. As Minister for Infrastructure, if the States decide that is where they want it, then I will be directed by the States. But I am afraid I am going to have to vote for Les Quennevais.

8.2.10 Deputy L.B.E. Ash:

I would like to start by firstly saying I have an enormous amount of sympathy for Senator Pallett and his liturgy of woe he gave us at the beginning. When you put as much effort and work into the project, as he has undoubtedly done, it is very frustrating when you suddenly find that people turn around and go: “Yes, we can do this really quickly but not where you have put all that work and effort in. We can do it pretty much straightaway without all the work and effort you have put in.” He must find that frustrating. But what we are here now for is not really to judge what went on in the past, what has gone on in the past. We are here to judge whether or not this is the best place to put what will be hopefully a brand new and fantastic facility for skateboarders. I have to confess that, although I have played an enormous amount of sport in my time, from most ball sports, from racquets to rugby, skateboarding has never really entered my field of vision. While I have watched rugby at Twickenham, cricket at Lords, football at Wembley, Ryder Cup at the Belfry, tennis at Wimbledon, I have yet to visit South Bank, London, which, for those of you not in the know, Osprey was voted the best skatepark in the U.K. This does however give me one distinct advantage of looking at this, is that I can view it away from any inbuilt bias or sentimental bias. While it is obviously important that, according to the surveys we heard read out a moment ago by the Minister for Economic Development, Tourism, Sport and Culture, that 60 per cent of people surveyed voted for it to be in town; that is important. But sometimes people’s opinions are not always 100 per cent correct. What is far more important for me is this: we cannot keep building homes in and around St. Helier and its environs in St. Clement, a massive number of new properties build there with a huge number of youngsters. We cannot keep building those and then turning around and saying: “We have a lovely little first-rate facility, shiny new skateboard park, or a school for that matter, which we have just got in St. Brelade at Les Quennevais. We cannot keep building all these things and saying: “Yes, you have all the houses here, but all the good facilities we are going to put elsewhere. Do not worry about it. If you want to have a skate, it is only half an hour away in a bus, hop on there and enjoy it. For once, we have to give the young, and in this case the wannabe young, of St. Helier a break and give them a first-rate facility. One thing that did come out of this, in closing, in doing a little research for skateboarding, was a wonderful quote from a skateboarder, which may well apply to many things, but he applied it to skateboarding: “You do not have to be great to get started. But you have to get started to be great.” So let us get this thing started.

8.2.11 The Deputy of St. Mary:

In normal circumstances, Members will be entitled to expect some form of input from Scrutiny on such a matter and I therefore speak to say where we are. At the beginning of this Assembly, the Economic and International Affairs Scrutiny Panel did very much have this on their radar and they have tracked it throughout the whole period to date. At quarterly hearings it was a standing item on our agenda and, until very recently, we had understood that it was again on track, some minor delay, and that planning was almost imminent. Either Senator Pallett or the Deputy of Trinity or both have referred to a public hearing we had in December when, to our astonishment I have to say, we were told that there was a rival plan, if I can call it that. I think in fact, with great respect, the new Assistant Minister for Economic Development, Tourism, Sport and Culture was similarly surprised. That was

where we were. Until that date, we had assumed or thought that we were on course, the matter was on course for Les Quennevais. We had no reason to doubt that its pedigree was being investigated. Certainly, we had no intimation from the department that there was an alternative site being considered and on which we might possibly have had some view or had the opportunity to review in some way. So that is where we are. Subsequently, we have had a presentation from the department. We have written 2 open letters for more details and had open replies. They do respond to the questions we asked in a certain way. But my overall concern is that the integrity of Scrutiny should not be upset or questioned on this. We therefore must take a strictly objective course. There has been another consultation and a survey. In other circumstances, we might well have reviewed this on a number of counts. In fact, we may well still do so, depending on how the vote goes. But, for the moment, I do not think that I, either as chair of the panel or as an individual, will feel comfortable in voting one way or the other. I am afraid I am not opting out, but it is a matter for the Assembly to decide where they want to go. Then I shall be, with a clear conscience, able to steer the panel in whatever review we might take on. I have to say that I am sympathetic to many of the concerns raised by other Members and I identify particularly with that from Senator Vallois as she put in the chats: "Why not submit both applications now and get on with them both?" I do not quite know how near we are to the Les Quennevais application, but it does seem to me almost that this Assembly is yet again being treated as a 49-man committee. We should not be concerned with that. But I think I have said enough. The panel is standing back at this moment. The Assembly will decide what it wants to do. We are on hand to pursue in a review whatever it is appropriate to do in the circumstances.

