

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 2nd JUNE 2009

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**ADJOURNMENT.....100**

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

## **QUESTIONS**

### **1. Written Questions**

#### **1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE WORK OF THE MIGRATION ADVISORY GROUP:**

##### **Question**

Given that on 13th May 2009, the Connétable of St. Clement, who is a member of the Migration Advisory Group, stated that the laws, advice and even implementation plan of their work was finished, and that he hoped the Chief Minister and the Council of Ministers would accept their advice and bring the proposals to the States soon, would the Chief Minister advise when such proposals are likely to be brought forward for consideration by the Assembly?

##### **Answer**

The Migration Policy has been developed in three phases:

- Phase One created the Population Office and the Migration Advisory Group. This has resulted in the introduction of many of the agreed Migration Policy principals, including the joined- up consideration of applications, successive reductions in the housing qualification period, the combination of Regulation of Undertakings and “j” category policies, and the simplification of property classifications.
- Phase Two includes proposals for a Name and Address Register and a Registration Card for all Islanders and was consulted upon last year and draft legislation has been completed. The system and process concepts to support the policies have also been finalised.
- Phase Three will deal with business licensing, housing qualifications and property control, and a consultation paper has been completed for signing off and public issue as a ‘green paper’.

Whilst originally consideration had been given to finalising phase two before dealing with phase three, on reflection it was felt preferable to present all the new proposals as a complete package, and this has led to the delay implied in the question.

Since its approval, many elements of the agreed States Migration Policy have been introduced and migration continues to be regulated in order to achieve States-approved economic and working population objectives.

The desire to produce an appropriate legislation framework is considered paramount, and these proposals, in particular, a comprehensive and compulsory Name and Address Register for all residents, do require enough time for consultation and debate of the issues. In doing this, the Migration Advisory Group will continue to work openly with the Migration Scrutiny sub-Panel.

Accordingly, the work completed by the Migration Advisory Group, including draft legislation for registration, a consultation paper dealing with entitlement and access to work and housing and an implementation plan will be presented to the Council of Ministers on the 11th June 2009, and published shortly afterwards.

On the basis of consultation, it is intended that the final elements of the legislation dealing with entitlement and access to work and housing will then be drafted later this year, with the full legislation lodged towards the end of 2009 or early in the New Year for debate shortly thereafter.

**1.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PLANNING PERMISSION FOR THE WATERFRONT DEVELOPMENT:**

**Question**

Would the Minister advise whether the planning application jointly in the name of WEB and Harcourt has been issued agreeing consent to the Waterfront development, and, if so, does this consent have any restrictions imposed?

**Answer**

Two planning applications have been received in respect of the Waterfront development. One is a detailed application relating to the below ground works including the creation of a tunnel, underground car parking and changes to the road layout. The other is an outline application relating to a mixed use scheme which includes 16 buildings and a number of public open spaces. Both applications have been made jointly by WEB and Harcourt Developments Ltd.

The applications were scrutinised by independent planning inspectors as part of public inquiry which took place in late October 2008. As a result of that process the Inspectors recommended that both applications were approved subject to a number of matters.

I have subsequently indicated to both States Members and the applicants that I am minded to approve the applications once the issues raised by the Inspectors have been addressed. This can be achieved through the signing of the Planning Obligation Agreement which the Department is currently in the process of developing.

I consider the Planning Obligation Agreement to be essential to ensuring that the Waterfront development delivers all that is required in Planning terms. I will not therefore, issue formal consent until that Agreement has been signed.

The Planning Obligation Agreement will, in effect, impose restrictions and conditions on the development. Whilst I am not in a position to release a draft of that Agreement I can assure Deputy that it will address all the issues raised in the Inspectors' report. A full copy of that report is available to States members.

In addition, I have made a commitment to States Members that I will not grant formal consent until the Treasury Minister has confirmed that he is fully satisfied with the financial aspects of the proposals and that the States have debated the development agreement and decided to proceed.

Until these issues have been resolved I will not issue formal planning consent.

**1.3 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING LIABILITY OF THE STATES IN RELATION TO THE WATERFRONT DEVELOPMENT:**

**Question**

Would the Minister advise the Assembly whether the States could be exposed to legal action by Harcourt should that company fail to provide a bond and or guarantees to take forward the Waterfront Development, in view of the outcome of the planning application made jointly by the company and the Waterfront Enterprise Board Limited?

**Answer**

The Waterfront Enterprise Board, having taken legal advice, has confirmed that it believes that it has no liability should the company fail to provide a bond to take forward the Waterfront development in respect of the Esplanade Quarter.

**1.4 SENATOR J.L. PERCHARD OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE COST OF THE SETTLEMENT FOR THE TRINITY LANDFILL RESCINDMENT:**

**Question**

Will the Minister inform the Assembly of the combined and total cost, including compensation paid to Trinity Holdings Limited, of all fees and charges and any other associated costs of the Trinity landfill rescindment?

**Answer**

On 19th December 2003, the Environment and Public Services Committee granted Development Permission in respect of planning application P/2003/2259. This Permission gave consent to create a reservoir and fill in a valley so as to raise fields 519, 520, 521, 524 and 528 (all located in Trinity) (the "Fields") to upgrade the soil quality and manageability.

The Development Permission was modified by Notice, and an Amended Development Permission, dated 11 November 2004. The effect of the Amended Development Permission was to remove the permission to infill the valley in question.

Subsequent to the grant of the Development Permission, the owner of the Fields sold them to Trinity Holdings Limited ("THL"). THL's response to the Amended Development Permission was a claim for compensation pursuant to Article 7(4) of the Island Planning (Jersey) Law 1964, which claim was made by letter dated 12th January 2005. THL's claim was primarily based on the projected loss of profits that it would suffer from no longer being able to use the site for the purposes of landfill. The total claim made was £1,032,696.25 together with certain lesser unquantified sums and a claim for costs incurred in pursuing compensation.

In March 2005 the Committee accepted the possibility of a liability to pay compensation to THL and the Committee sought and secured a sum of £700,000 from the general reserve of the States of Jersey.

The Committee of the day engaged legal advisors and a quantity surveyor to act on its behalf. After protracted and detailed negotiations, a mediation of the dispute took place on 28th April 2009 and a settlement was reached.

As is normal in all such matters, the agreement was subject to a confidentiality clause which protects both parties. Without the express permission of both parties, the final settlement cannot be disclosed. This permission has not been secured and therefore I cannot release the exact details of

the settlement without threat of action from the claimant. I do not want to expose to the States to this risk and therefore I do not intend to breach this confidentiality clause.