8.2.12 Deputy G.J. Truscott:

I am sure that all Members remember back at the last election, as Senator Vallois reminded us, we were all heavily lobbied over the provision of a skateboard park. Certainly, the majority of us were fully in favour of it. I have to commend Senator Pallett for getting to the position that he did in his short term at Sport as the Assistant Minister for Economic Development, Tourism, Sport and Culture. There are a number of issues, and I did mention earlier when I asked the question, and I am sure, whichever one goes forward this afternoon, I am pretty sure we will see them as appeals at the Planning Committee stage. But that all said and done, I want to thank first of all the Minister and his Assistant Minister, Senator Farnham and the Deputy of Trinity, and their officers, for putting on a really good presentation for all States Members last week. It was extremely informative. One of the officers, and I am sure all Members will remember, was waxing lyrical regarding South Hill Gardens. Believe me, being on the Planning Committee and understanding the laws, *et cetera*, there are without doubt, and I will not go into them, an enormous number of challenges there that need to be addressed. But all said and done, nothing is insurmountable. I am a great believer in democracy. The survey went out and the vast majority of respondents are supportive of South Hill Gardens. If it could be there then it is win-win situation. We can have the satellite at St. Brelade and one out east as well. The thing that does concern me is the number of U-turns that have gone on. It reminds me of the fictional Mario Brothers plumbing system, being more U-turns than you would find in one of their systems. I find it a shame that we had made such good progress so far to date. But we are where we are. I can talk all day long about the St. Brelade location because it is in my district and I cannot determine it on the Planning Committee. There are, as Senator Pallett knows, and it is a lot of the immediate neighbours, those living in Don Farm and the immediate estates facing the playing fields and those along the railway walk in Les Quennevais Park who have major concerns regarding the proposals going forward. As the Senator well knows, when he was Constable of St. Brelade and the current incumbent Constable Jackson, the amount of antisocial behaviour there is even today in the area. Constantly on the weekends, officers are being called out to various skirmishes, particularly around that area. There is a genuine concern from the immediate neighbours that this will only increase, if it were to go there, with the building of a major skatepark in that area. It is not that all skateboarders, and I was reminded this by one of the representatives of the skateboarding fraternity,

the majority are extremely well-behaved. They take the sport seriously and conduct themselves in a very admirable way. It is always the minority that will spoil it for the majority. It is just that, when that is the case, it spoils it for everyone. There is concern that there will be effectively, if it is located at Les Quennevais Playing Fields, there will be no open or close time; it will be a 24/7, 365, facility.

[16:15]

That gives a lot of people great concern as well. Certainly, during the summer holidays, we could have people camping up there and using the facilities. You can generally understand the neighbours' concerns along these lines. There is light pollution as well should the facility be floodlit, close to the S.S.I., it is a nature reserve of high quality. So there are all those issues that will have to be paid attention to. The budget concerns me as well. The Minister did assure Members that the main park could be built at South Hill Gardens and the 2 satellites. The original concept, and I am sure the Minister will reiterate that the original concept was to build a brand-new main skatepark and 2 purpose-built skateparks as well. It would seem that, with this proposal, we are going to end up with a bit of a compromise with some of the existing skatepark going up to Les Quennevais. So there is already a bit of a degradation in what was being proposed. Because of the planning challenges that South Hill Park could potentially present, the costs could go up significantly. That is another concern of mine that, if it is the case, then any further delay would be most regrettable. Town, for me, has always been the main place it should go. I am just sorry they could not find anything else, whether it is Springfield, People's Park, or somewhere like that, because I am so conscious, being a Planning Committee member, that we have approved so many flats in the area. Green Street, for example, they are in the process of building many new units there. That will be ideal for the youngsters that move in. They will have this wonderful facility just up the road should they want to. But we often are criticising the system inasmuch as there is no joined-up thinking about the facilities in town, the open green spaces, facilities for youth, nurseries, you name it, there is just that not-joined-up thinking. I am hoping that, when Deputy Russell gets into Housing, these type of things can be addressed as well. So, overall, I would be in favour of St. Helier, 2 satellites, it sounds a good idea. I just hope that we can produce this within this term. It is a good idea, possibly why not put both propositions into Planning and see which one comes out on top. So in the meantime I will be listening with interest to what other Members speak of.

8.2.13 The Connétable of St. John:

As St. Ouen, we here in St. John have our own skatepark. I think it is right that I pay tribute to the 4 youngsters who, about 15 years ago, aged between 10 and 12, got together, they started fundraising, and they raised half the money for the St. John skatepark. The other half was matched by a Parish charity. We ended up with a skatepark. While I have very little input as Constable, I do have to say the buck stops here when it comes to the skatepark because the Parish pays the rent and the insurance for the skatepark. One thing that first disappointed me enormously is there has been a lot of talk about satellite parks around the Island. There has been talk of increasing or doing something with St. John. Yet the first consultation I had was an email last week and I am meeting an officer this Friday. So I can say that the consultation that has taken place has certainly not been with me or anybody I know at our skatepark, but I may be incorrect. We live on an ideal Island. It is fantastic. We are so lucky. We have beautiful views, we have so many things that are going for us. The problem is that, when you set up an ideal Island and then you want to add to it, that creates a problem. Where do you add something to it? One is then immediately into a position of compromise. So, if we want a skatepark, we are going to have to compromise something somewhere along the line. I have significant reservations over South Hill. I do not think it is a site suitable for a skatepark. When I saw the drawings, it appears to me to be too large for the site. I fully understand the argument that we should have the main park where the population is in St. Helier. But the rugby club is out at St. Peter, other facilities are dotted around the Island. So I see no real obstacle in putting the skatepark at Les Quennevais. Finally, I am glad that I still think, or she still thinks the same way as I do, my

former St. John Deputy, Senator Vallois, when she put into chat: “Submit both planning applications and get on with it.” That very much is what I wrote down in my notes: “Submit both plans and build whichever one comes first.” Because, what we need to do as an Assembly is to deliver a skatepark and stop talking about it.

8.2.14 Deputy R. Labey:

We are getting to that stage where we are all starting to repeat ourselves because I agree with everything that the last 4 speakers have said in this debate. It is a very, very difficult one for me because of 2 things. (1) I have not been able to talk about it with the Havre des Pas Improvement Group. There has been no representation to them. Difficult, because we have not been meeting during COVID, I appreciate that. (2) While I have heard selective quotes from planning advice, I have not seen the full advice from the Historic Environment Team. I have issues, but if they gave that the green light, if it is fine with them, it would be absolutely fine with me. My problem is not seeing a full report from H.E. (Historic Environment) is that I cannot help feeling that, because this is a listed place and a historic environment, that it contravenes completely policies HU1 and SP4, which are there to protect places exactly like this. Because you are taking something urban and placing it in this kind of special environment, which is tricky. Maybe there is mitigation and that will be good to see. I feel a bit like we are being asked to make a decision without all the facts here. It does feel like I have never left the Planning Committee. That of course is not what the States is. But we are hearing little bits of information that one would hear on the Planning Committee, but not the full picture. So I do not want to *pour* cold water on this. It is fantastic that Senator Farnham and the Deputy of Trinity and Senator Pallett are all massively championing skateparks because I was the first person to bring the skateboarders together in a meeting I called and had some posters designed and put them up with somebody from the skateboard community. I got them all together and then we had a packed Town Hall with the help of the Constable of St. Helier. Senator Pallett came as well and sat on the panel with me and we were there to listen to that community. They are a fantastic community. They police themselves. There are skateboarders of all ages, there are skateboarding parents with their skateboarding children, and they were done a terrible disservice when the announcement of the closure of the skatepark on the pier was announced. The reason given that the skateboarders were vandalising the harbour. Those pictures on the front page of the *Jersey Evening Post* of hoodies tipping stuff in the harbour or climbing around, whatever they were doing, were not from the skateboard community. They are fantastic and they are not antisocial. That meeting, by the way, was 3 years ago last week. It was before the last election, in February 2018. We talked in terms of maybe getting a new skatepark in a year or 18 months or 2 years, and here we are 3 years down the line. So I am concerned that we do not have the full facts. It is really regrettable. One of the best things I heard in the very good briefing we had on this was Senator Farnham saying he wants both sites, the proper one at Les Quennevais, not the bits and bobs carted up there from St. Helier when that finishes, and this one, or somewhere like this one. But I am worried that this planning application is going to take a long time, by which time we could have built Les Quennevais. So I do not know what I am going to do in terms of voting but I do think, if this does go ahead, alternatives should be looked at, at the same time. Because getting this built could be a long way away. Because I do foresee difficulties in the planning application process for this because of the sensitivities. Not the prehistoric beach, it is the fact that it is the setting and the siting and what that does and the sensitivities of that and what an urban skatepark will do to that. Maybe there is mitigation and that would be great. But it is going to take some time. So let us have both. I do not know what to do on this one.