I can confirm that the total costs including legal fees and settlement was in the region of £700K.

### **1.5 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE RECENT VISIT TO JERSEY BY THE FORMER PRESIDENT OF SOUTH AFRICA:**

#### **Question**

In view of moves to enhance Jersey's own international personality, would the Chief Minister advise the Assembly whether he met the former President of South Africa during his recent visit to Jersey and, if so, would he update Members on his discussions?

#### **Answer**

I was unable to meet with Mr De Klerk when he visited the Island as I was on an official visit to Madeira at the time.

Whilst therefore I have nothing on which I can report directly, the Deputy Chief Minister did, in my absence, meet the former President, and it is my understanding, following discussions with Senator Ozouf, that this meeting was informative and of interest to both parties. Mr. De Klerk outlined the policies and activities of the Global Learning Foundation, of which he is a prime mover; the Deputy Chief Minister gave an indication of Jersey's current local and international economic and policy position, and both discussed how they could be of mutual assistance.

### **1.6 SENATOR J.L. PERCHARD OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSED DEEMED RENTAL CHARGE:**

#### **Question**

Given that under Zero/10 taxation, non-Jersey owned businesses can escape all Jersey income tax liability, thereby gaining a competitive advantage over locally owned businesses, would the Minister provide evidence to substantiate his view that the Deemed Rent proposal of Jurat P. Blampied for a tax on owner-occupied business property (in effect a re-introduction of Schedule A) to obtain a tax contribution from non-Jersey owned companies could be easily avoided in order to justify his reluctance to introduce this new tax?

#### **Answer**

Evidence given by some professionals to the Corporate Services Scrutiny Panel suggested that it was possible to avoid the deemed rental charge. That is noted by the Panel at Key Finding 7. That is the basis which formed the view that the tax could be avoided. Includes examples (see below) of how the deemed rental charge may be avoided. It should be pointed out, however, that the draft Law did contain a number of anti-avoidance provisions at Article 123C(2C).

Non-Jersey companies bring more benefits to the Jersey economy than just the corporate tax they pay - they provide jobs and incomes and bring wider benefits through competition and greater efficiency. In addition, non-Jersey companies do not escape all Jersey income tax liability under 0/10. Companies do not pay tax but people do - shareholders and employees - and the employees of non-Jersey firms still pay income tax on their salaries (and GST on their Jersey expenditure).

In general it is also not the case that non-Jersey companies gain a competitive advantage over Jersey firms. Where non-Jersey firms remit their profits back to the UK the same amount of corporate tax will be paid as before 0/10. Under such circumstances the competitive advantage lies with the beneficial owners of Jersey businesses because the tax they will pay on look through will be less than that paid in the UK. While these circumstances may not apply in every case, no real world examples have been provided of how the non-Jersey businesses will gain a competitive advantage as a result of the move to 0/10

### **Examples of possible avoidance mechanisms**

#### **Deemed Rental Charge**

- Place conditions on a lease in order to reduce the market value on which the deemed rental would apply.
- Reduce the market value rent of the property through up front capital payments thus reducing the deemed rental.
- Separate the property from the trade and then charge a commercial rent from the property company to the trade. The rent would be assessable but if the property is financed through debt then the interest relief and expenses would wipe out any liability. And as market value is being charged then no deemed rental charge would apply.

### **1.7 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING A PEDESTRIAN CROSSING AT MILADI PARADE:**

#### **Question**

What action, if any, has the Minister taken to address the need for a pedestrian crossing along Longueville Road at Miladi Parade?

#### **Answer**

Previous Committees and Ministers with responsibility for pedestrian and road safety have supported the construction of an island refuge at Miladi Parade, Longueville Road. I, too, support this proposal. However, as my predecessor reported to the States last year (11th March 2008 and 2nd December 2008), the necessary purchase of land required to widen the road at this point was not successful so the scheme could not be progressed. Should the situation change and land become available, and Transport and Technical Services has sufficient funds, I will ensure a facility is provided.

### **1.8 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE PROPOSED JERSEY ANTHEM:**

#### **Question**

When will the Minister be bringing the new Jersey anthem to the States for approval and if not, why not?

## **Answer**

When the anthem competition was launched in 2007 the former Chief Minister undertook to bring the chosen Jersey anthem back to the States for approval. It was agreed that this would take place once organisations had been given the opportunity to use it, and the music has been published on the States website.

Although it has been used on a number of formal occasions both within and outside the Island, and the music circulated to all groups who might have occasion to use an anthem specific to the Island, promotion of the anthem has been poor. Furthermore, I do not believe that the general public has yet had the opportunity to get to know the anthem properly.

I shall, therefore, be taking steps to encourage its further use by schools and all other sporting and cultural organisations prior to its being brought to the States for approval as was originally intended.

## **1.9 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE USE OF STATES' LAND FOR ALLOTMENTS:**

### **Question**

What progress, if any, has the Minister made in locating unused field sites that are in the ownership of the States to be used as allotments by the public and, if no progress has been made, would the Minister explain why?

### **Answer**

With reference to my answer to question 4210 by Deputy Power of St Brelade on 3rd February 2009, I continue to support the principle of using States land for allotment farming where such use is appropriate.

I understand that the Rural Economy section of the Economic Development Department has established an Action Group of interested parties to discuss the provision and management of allotments.

The States approved the disposal of agricultural land that has no strategic or alternative use value within various States Business Plans. Should the Action Group determine that, subject to planning approval, any of the agricultural sites identified for disposal are capable of being used for allotments, Jersey Property Holdings will cease to actively market them pending a decision.

## **1.10 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING ASSISTANCE WITH THE COSTS OF HIGHER EDUCATION:**

### **Question**

Given the current economic situation what plans, if any, does the Minister have to help middle Jersey families pay for their children's university fees?

### **Answer**

The support provided to local families to assist with university fees takes many forms. Firstly, support towards tuition fees and maintenance costs are provided on a means tested basis to all eligible families. This support ensures that families earning less than £26,750 pa have all tuition fees paid and receive £5,000 pa towards a student's living costs whilst at university. The sliding scale of support also ensures that a family would have to earn more than about £55,000 pa before parents were asked to make a contribution towards tuition fees. A family earning in excess of (£76 500 might be expected to pay the full cost of tuition for less expensive university programmes although all families receive support towards the most expensive programmes such a veterinary science or medicine, regardless of their income.

Furthermore there is a student loans facility available in Jersey to assist students in meeting their contribution towards the variable fee (tuition fee) element of university charges. This provides a student with up to £1,500 per year at an interest rate of only 1% above base, currently therefore the cost of the loan to local students is one and a half percent – a significantly more advantageous arrangement than that which exists in the UK.

Additionally, the DfESC, in partnership with the Island Authorities of Guernsey and the Isle of Man negotiate hard with the UK universities representative body (UUK) to ensure that Islands tuition fee rates are fair and appropriate. This year, for example, the agreed increase in tuition fees has been kept between 0.5 and 1.0%. Universities have also agreed that, in cases where individual universities offer discounted rates to overseas students, the lower overseas rate should apply to Islands students also.

Finally, on a personal level, I negotiated a change in taxation last year to ensure that families are able to maintain tax relief during the year in which their child graduates, regardless of the graduate's income. I also gained a commitment from the Minister of the Treasury to work with the DfESC in reviewing tax allowances for families with children at university. I understand a consultant has been appointed to carry out this work within a wider review of parental contributions.

As Minister for ESC I am fully aware of the costs of higher education and mindful that the contribution made by families is significant. My department keeps a close eye on States and family expenditure on higher education and the level of support made available is constantly under review to ensure that the contribution towards costs from students, their families and the States are fair and affordable.

With regard to specific support during the economic downturn, the level of family contribution is generally determined by reference to the previous year's gross income. Families who find that their income fell last year will automatically receive greater support from the States. In instances where family income has fallen by more than 20% this year, there is provision within the Education (Discretionary Grants – General) (Jersey) Order 2008 Paragraph 4 (3) to assess family contribution against current year rather than previous year's income. This should be of assistance to families who find that one or both parents lose their employment.

## **1.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TAXATION OF NON-LOCAL COMPANIES:**

### **Question**

Given that at the time of the changes to the tax system GST members were advised that non-locally-owned companies might be able to contribute through a 'Deemed Rental' charge (the 'Blampied' proposal), has this proposal been abandoned as unworkable and, if so, what plans, if

any, does the Minister have to ensure that non-local companies make a tax contribution in Jersey and when will they be introduced?

**Answer**

The proposal has not been abandoned as unworkable, as evidenced by the Minister for Treasury and Resources' comments to the Report issued by the Corporate Services Scrutiny Panel on Deemed Rental, when I stated in the final paragraph of my response 'I thank the Panel for their work on the Deemed Rental proposal and will consider their Report very carefully indeed and keep them up to date on my thinking on this matter as it evolves over the next few months'.

I have signalled my intention to progress the matters that can be progressed in the budget later this year.

**1.12 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING LINKS WITH FRANCE:**

**Question**

Since taking office, has the Chief Minister attended any meeting in the French Regional Governments of Normandy or Brittany or the National Assembly in Paris, or visited Jersey's office in Caen, and, if not, why not?

Does the Chief Minister consider that a good working relationship with France is important, and if so, what actions, if any, will he take to foster good relations with France.

Will he undertake to publish a list annually of proposed visits to both national and regional governments of France?

**Answer**

I do of course consider a good relationship with France to be a very important matter, and always endeavour to keep abreast of our ongoing work with France. In November 2008, in my role as Deputy Chief Minister, I met with the representatives of the French Senate in Paris.

Subsequently a good relationship was established with the French Minister of Finance, Christine Lagarde, through the signing of a TIEA with France in March. With the TIEA there will be ongoing contact with the Ministry of Finance and I have indicated a wish to meet the French Minister, Christine Lagarde, in Paris to further cement this political and economic relationship. This will also continue to be advanced by the contacts that take place between the Jersey Financial Services Commission and the French regulatory authorities.

I intend to meet with representatives of the Conseil Général de la Manche in Jersey on 9th July and the Conseil Général d'Ille-et-Vilaine on 15th September. These meetings will include discussions with the Normandy and Brittany working groups on current developments on economic, tourism, cultural, educational and environmental matters.

I will also be accepting an invitation from Sénateur Le Grand to the D-Day celebrations this weekend in Normandy. Furthermore, I would like to arrange an invitation for the Ambassador of France in the United Kingdom to visit Jersey in the near future.

It would not be possible to publish an annual list of proposed visits since these are not agreed upon so far in advance. However, there is a commitment to meet annually with representatives of each of the Conseils généraux de la Manche and d'Ille-et-Vilaine.

**1.13 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING LONG TERM INCAPACITY ALLOWANCE:**

**Question**

What proportion of persons in receipt of Long Term Invalidation Allowance have (annually since 2004) returned to full time work?

What programmes, if any, are in place to encourage a 'return to work'?

**Answer**

Long Term Incapacity Allowance (LTIA) replaced Invalidation Benefit and Disablement Benefit in October 2004.

Some individuals claiming LTIA will remain in employment throughout their period of incapacity. Others will have a degree of disability that renders the possibility of paid work very unlikely. A proportion will have left employment and will subsequently seek to return to employment.

The Department maintains records of employed earnings, rather than the number of hours worked. Annual statistics since the beginning of 2005 confirm the following proportion of individuals with earnings recorded in the year:

Year	2005	2006	2007	2008
Proportion of adults receiving LTIA with earnings recorded	42%	40%	41%	38%

Before the introduction of LTIA, individuals receiving Invalidation Benefit were only allowed very restricted earnings under the Therapeutic Work Scheme.

Anyone, whether receiving LTIA or not, who is seeking to return to work can access the services available in the Work Zone of the Department. An assessment will be made of an individual's needs by a Work Zone Adviser and a development plan agreed upon. Furthermore, the Adviser will assess the need for the person to be referred to another agency such as Workwise or Careers Jersey.

Typically, clients will access confidence building courses, obtain assistance with CV preparation, undertake mock interviews to gain confidence and obtain work experience.

Social Security now works very closely with Careers Jersey and clients may also be referred to Careers Jersey for assistance with computer skills through their learning area and long term development programmes.

**1.14 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING SUCCESSION PLANNING:**

## Question

Would the Chief Minister identify the actions, if any, that have been taken in respect of the recommendations contained in R.14/2008 ('Succession Planning in the States of Jersey') and advise what are the deadlines for putting into effect any Recommendations which have not been implemented?

## Answer

At its meeting on 7th February 2008, the States Employment Board received a report concerning succession planning and leadership and management development in the public sector. This report followed discussions between the former Director of Human Resources, Mr Ian Crich and a small group of States Members (Deputies le Hérissier, Gorst, Egré and Le Fondré). The States Employment Board approved all the recommendations within the report, which are detailed below. Since this time work has been carried out to progress the various recommendations, details of which are outlined under each recommendation.