8.2.15 Senator J.A.N. Le Fondré:

The one thing I am taking some delight in, in this debate, is at least there does appear to be huge support for a skateboard park, irrespective of where it turns out to be. I will try to make a couple of comments, which I hope are helpful in moving things forward. One in relation to Deputy Gardiner,

although I am sure her 3 queries will be addressed by the *rapporteur* when he sums up. There was a pack sent to all Members on Monday, which, as far as I could tell, seemed to cover all of her questions. But I am sure the *rapporteur* will respond. But they are in that pack. It was quite a thorough one I would have said. Also to address my understanding of the position, and I fully accept I have not been as close to it as certain other people have been, but from what I can understand on the timing, there is almost no difference between the 2 sites in terms of timing, because both of them will still have to make a planning application. The intention is certainly to commence construction this year and, from what I understand, to as far as possible complete it this year. That is the plan. So the aim here is to try to just get a move on. I am concerned, in fact a little bit like with Westmount, that we are in danger of second-guessing a planning application. Because there are an awful lot of issues that are coming through and I know I am going to stray into it slightly, but only from quoting from the information that has been done already. Surely, to an extent, I have a lot of sympathy for what has been said by a number of people already that perhaps the solution is to go for 2 applications and see which one comes through. Just to put a couple of things to rest, and it was in the pack, and was communicated to scrutiny as well, there is, in relation to geological S.S.I.s and ecological S.S.I.s, the site is adjacent to but outside, for example, a geological S.S.I. It is adjacent to but outside of an ecological S.S.I. That is the South Hill site. Obviously, there are other areas that have planning aspects there. It does also state and it is something that should be noted, which is one of my big concerns, that the Les Quennevais Sport Centre site is within designated protected open space and immediately adjacent to the Coastal National Park, a listed place grade 1, Les Blanches Banques, and the ecological S.S.I. It is also known that various protected species of bat use the adjacent trees for roosting and foraging. That is the Les Quennevais site and it does raise the issue about what does one do about flood lighting and things like that? So neither site is perfect and that is what we have to do. I will address a couple of other points and then get to the sites themselves.

[16:30]

In terms of the more recent survey that was done, which is the one that has been quoted already which is roughly, from memory, a 60:40 split in favour of South Hill, it is interesting that, in terms of Les Quennevais neighbours - and, yes, it was slightly more than South Hill that responded and 338 according to this slide - just around one-third of those supported South Hill. I guess, on that basis, two-thirds supported Les Quennevais. Interestingly enough and funnily enough, the other way, of the 140 who responded who had defined themselves as neighbours of South Hill, 85 per cent supported South Hill and only 15 per cent supported Les Quennevais. So it does indicate that there was some form of surveying going on - I am not privy to the full details and I have not gone into that level of detail - that did look at this information and did speak to or certainly received responses from neighbours in the vicinity. I think the other point is that, again, within the pack that has been provided to Members, it does talk about the various risks. It talks about access for vehicles and it does talk about the mitigations that could be in place and, essentially, to bring the risks down to low. It also makes, again, a comment around, for example, rockfalls and it essentially says: "The assessment that has been done included that no major and financially unviable stabilisation or netting works would be required to ensure the safety of skatepark users." I am going to try to stop there in terms of veering into the areas of planning matters because I think that is very much to be determined by any Planning decision. What I will say is that I did briefly visit South Hill earlier this week and I have to say I think there were 2 thoughts that crossed my mind. One is I think it could make a fantastic site, and I will touch on that shortly, in terms of providing this facility. I think the other one, which is only brought to mind by the comments around heritage settings, geological issues and all that type of stuff, is very clear certainly from the photographs I took and what was there when I visited and also from what I have seen in the past. At the very least, the J.E.C. (Jersey Electric Company), and I do not know about any of the other utility companies, have about, I guess, 16 to 18 ducts that go straight through the site that is apparently, if I have understood it correctly, of geological interest so they have already dug it up. Also, as far as I understand it, the site had also been previously quarried so there