### **Succession Planning**

#### **Recommendations**

***The Working Group recommended that the policy should be simplified, brought up to date, approved by the States Employment Board and re-introduced via the Corporate Management Board, who should be accountable for its renewed implementation and successful application.***

The Succession Policy has been reviewed and the previous comprehensive policy has been both streamlined and modernised. Amongst the aims of the revised policy are undertakings to:

ensure that there are appropriately skilled people from within the public service to meet

diverse future needs;

minimise non-locally qualified recruitment from outside the Island and

appoint to posts in accordance with the Jersey Appointments Commission's Recruitment Principles.

The revised Succession Planning Policy is ready to be presented to the States Employment Board, following consideration and input from the new Director of Human Resources, Ruth Davies.

***The group also recommended that, to facilitate their monitoring of the application of the policy, the States Employment Board receive a quarterly report identifying those senior posts (first, second and third tier) which in the previous quarter had been subject to external appointment, and the reasons for this (with particular reference to succession plans and why they had not been successful).***

The revised policy incorporates a review process which will identify posts, potential successors and development strategies to provide successors. The focus will be on those cases where recruitment of a suitably skilled, residentially qualified person is likely to be difficult. The aim is that this review process will help to identify the effectiveness of succession planning and enable the States Employment Board to be provided with both quantitative and qualitative information on a timely basis.

***The Group also recommended that, in updating the policy as described above, this should take account of the role of the Appointments Commission (which was not in existence when the policy was introduced) and that the Director of Human Resources liaise with the Appointments Commission to ensure that its policy of “open competition” is compatible with a more structured approach to succession planning.***

The revised Succession Planning Policy fully supports the Jersey Appointments Commission’s ethos of appointment on merit, in open, transparent processes offering equal opportunity. The revised policy clearly states that permanent appointments must only be made following open and fair recruitment procedures, as directed by the Jersey Appointment Commission Recruitment Codes. In addition current recruitment and selection procedures ensure that the Commission is notified and directly involved in the recruitment process to senior posts or where advertisement to vacancies is to be limited such as in times of reorganisation.

### **Management and Leadership Development**

#### **Recommendation**

***The group recommended that the outcomes of the reviews of the effectiveness of the Modern Management Programme be reported to future meetings of the States Employment Board (via CMB) as they are completed, who will consider any future actions and the further publication of the outcomes.***

Following the completion of the first two Modern Manager Programmes, an independent evaluation was commissioned. Although the findings have not been publicised, the results are positive and there is evidence to show that the programme is starting to deliver the changes anticipated in the Organisational Development Programme. It is intended that the new Director of Human Resources will circulate the Evaluation Report initially to the HR sub-committee for discussion, following which detailed information and outcomes will be reported to the States Employment Board.

### **Senior Management Development**

#### **Recommendation**

***The group recommend that the processes of assessment and selection in senior recruitment be enhanced to further ensure that the ability of candidates to both understand and to operate effectively “within the Jersey Context” be fully tested.***

Work is ongoing to ensure that adequate information concerning working for the States of Jersey and in the Jersey community is provided to UK candidates both before and during the recruitment process. Interview questions and assessment centre exercises are designed to measure competence in the area of political shrewdness with particular emphasis being placed on the Jersey context. In addition, candidates now have a scheduled discussion with a number of politicians about the uniqueness of working in the Jersey Community and senior UK appointees are strongly encouraged to relocate to Jersey with their family and to make the Island their primary residence. This latter requirement is now stipulated in the employment contracts.

## **1.15 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING CHANGES TO THE INHERITANCE LAWS:**

### **Question**

Further to the Chief Minister's answer on 31st March 2009, when will proposed reforms to the Inheritance Law be placed before the Assembly?

**Answer**

The proposed draft Inheritance (Provision for Family and Dependants) (Jersey) Law 200- was discussed at the first meeting of the Legislation Advisory Panel (LAP) on 18th May 2009.

It will be further discussed at the next meeting on the 20th July 2009. The LAP is also in the process of arranging a meeting with the new Bailiff (after swearing in) and a deputation of Jurats in order to discuss the proposed Law, and certain technical aspects which have been raised.

I fully expect that, having come to a recommendation, the LAP will report to the Council of Ministers and include a plan for the way forward.

**1.16 DEPUTY R.G. LE HÉRISSEUR OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE OCCUPATIONAL BREAKDOWN OF THOSE REGISTERED AS UNEMPLOYED:**

**Question**

What is the occupational breakdown of persons currently registered as unemployed?

**Answer**

The Department has recently upgraded the way in which records are kept of registered individuals. Under the previous system, the emphasis was on the management of the individual and information was recorded to facilitate this. Systems have now been enhanced so that individual information is still available for the job advisor to use, but information can now also be analysed across all individuals. These changes have only recently been introduced and it will be some time before this information is available consistently across all job seekers. At present, information is available on just over half of the current total of active clients.

In the meantime, a manual exercise was undertaken earlier this year to produce the following occupational breakdown.

Sector	%
Construction	21%
Retail	15%
Misc services (hairdressing etc)	14%
Hotels, restaurants	9%
Misc insurance,finance,business	8%
Misc prof/scientific	6%
Public admin	5%

Banking	4%
Transport/comms	4%
Miscellaneous	4%
Agriculture	3%
Garages	2%
Wholesale distribution	2%
Medical	1%
Private domestic	1%
Food/drink manufacture	1%

The table records information provided by jobseekers who have had recent, regular employment and who have registered with the Department between December 2008 and February 2009.

Social Security information will tend to over-represent the lower skilled occupations and under-represent the higher skilled occupations. For example, not all employment sectors will place vacancies on the Jobs in Jersey website, and the emphasis on the vacancies that are held is for the less skilled job categories. Most administrative and professional staff will use commercial agencies to identify job vacancies. Similarly, many professional employees who are made redundant will not register with Social Security as actively seeking work.

#### **1.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING POSSIBLE JOB LOSSES IN THE PUBLIC SECTOR:**

##### **Question**

Given the Minister for Treasury and Resources recent warnings, would the Chief Minister confirm whether he has considered reductions in public sector staffing levels in order to reduce States expenditure and, if so, will he inform members –

- (a) What level of reductions he wishes to see and at what grades?
- (b) In which departments these reductions may occur?
- (c) Whether any reductions or cessation of services are envisioned at this stage?
- (d) What consultation has or will take place with representatives of the public and civil servants involved?

##### **Answer**

Whilst the States as employer is always looking to maximise staff efficiencies and productivity, there are currently no plans to make general, across the board, staff and service reductions as a means of dealing with the anticipated shortfalls in States revenues. At present the Council of

Ministers is working to the cash limits set by the States last year. Those cash limits were expected to be sufficient to allow services to continue without significant staff reductions or redundancies.

The Council will be presenting the 2010 Business Plan to the States in July, for approval in September. It will be for the States to consider at that time whether there should be reductions in cash limits, or whether it is more important to maintain services.

I have personally written to the local Unite Union proposing that the Union and the Employer establish a joint Working Party that would investigate and develop a partnership agreement providing total cooperation in the areas of staff flexibility, mobility and efficiency, as a way of avoiding redundancies, if at all possible, if and when the current economic situation worsens. I am still awaiting a reply.

Clearly there are areas of the service where increasing automation will, in the normal course of events, result in a reduction of jobs. These cases are being handled under the terms of our Redundancy Policy and appropriate staff representatives are already involved in the consultation process and will continue to be involved in the future.

**1.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE IMPACT OF THE MIGRATION POLICY ON MOVES TO DIVERSIFY THE ECONOMY:**

**Question**

Will the Attorney General inform members on how many occasions during his term of office the Crown has sought, and obtained, fines of the order of £10,000 for offences and what these offences were, and will he further state how many of these offences were subject to level 3 fines and what the offences were?

**Answer**

No. In my view, although Standing Orders are currently such that this question has to be approved, the question is an abuse of the process of this Assembly. I do not think it is even close to being appropriate that a member should put to the person in charge of the prosecution service a parliamentary question when that question is closely related to offences of which that member has been recently convicted in the courts. No other member of the public has the right to question the Attorney General in this way about the circumstances around his own case.

I find it surprising that the Deputy should think it right that he should put these questions to me for he has an obviously direct personal interest in them.

**1.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING BIDS FOR FUNDING FROM THE FISCAL STIMULAS PLAN:**

**Question**

Given that the Chief Minister is on record as stating to the Population and Migration Scrutiny Panel that in order to maintain the figure for net inward migration of 150 heads of household where large numbers are allowed in one sector (say, finance) then correspondingly fewer would be allowed in other sectors of the economy, will he state how this is compatible with his commitment in the Strategic Plan to a diverse economy?

## **Answer**

It has always been the case that the regulation of inward migration has needed to be balanced against the needs of the most productive economic sectors, such as finance, and those that provide greater diversity and wider opportunities, such as tourism, agriculture, and now, the newer fulfilment and service industries.

This management takes place, sensibly, over the medium and long term, and across economic cycles and long term demographic changes. By working to this longer horizon, rather than an annualised cap irrespective of economic conditions, the need for both growth and diversity can be managed.

Indeed, we have in the Migration Advisory Group and the Population Office the structures to regulate migration, and protect local housing and employment, on an ongoing and dynamic basis to achieve agreed objectives. These tools continue to be enhanced as the Migration Policy develops.

Notwithstanding this, both growth and diversity can also be achieved through productivity improvements across the workforce, and do not rely on inward migration alone.

## **1.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ECONOMIC GROWTH UNDER THE PROPOSED MIGRATION POLICY:**

### **Question**

Will the Minister release full details of all bids received for funding from the fiscal stimulus plan and further details of how he is planning to use the funding put aside for managing the “automatic stabilisers” in the economic recession, and if not, when will he agree to do so?

### **Answer**

No, the process for the fiscal stimulus plan was described in P55/2009: Economic Stimulus Plan and I intend to work to that.

27 bids have been received so far and the full details of all of these have gone to the Corporate Services Scrutiny Panel for review. The independent Evaluation Team has been evaluating them against predetermined criteria and their recommendations have also gone to the Scrutiny Panel as and when I have received them. The proposals will be taken to the Council of Ministers and I have undertaken to consult the Scrutiny Panel prior to any Ministerial Decisions being taken.

I will, of course, advise Members of the full details of all the approved schemes as soon as possible “Automatic Stabilisers” are the reductions in tax revenues and unavoidable increases in expenditure, particularly on benefits, that happen as a result of an economic downturn.

Based on our best estimates, contained in P55/2009, £112m will be earmarked in the Stabilisation Fund to be transferred to the Consolidated Fund as requested to make up the shortfall between States income and expenditure caused by the economic downturn.

**1.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING AN OXERA REPORT ON A DEPOSITOR COMPENSATION SCHEME:**

**Question**

Does the Chief Minister agree that the target for net inward migration of 150 heads of household (320 total) means lower economic growth than that reflected by the current long term plan/50-year cycle which has seen net population growth of around 600 (280 heads of household) per annum?

**Answer**

Between 1951 and 2001 total population growth did average 600 a year, but this increase was due to both natural growth (births exceeding deaths) and net inward migration. Natural growth has averaged about 240 per year since 1990.

Reliable data do not exist that would allow a robust estimate of the rate of economic growth achieved over that 50-year period. However, it is fair to say that in that time the structure of the economy changed dramatically – from one where the focus was agriculture and tourism to one where the finance industry directly makes up just over half of the economy – and that this would have raised the average rate of economic growth. Given that such radical change in the constitution of our economy is unlikely in the future, and certainly over the life of the proposed Strategic Plan, an average rate of economic growth going forward that is similar to that achieved in the past is unrealistic, regardless of the level of net inward migration.

However, with estimates of the underlying long-term rate of productivity growth in the economy at 1-1.5% per annum and a proposed inward migration target in the Strategic Plan of 150 heads of households, the Council of Ministers believe that it will be possible to achieve a rate of economic growth that is consistent with both Islanders' desire for an improved standard of living and their preferences in terms of social and environmental policy.

**1.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING UNEMPLOYMENT STATISTICS:**

**Question**

Given that during the Economic Stimulus Plan debate on 19th May 2009, the Minister was asked what contribution the banks were making to support local businesses and individuals during the current recession; in order to measure the banks' actual and ongoing contribution, would the Minister agree to seek information from the banks on the amount of their total aggregate lending to this sector as at 1st May 2009 and publish this information, and would he give an undertaking to then obtain and publish similar figures on a monthly basis?

**Answer**

In order to monitor any changes in lending from local banks I have established an informal Bankers Forum, which has representatives from the Jersey Bankers Association, all but one of the high street banks and one of the secondary lenders. This Bankers Forum has met twice since January 2009 to discuss how changes in the global economy may be affecting the availability of business finance within the local community. I have been reassured by the Forum that the Banks are still lending to both start-up and established businesses. I can also confirm that thus far in 2009, Jersey Enterprise has helped over 230 new business start-ups most of which have required a credit facility

from a lender. However, it is clear that lending criteria and ongoing management of existing facilities have changed as a result of the economic climate.