is that side of things. The other side is there is a rather significant ... the word “substation” probably does not cover it. I remember being invited to the opening in a former guise when the big electricity line from France was brought through that brings in something like 90,000 volts for the supply of either the Island or St. Helier but I think it is the Island. The substation that distributes that power is right next door to where we are talking about. It fits in very nicely but, obviously, they would have to go through all these kind of heritage issues, I would assume, for the settings in the same way. So it does show it is possible to build something which is probably more unsightly than what we might be talking about. That brings me to the setting and I am not going off tangent. I think it was 2017 and I think it was with the Deputy of St. Ouen at the time. We were in Luxembourg attending the Assemblée parlementaire de la Francophonie, the European conference, and I was re-visiting old ground, as it were, and went for a walk. It was a parkland area in a gorge that surrounds the town that has heritage assets. Part of it is historic fortifications. It has either a viaduct or an aquaduct that circles across. It is definitely a sensitive location and it is also one that is visited by families with walks and essentially planting and parkland in a relatively narrow context obviously as a gorge. We were walking along there and we came across the skateboard facility which, I have to say, I thought was fantastic. It was well used, it did not disturb anything, it was very, very well-designed and absolutely blended in in what should ordinarily have been a sensitive area and it fitted perfectly. I was delighted to understand very, very recently that the firm that has been successful in its tendering for the skateboard park over here, irrespective of where it is located, is the same firm that produced that particular site that I saw some 3 years ago. As I said, it was a fantastic facility and it really gave me encouragement that that is who we are going to be using to do it. I think really to try to wrap up from what I wanted to say, I am going to go back to the Jersey Skateparks Association who sent the letter through earlier this week and, to me, that is the bit that puts me in the position of supporting the amendment of supporting South Hill. However, with the caveat that I think we should do the application for both and then see which one comes out. I suspect all of them will have inherent problems. There is no perfect solution. What I am going to read is about 3 extracts. One is that, although Les Quennevais is a really great place for a skateboard park, building the main park there first would be a mistake. In effect, it would create a painful gap in the amenities available to those who most need it, adding to the obvious shortage of St. Helier facilities and an increasingly painful east/west divide. They talked about the survey that has been referred to but they do make the point further on in the letter that they know the density of under-18s of that age group is greatest in and around town as well and they expect, in general terms, a far higher level of use at South Hill. I think that is important. What they conclude is that we strongly feel that the most important group of skatepark users are the younger Islanders, particularly those based in and around St. Helier. For me, that is a deciding point and, for that, I would ask Members to support the amendment. Let us see where we go. I think we are all behind the skateboard park but I think we should let the planning process run and, on that basis, I will be supporting the amendment. Thank you.

The Bailiff:

There is a point of clarification raised by Senator Gorst. Senator Gorst, do you have a point of clarification from the Chief Minister?

Senator I.J. Gorst:

Yes, I do, Sir, if I may. I know it is quite unusual but the Chief Minister has just made a commitment there that the Minister for Economic Development, Tourism, Sport and Culture responsible for sports matters will work with the Minister for Infrastructure and the Minister for Infrastructure - despite what he said in his speech of not wanting to put an application in - will make an application for both sites. I wonder if the Chief Minister could confirm that because I think that is a very helpful point that he made and I just would like that clarified.

Senator J.A.N. Le Fondré:

I am happy to clarify. I did not make a commitment, I will say. I did say I would support it I think and certainly, for me, I am always happy to leave that with the Minister for Economic Development, Tourism, Sport and Culture and his Assistant Minister. If it would help matters move forward - and I can see that Senator Farnham has put it in the chat and I was going to leave him to sum it up - I would be very supportive, if Senator Farnham is, that we do 2 applications and then that breaks the logjam that we seem to be in. That seems to be a pragmatic way forward and would then allow the planning process to determine the appropriate location if that helps the clarification. I am sure Senator Farnham can deal with that in his speech at some point and I will leave that with him but if that was a way forward, for me, that would be a very appropriate way of dealing with matters. I still say that, from my perspective, I think South Hill does have the edge on the basis of the particular submissions we have received from the J.S.A. (Jersey Skateparks Association).

Senator I.J. Gorst:

Thank you, Minister.

The Bailiff:

Senator Vallois, do you have a point of order?

Senator T.A. Vallois:

Yes, thank you, Sir. Will the decision of the States have an impact on the Planning decision and, if so, if the States vote one over the other, does this stop both being able to be applied for in the States planning obligations that have been suggested that we can go forward with?

The Bailiff:

I am not sure it is a point of order. It is not a point I think for the Presiding Officer to determine. I imagine that will depend upon who would need to put the necessary applications in but the States will have expressed its view by a vote as to which of the relevant areas it prefers and the nature of the application. I suspect that is the nature of the application that will be made but I cannot give advice on that. That is not a matter for the Presiding Officer. I do not think it is a legal question either, I have to say, but it may be a matter that the Attorney General can assist with.

Senator T.A. Vallois:

Thank you, Sir. I just want to understand whether us, as a States Assembly, voting on one or the other site, would prevent the Government from going forward to planning for both applications.

The Bailiff:

Well, it depends. If the States accept the amendment, then that is the will that is expressed to the Government of the Island and the Government of the Island will presumably feel itself obligated to act upon that expression of will one way or the other.