Members of the House would probably accept that banks should not be asked to disclose commercially sensitive information on a named basis but I have invited the Jersey Bankers Association to explore obtaining aggregate monthly data on an anonymised basis. I do not yet have a response to this request but can revert in due course.

### **1.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING BANK LENDING:**

#### **Question**

Given that during the Senatorial elections in 2008, the then Minister for Economic Development advised that OXERA had been commissioned to produce a report into a Deposit Protection Scheme and that this report was vital to introducing the best possible scheme, would the Minister advise the Assembly when the OXERA report was commissioned, its terms of reference, its cost and the date on which it was to be delivered?

Would he also explain why he has produced and consulted on Draft Depositor Compensation Regulations prior to receipt of the OXERA report?

#### **Answer**

Sir, I can confirm that in October 2008, Economic Development commissioned specialist consultants, Oxera, to conduct an economic analysis of the merits and implications of establishing a deposit compensation scheme in Jersey and into the most suitable options for designing such a scheme. The costs of the Oxera research to-date are £97,100, which is within the estimate provided to the States of £101,450.

Due to the constantly changing backdrop, as other jurisdictions have been updating their own deposit protection measures, further research and analysis has extended the completion date for the report which was finalised last week.

Economic Development has been in frequent contact with Oxera to discuss their initial findings and throughout this process prior to the formal submission of their final report.

Given the need for swift action in this case and the commitment to bring a proposal to the States by July, Economic Development has been working in parallel on the initial findings to design and consult upon a suitable scheme including the detailed elements of its operation.

This work has now been concluded and draft regulations to establish a scheme were lodged yesterday (1st June 2009) for debate by the States in July.

### **1.24 DEPUTY G.P. SOUTHERN OF H.M. ATTORNEY GENERAL REGARDING THE PENALTIES SOUGHT BY THE CROWN IN RELATION TO CERTAIN CRIMINAL PROSECUTIONS:**

#### **Question**

Will the Attorney General inform members on how many occasions during his term of office the Crown has sought, and obtained, fines of the order of £10,000 for offences and what these offences

were, and will he further state how many of these offences were subject to level 3 fines and what the offences were?

**Answer**

No. In my view, although Standing Orders are currently such that this question has to be approved, the question is an abuse of the process of this Assembly. I do not think it is even close to being appropriate that a member should put to the person in charge of the prosecution service a parliamentary question when that question is closely related to offences of which that member has been recently convicted in the courts. No other member of the public has the right to question the Attorney General in this way about the circumstances around his own case.

I find it surprising that the Deputy should think it right that he should put these questions to me for he has an obviously direct personal interest in them.

**2. Oral Questions**

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

We come now to Oral Questions. There was one question deferred at the request of the Attorney General at the last meeting and I will take that question in addition to the 90 minutes allocated for the questions listed for today's meeting.

**2.1 Deputy M. Tadier of St. Brelade of H.M. Attorney General regarding criteria for the pursuit of so-called 'historic' child abuse cases:**

Will Her Majesty's Attorney General inform the Assembly of the criteria used to judge whether or not to pursue cases in relation to the so-called historic child abuse and, where the likelihood of conviction principle plays a part, roughly what percentage of certainty is usually required?

**Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

I would like to thank the Deputy for his courtesy of agreeing a deferral of this question from 2 weeks ago when I was out of the Island. The decision to prosecute an individual is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. Even in a small case, a prosecution has serious implications for all involved: the victim, the witness and a defendant. I have published on the Law Officers' website a code on the decision to prosecute. As will be seen from that code, there are 2 stages in a decision to prosecute, the evidential test and the public interest test. I have already said in relation to the historic child abuse investigation that it would be surprising if a decision were to be taken not to prosecute on public interest grounds, although that possibility is not ruled out. So far no decisions not to prosecute have been taken on public interest grounds. The evidential test is that the prosecutor must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge. It means that the prosecutor must consider whether a court or jury properly directed in accordance with the law is more likely than not to convict the defendant of the charge alleged. The expression "more likely than not" means that the test is applied on the balance of probability. These rules apply to all prosecutions whether for historic child abuse or for other cases. The assessments are judgment calls made on a professional, objective basis. It should be emphasised that any decision taken to the effect that a particular allegation should not result in charges does not mean that the allegation is rejected as untrue, nor does it mean that it is considered in some way not to be a serious allegation. All it means is that the prosecutor has reached the view that an acquittal is more likely than a conviction.

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

Is the fact of whether a suspect is not currently present in the Island a consideration when deciding if a case should be pursued?

#### **The Attorney General:**

If a suspect is not currently in the Island that can give rise to questions as to whether it is feasible to get the suspect back to face trial, but the evidential test and the public interest test as to the decision to prosecute are applied before one thinks of the difficulties, if there are any, in getting somebody back from outside the Island.

### **2.1.2 Senator S. Syvret:**

The Attorney General has explained how there is a degree of judgment call in deciding whether to prosecute. For example, say in a case where there was substantial evidence from a number of victims about such things as being beaten, badly injured, being battered to the floor and held down while Dettol was poured down their throats and including the sexual abuse of some female children, would the Attorney General say that a case of that nature, which is evidenced by about 2 substantial lever-arch files of evidence, would merit prosecution?

#### **The Attorney General:**

I am certainly not going to discuss any particular cases before this Assembly, and the Senator is trying to encourage me to make a response on the basis of what he believes to be the facts in a particular case. All I would emphasise to the Assembly is that the prosecutors take the decisions sensitively, objectively and professionally; language which the Senator may no doubt wish to adopt at some point.

### **2.1.3 Deputy T.M. Pitman of St. Helier:**

I am just interested in what the Attorney General has told us about the difficulties with other countries. Could the Attorney General just explain whether France is one of those countries where there would be problems in extraditing people to face investigations?

#### **The Attorney General:**

France and Jersey, through the United Kingdom, are members to the Council of Europe Convention on Extradition, and I would expect that the terms of the Convention should enable in any proper case extradition from France to be possible. Indeed, there have been numbers of occasions when there has been extradition from here to France and the other way round.

### **2.1.4 Deputy P.V.F. Le Claire of St. Helier:**

In the instance where it has been decided by Her Majesty's Attorney General that a case should not proceed due to the evidential test not having been met, would that be revisited if new evidence surfaced?

#### **The Attorney General:**

The Deputy is another Member who is seeking to put the facts of a particular case to me in the guise of ...

#### **Deputy P.V.F. Le Claire:**

On a point of order, I certainly am not. I strongly refute that. That was just a general question. I am not trying to assert any particular case. I do respectfully suggest that Her Majesty's Attorney General has completely misread my supplementary. I was just asking for general ...