8.2.16 Deputy K.G. Pamplin of St. Saviour:

Timing, as I have learnt in my short career as a politician, is everything and there are a lot of things that are converging on what looks like, on the surface, as just an amendment debate on the location of a skatepark. But for somebody who has studied this process very closely, it has, much like the pandemic has, exposed a lot of things. So dealing with the amendment and what has been put forward, as the new Assistant Minister outlined in his opening speech, is concerning on many levels and I will deal with this. In the round, this could have been one of the most important moments in this Assembly's tenure and the current Government in building not just the skatepark which, as others have mentioned, has been a subject of much discussion and lobbying in the last election but a bridge with the younger members of the Island community. During that last election, the way the young people came together to push their views and ideas and to lobby professionally was nothing short of impressive which is why it became such a big part of this Government's Government Plan. As much

as it is important to Islanders, there are many other issues that are now touched upon. As I mentioned the other day on the subject of timing when I was asked by a journalist from the *Jersey Evening Post* about facilities in town after an incident was reported, I said that growing up in town when I was a youngster - I lived in the old Ann Court - I used to go to Seaton Youth Club, Sounds Workshop and I would spend my time at Funland on the beaches, the parks and swimming at Fort Regent. My children live in a very different Island now where a lot of stimulation and activities like that no longer exist in town. As other Members have said, there are facilities dotted around the Island now in certain Parishes. There is a bowling alley out west and the Jersey Rugby Club is developing an interest in rugby for young people. There are various locations but in town, there are a lot of young people and what are they doing? As a parent, and as many other parents in this Assembly can attune, they are turning to their devices which was something that has become a bit more of an issue during the pandemic. So it is absolutely right that young people are saying: "We want things for us where we live in town and in other parts of the area that are accessible." Also on the timing issue, we were brought to the Assembly to discuss a planning application for, as Deputy Le Hegarat mentioned, the road at Westmount; one of the biggest conversations in planning with promises and reassurances we are going to do these things for the hospital and we still do not have that. As we are seeing, that is still playing out. So this is where it depresses me because young people have come forward to engage with the politics of this Island and not to get caught in the processes and pitfalls of Government, interests and bureaucracy.

[16:45]

We have to apologise to them because that is exactly what has happened here. It has caused division in the skateboard community, Islanders, parishioners and politicians. It has produced further disbelief and mistrust. How could this be? I can say with certainty, as the Deputy of St. Mary mentioned quite rightly, in a Scrutiny hearing last December, this is where we discovered things had changed when the new Assistant Minister, only just taking over, announced something effectively live on air that threw all of us. Deputy Luce then probed with further questions, I did and others and we could not wrap our heads around it. How did that happen? Who made that decision? That is not what we do here and that is worrying. Last Sunday, I took myself to South Hill. I have shared photographs on my Twitter account and I have shared those images with certain Members. There are many, many issues and I am grateful also to the Minister for Infrastructure with his concerns. One thing that really struck me very quickly is it is in the evacuation zone for the La Collette site. You follow the signs around and it takes you around the cycle path to the other end. What if something happened and we had to evacuate that area? We did not think we would be dealing with a pandemic but here we are. Has that really been considered? As other Members have said, during the consultations with residents, they were just as shocked as members of the Association during that live Scrutiny hearing. Also, Jersey Sport who had supported the plan for Les Quennevais, as we were told, in that Scrutiny hearing - I am paraphrasing but I am quoting at the same time - when we asked: "Why this sudden change?", a complication or thoughts concerning the masterplan for the whole Les Quennevais site had been brought forward. So if this is the case, what happened to the original process where much money, much time and much resource went into the original process that concluded Les Quennevais was the right site? Why was that not picked up then? Then during the summer, the same Scrutiny Panel, we had a private hearing about the future development of sports facilities including Les Quennevais, Springfield and other areas. No one there was concerned about Les Quennevais Skatepark. On 22nd October, the Constable of St. Brelade was quoted and I have the article. It was on one of the local media websites. His belief was that it was in the wrong place. So there have been many opinions played out here but I want to finish my speech at this stage on the original report that was published by Government where I quote from the final report and question 4 of the consultation which specifically asks respondents for their comments or suggestions on the proposal to locate the new skatepark at Les Quennevais. Of the 697 responses received to question 4, 256 responses specifically stated support for or in agreement with the conclusion that Les Quennevais is the most

suitable site for the facility. Only 61 comments received generally disagreed with Les Quennevais being a more suitable site for the facility. So that leaves 401 respondents that did not air any views, arguably, as the Government said, had no issues. So the following recommendations in that government report said the following: “The conclusions are the new skatepark project should be progressed. Les Quennevais Sports Centre should be adopted as the site for the main skatepark. The main skatepark could be supported by additional skate-friendly areas Island-wide. A further study into the suitability of sites for additional skate-friendly areas should be undertaken.” There was no sense then and there is no sense now that a political decision has been made. So what is the truth here? What is the transparency? What has happened? Are we politicians or not? As others are alluding to, and as even the Chief Minister has now said himself, surely the obvious answer here is to put forward 2 sites. We can have an urban design fit for purpose of a skatepark that can accommodate the needs of St. Helier. We could also have a skatepark, as we have seen, in the west of the Island in a safe place at Les Quennevais. The final thought when we saw the plans that suddenly emerged - and we know they are not the final design plans - as a parent and as an Islander, if there had been any genuine thought for the welfare and the safety of our children, why were there no protective barriers in that original design? Why did no one look at that and go: “The skatepark looks good but why have you not instinctively put something there to show the Island safety first and children first?” So I ask again, where is the transparency? Hopefully, we can stop this debate, as others are alluding to, and we can have 2 sites put forward but this amendment must be turned back. That is what this Assembly is all about.