#### **The Attorney General:**

I am very pleased to have that reassurance. The position is that whenever a decision has been taken not to prosecute the probability is that there would need to be a very significant reason for

reopening that decision. That may arise because there is new evidence that was not available and could not reasonably have been ascertained at the time of the original decision. Broadly speaking, when a decision not to prosecute has been taken, there is a very strong public interest in maintaining that decision. It is right that members of the public should be able to rely upon a decision which the Attorney General has taken.

#### **2.1.5 Deputy R.G. Le Hérissier of St. Saviour:**

Under what circumstances would the Attorney General refer a possible prosecution case for review from outside of his department?

#### **The Attorney General:**

I expect the Deputy is aware that in the historic child abuse investigation I have already made it plain that in all those cases the files are first going to be considered by private sector advocates who are, therefore, naturally by definition outside my department. It is only if those Crown Advocates consider that the evidential test is not met or that for some public interest reason the prosecution should not be brought that the case would be referred to my department. When it comes into my department in these particular cases, it is then reviewed by one of the senior lawyers in my department. It is also reviewed by me and there are some occasions when we have thought it appropriate to get outside advice as well.

#### **2.1.6 Senator S. Syvret:**

Would the Attorney General inform the Assembly as to on what grounds a decision not to seek extradition may be taken? Would he agree with me also that anyone who has made a formal, credible complaint to the police of criminal conduct has a right to be informed of the status of that complaint, whether it is being fully investigated, whether it has been decided that there is no merit in the complaint, or whether it has been parked, whether it is going to be taken forward for prosecution? Can the Attorney General state whether complainants have a right to that knowledge and would he also undertake personally to write to the victims of the 2 abusers in France and explain to them what is going on?

#### **The Attorney General:**

There are about 100 questions in there. The general rule is that the police do try to keep complainants informed about the conduct of the case, about the way in which the investigation is going - the progress of the investigation - and what the likelihood is of a prosecution and, once a prosecution decision has been taken, to advise the complainants of that decision. Where the decision is taken not to prosecute, the police are very careful to advise not only the putative accused but also all the complainants so that they do not receive this information via the media or on the radio or reading it in the *Jersey Evening Post*. That is a sensitive approach which is to be commended and it is one of the reasons why I am simply not going to discuss particular cases in this Assembly. I think the first part of the question was the extent to which objections can be made to extradition or something of that kind. Perhaps the Senator would repeat that part of his question.

#### **Senator S. Syvret:**

The grounds upon which the decision would be made whether to seek extradition. The Attorney General said in answer to an earlier question that it would, in fact, make things more difficult to make a decision to prosecute if it had to involve extradition.

#### **The Attorney General:**

The position there is that if the decision is taken to prosecute and the prospective accused are outside this jurisdiction, I will do everything in my power to ensure that they come back to face trial. If - and it sometimes is the case - getting such people back from the other jurisdiction is impossible, either because there is no extradition treaty or convention or for some reason the extradition arrangements turn out not to be able to work, then, of course, the Attorney, the Crown is

stuck with that position. But once a decision to prosecute is taken, if it is possible to bring such people back by making an application for extradition, I would.

**2.1.7 Deputy D.J. De Sousa of St. Helier:**

Can the Attorney General inform the House who, how many are involved in making a decision, and what criteria is used to decide that it is not in the public's best interest to prosecute?

**The Attorney General:**

I do not understand what decision is being talked about.

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

Are you able to clarify, Deputy?

**Deputy D.J. De Sousa:**

Any decision not to prosecute, sorry, in the public interest.

**The Attorney General:**

Numbers of decisions are taken by Centeniers at Parish Hall Enquiries. Particularly where the prospective accused is a person under age, it is thought there is a better way of dealing with the particular incident than by having a prosecution take place before the court. So, the first part of the answer is that Centeniers in effect apply a public interest test week-in, week-out in deciding whether or not to prosecute before the Parish Hall Enquiries. Otherwise, the lawyers in particular cases who are handling a prosecution may well take a view that the public interest requires that the prosecution should not proceed or should be withdrawn. In sensitive cases or cases which the lawyers believe to be sensitive, those decisions may be referred to the Law Officers for review. If they are referred up to the Law Officers for review, then that may be considered by the Law Officers personally or it may be considered by the Principal Legal Adviser who is the senior criminal lawyer in my department. I am afraid the question is really too wide to give a better answer than that.

**2.1.8 Deputy M. Tadier:**

The last question is a simple one: are there currently any extradition applications pending in relation to child abuse that has happened in the last 30 or 40 years?

**The Attorney General:**

No.

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

Very well. We come now to the Oral Questions tabled for the present meeting.

**2.2 Deputy D.J.A. Wimberley of St. Mary of the Chief Minister regarding the maximum figure for the Island's population:**

Given that the Chief Minister at the last sitting told the Assembly that the figure of 100,000 as the maximum for the Island's population arose from consultation and that the consultation he was referring to was Imagine Jersey 2035, can he refer Members to where in reports of Imagine Jersey 2035 consultation findings this figure can be found? If not, can he explain to Members which consultation this was?

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

The clear message that arose from the extensive consultation undertaken both as part of Imagine Jersey 2035 and the consultation on the Strategic Plan has been the public's overwhelming desire to protect Jersey's countryside and to prevent development on greenfield sites. This is clearly

documented in both the Imagine Jersey reports and is also set out in part 4 of the Population Policy that accompanies the Strategic Plan. This is why officers have done a huge amount of work to establish the level of population that could be sustained without building on greenfields. It is this work that has identified that higher levels of population than 100,000 would be more difficult to accommodate without building on greenfields and thereby not protecting the countryside. In addition, the Council of Ministers believe that in the long term this maximum figure is also sustainable in terms of government services, infrastructure and the environment. The figure of 100,000 has, therefore, been set as a maximum in response to consistent messages from consultation rather than the consultation itself specifically identifying this as a figure.

### **2.2.1 The Deputy of St. Mary:**

Does the Chief Minister agree that by saying that the figure of 100,000 arose out of consultation when, in fact, it arose out of officer work following consultation... the consultation said: "We need to protect our greenfields." The officers then went away and discovered or found that if you go over 100,000 then there is a likelihood of not being able to protect the greenfields, but does the Chief Minister agree that the 100,000 did not arise out of consultation? Nobody mentioned it and, therefore, there is some kind of difficulty in the House about how one should read what the Chief Minister is telling us.