8.2.17 The Connétable of St. Brelade:

Prior to speaking, I would like to ask you advice, if I may. There has been a suggestion that 2 applications ought to be made and it seems to me, to achieve that, the item will either need to be moved, referred back or we move on to the next item. Sir, is that achievable and will that achieve the result that Members wish? Would you be able to advise on that?

The Bailiff:

What I cannot advise is that any deferral of the proposition will achieve the making of 2 separate applications. That is outside the scope of the proposition but if the proposition is not to proceed today, it can be withdrawn only with the leave of the Assembly. It can be subject to an application to move to the next item or it could be referred possibly to Scrutiny. I would have to check up on that for consideration but unless there is a reason to go to Scrutiny, and Members may feel that that is not an appropriate way forward, it certainly would be possible to move to the next item if that application were made in défaut.

Senator L.J. Farnham:

I wonder if I might be able to assist, Sir, without making a speech but just by making a suggestion.

The Bailiff:

Well, at the risk of opening the door to many other people making contrary suggestions, Senator, yes, so what would you like to say?

Senator L.J. Farnham:

Thank you. I will be brief, Sir. The Economic Development ministerial team had agreed prior to the debate that it would be sensible to make 2 planning applications and we have undertaken to do that in the interests of saving time because I think, regardless of what the States Assembly agree, we all agree we need a new skateboard park. So that is the position and perhaps if the bringer of the proposition was prepared to accept that, the timeline is to have the planning applications by the end of February. We undertake to submit 2 planning applications and I think we can save ourselves quite a bit of time.

The Bailiff:

Well, is that an undertaking you will be giving to the Assembly on the part of the Government then, Senator, to submit 2 applications?

Senator L.J. Farnham:

Yes, it is.

The Bailiff:

I suppose I must first ask the Deputy of Trinity, whose proposition amendment it is that we are currently debating, if that were acceptable to the mover of the main proposition, would you be prepared to accept that as well, Deputy?

Senator S.W. Pallett:

Yes, Sir, I would.

The Bailiff:

Then, Senator Pallett, in light of that undertaking, how do you wish to proceed? Do you wish to continue with the matter today or do you wish to withdraw the matter on that undertaking with the leave of the Assembly of course?

Senator S.W. Pallett:

Sir, it is my main proposition and I had briefly discussed the opportunity for progressing 2 sites with the Minister previously. I would but it has to also be on the undertaking that there is no financial effect or the financial effect is not going to impact on the delivery of any other satellite facilities that were originally agreed because the issue is that the overall funding is not available to deliver this within the £1.285 million. I do not know how we are going to resolve a budgetary issue today when the money has not been discussed with Treasury and we do not know where the money is going to come from to do that. In terms of agreeing to go to 2 planning applications, I think as long as it is on the basis that we are going to deliver the other elements of the project, then the answer would be yes.

Senator L.J. Farnham:

If I can respond briefly, so the undertaking would be to submit 2 planning applications. I think it is clear that the budget is available for one main park and a very good satellite facility. If we want to do more than that, I believe we should because the amendment does say “satellite facilities in the west and the east” and this is an investment in our children and our future. It is likely we will need to find some more funds but I would hope that, given the current circumstances of the pandemic and this important investment in our young people, the Assembly and Treasury would all help to achieve that which, in the current scheme of things, would not be a lot. All I can reaffirm is that we are absolutely committed to doing this job, to doing it quickly and to doing it properly.

The Bailiff:

Thank you, Senator. I note that 2 other Members at least have indicated the desire to speak and, Senator Vallois, you certainly have already spoken in this debate but I am assuming you are wishing to speak on the current exchange in the current matters. I am running the risk of moving into a very unorthodox process which does not really apply within Standing Orders at all. I will allow a limited amount of discussion to continue on this to see if something can be resolved which is acceptable to move the proposition. Failing which, we will have to continue unless someone proposes something under Standing Orders which we can put into effect. Senator Vallois, did you wish to say something very brief indeed on this matter to assist this discussion?

Senator T.A. Vallois:

Yes, thank you, Sir. It is extremely brief. Based on the Minister's comments that he has just made with regard to the proposition, can I ask him to make a commitment that he will bring a proposition forward that will seek to put forward a planning application for the 2 areas and that the budget requirements will be sought in an appropriate manner under the required public finances requirements in terms of the laws and the Government's processes?

The Bailiff:

That is what you have asked Senator Farnham to bring forward?

Senator T.A. Vallois:

Yes, thank you, Sir. He made the point that that is what he was planning to do on the basis of withdrawing this particular amendment if that was to go ahead. I just want some concrete reassurance that that would be the case.

The Bailiff:

If you want to make an observation, Deputy of St. Martin, I said that I would hear that but I am moving to the point where we cannot carry out a negotiation in the margins of a formal debate before the States Assembly but did you wish to say something, Deputy of St. Martin?

The Deputy of St. Martin:

Thank you, Sir, for your toleration. This is not my speech. I just want to register my unhappiness about the way this debate is going. The Minister has promised to put 2 sides forward. We can see in some figures, which were given to Scrutiny which we have had since last Friday and have not had time to look at, there is a massive discrepancy with the money left over for satellite facilities depending which site you choose. I am very, very concerned about the way this is going and I do not think this will deliver what we require.

The Bailiff:

Well, I do not think we can continue with a negotiation in the margins, particularly during a formal sitting of the States. I think there are a number of ways that this can proceed. The first possibility is for the mover of the proposition, having heard what has been said, to withdraw with the leave of the Assembly. The second is for someone to propose and move on to the next item or the third is that, given the lateness of the hour which is now 5 o'clock or half an hour before, then the next possibility would be to adjourn the matter overnight and resume on the continuation day tomorrow morning. Members will have had the opportunity to discuss and iron out whatever the position and agreements might be and, at least, we will know tomorrow morning whether it can be withdrawn or proceeded with. Those seem to me to be the 3 possibilities.

[17:00]

I note that we had paused during the course of the Connétable of St. Brelade's speech. He is entitled to continue and he has indicated in the chat that he wishes to propose to move to the next item and that is something that I can consider if that proposition is made. I note that Senator Pallett asked to speak. Senator, I am not sure there is much that can be said unless you wish to withdraw or defer your proposition because, otherwise, it is not your turn to speak at this stage. If it is either of those 2 things, do you wish to speak at this moment?

Senator S.W. Pallett:

Sir, can you clarify what you mean by "defer"?

The Bailiff:

Well, I think my suggestion would be you can either withdraw it with the leave of the Assembly. That is provided for in Standing Orders. You can ask to adjourn the entire sitting until tomorrow

morning, which is a continuation day. We are now at just after 5 o'clock and, therefore, it is unlikely without a significant continuation this evening that we would be able to conclude Public Business today and that also would be a matter for the Assembly but those appear to me to be the 2 options. Alternatively, it is open to the Connétable of St. Brelade to continue with his speech and if he wishes therein to make a proposition to go to the next item. I am only allowing you to speak at this point because you are the mover of the main proposition and you may wish to bring a procedural position to the States.

Senator S.W. Pallett:

Sir, may I ask then with the leave of the Assembly's approval, that we adjourn for this evening because, obviously, the Assembly is not the place for negotiation and that I speak with Senator Farnham overnight and we start again tomorrow morning. Obviously, there is still another proposition to be heard so I do not think we are going to get through all the business tonight. If we carry on, I think this debate is going to take some time to conclude so can I ask for the adjournment tonight?

The Bailiff:

Well, let me just deal with one procedural position. The Connétable of St. Brelade, will you permit an application for the adjournment now that you are halfway through your speech?

The Connétable of St. Brelade:

Yes, Sir.

The Bailiff:

In other words, if we adjourn until tomorrow, you can continue with your speech at that point.

The Connétable of St. Brelade:

Thank you, Sir. I would be happy to do that, thank you.

The Bailiff:

Very well, so you propose the adjournment then, Senator Pallett. Is that proposition seconded? **[Seconded]** Does any other Member wish to speak on the proposition which is that we adjourn this debate until tomorrow morning when the Connétable of St. Brelade will continue with his speech unless some form of other agreement has been reached? I will take it as a standing vote if nobody indicates they wish to speak on this matter. I have heard nobody indicate that they wish to speak. Accordingly, I accept on a standing vote that the States have resolved to adjourn today and resume this debate first thing tomorrow morning at 9.30 a.m. Accordingly, the Assembly stands adjourned until 9.30 a.m. tomorrow morning. Thank you.

ADJOURNMENT

[17:03]