### **Senator T.A. Le Sueur:**

No. While I accept that the 100,000 arose out of the implications which that consultation generated, I do not see that it causes us any difficulty whatsoever. The evidence has been presented to Members in respect of the availability of sites and the requirements for housing demand over the coming years and that figure of 100,000 - which is not a target but a maximum - is one which is consistent with those figures.

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

Will the Chief Minister not admit to the House that the figure of 100,000 has, in fact, never been consulted on?

### **Senator T.A. Le Sueur:**

The Deputy is quite right. The figure of 100,000 has not in itself been consulted on. What has been consulted on is the overall requirements of the Island in terms of its social and environmental policies for the future and what we can do in order to maintain Jersey as a pleasant place to live.

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

Furthermore, will the Chief Minister explain why the original Imagine Jersey 2035 came up with a figure of 250 inward migrant heads of household and he is now playing with the figure of 150? What is the justification for this reduction?

### **Senator T.A. Le Sueur:**

The justification is more and better up-to-date evidence. What we have seen recently is that people are living longer but the life expectation has increased at a greater level than was previously indicated. If we were to maintain a population policy of 250 heads of household per annum, that would result in a continuing increasing level of population over and above 100,000 people. For various reasons, including the environment and the potential pressure on services, the Council of Ministers felt that that was not a policy which could be sustained and, therefore, took the decision to reduce the figure to 150 for the time being in order to achieve our objective of not exceeding the 100,000 figure.

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

The Chief Minister will be aware of the recent Association Parlementaire de la Francophonie conference which took place in Jersey - and which I must say was very well organised by the

Deputy Greffier [**Approbation**] - at which the theme for discussion was the ageing population. We were told by the French delegates from various European countries that the solution to the ageing population cannot be solved or achieved by simply importing labour or general net inward migration. Why does the Chief Minister think he knows better?

**Senator T.A. Le Sueur:**

I do not know better. I think the policy that the Council of Ministers is proposing is identical to that which was discussed at the A.P.F. (Association Parliamantaire de la Francophonie). Inward migration by itself will not solve the ageing population policy. I have made it quite clear in the Strategic Plan - and I will refer to that later in the course of the debate - that the solution or the way of addressing the ageing population is a variety of means including inward migration as well as working longer, as well as improving productivity, as well as raising taxes. There are a whole variety of means which are required in order to satisfactorily address the problems which will arise in the future as a result of that ageing society.

**2.2.5 Deputy R.G. Le Hérissier:**

Would the Chief Minister put our minds at rest about what appears to have been a rather odd statement that all people who were above the 100,000 mark on the Island - according to a statement he has alleged to have issued - would be invited to leave? Could he clarify that statement?

**Senator T.A. Le Sueur:**

I think I may have been misquoted in the media. I certainly do not expect the population to exceed 100,000 people and if it did I am not sure how one could encourage them to leave. What we need to do is to make sure we set policies which do not result in that sort of situation arising. I believe that the policies which are being proposed are consistent with that, and just as I do not want to see the population rise above 100,000, equally I do not want to see it fall in the future too low because that would be unsustainable for our ageing population.

**2.2.6 Senator S. Syvret:**

The Chief Minister comes to us and stands here and offers the prospect of a population of 100,000 as some kind of a green and environmentally positive measure because it is less than 120,000 or 150,000. Does he take the public for idiots? Does he not recognise that people out there will see this for the preposterous spin and Orwellian newspeak that it is?

**Senator T.A. Le Sueur:**

The Senator tries to suggest things which I am not saying. I am not saying that because 100,000 is less than 120,000, therefore the policy works. What I am saying is that a population policy in terms of sustainability needs to balance environmental, social and economic issues. We believe this policy does and one of the consequences of that is that at no time does the population exceed 100,000, nor does it fall to significantly low levels either.

**2.2.7 Deputy D.J. De Sousa:**

Just going back to the question from my colleague Deputy Southern, is it not really the fact that because so many Islanders have stressed their concern about the proposed number of the increase of heads per household that the Minister has now gone back on the original figure?

**Senator T.A. Le Sueur:**

No, I made it quite clear that the reason we have changed our figure is based on the more up-to-date information we have, information provided by actuarial and demographic sources outside the Island, reviewed by the Corporate Services Sub-Panel on population, and I believe that those figures are consistent with the policy that we are now proposing, which in the short term is for a maximum of 150 heads of household over the next 3 years.

### **2.3 Deputy F.J. Hill of St. Martin of the Minister for Health and Social Services regarding the cost of the suspension of a senior Health employee:**

I think it might be appropriate, with your consent, Sir... I think most people know who I am talking about in this question. It has been in the media, and if the name of Dr. Day is mentioned I think it would be in order for people to know that. It is in the public media. This question obviously is about his suspension. Given that a senior health employee ...

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

Deputy, I do not think we do need to unnecessarily use the name of the person concerned. I think, as you say, people know who you are referring to, so I do not think you need to use the name if you can avoid it.

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

Given that the senior health employee has been suspended for over 2½ years, what cost has been incurred to cover the suspension? As the employee was not called to give evidence in the related criminal trial, how can the suspension be justified when employees more closely involved with the incident are not suspended and neither are their actions subject to the review being undertaken by Verita?

#### **Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):**

I would just like to comment that I am glad the Deputy has made it here this morning despite having an accident in Trinity. Can I first clarify a point in that the health employee in question has been excluded and not suspended. This is a technical difference in that an excluded employee may continue with professional development but not work within the department. Turning to the question, the total cost relating to the 2½ year exclusion has been estimated at £505,970. This represents salary costs of the individual, legal fees and the cost to date of the independent investigation of the incident to which the exclusion relates. The calculations do not include any court costs or costs incurred by any other department. The decision not to call the individual to give evidence at the criminal trial was a matter for the prosecution and defence and not my department. It has no bearing upon the individual's exclusion. I am unclear as to who the Deputy refers to in the second part of the question, to any employees more closely involved in the incident than the individual currently excluded. It is important to understand that there are 2 distinct processes under way. The first is the investigation of the incident being carried out independently by Verita. I have met with the investigators from Verita personally and I am confident that the incident will be thoroughly investigated and that no stone will be left unturned. Verita's terms of reference specifically avoid the acts and omissions of individuals and I would ask Members to be patient and wait for the outcome of that inquiry. Other matters are being addressed via the wholly separate and independent disciplinary process. As employment procedures are currently under way, I would not wish to prejudice the fair handling of that process and it would not be fair to comment further at this stage.

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

I have a number, but no doubt other Members will ask questions, too. Could I just clarify from the Minister that the figure of £505,000, or almost £506,000, is to cover for the suspended person but is not to cover the costs of replacing that person? So, in other words, that figure could well be doubled because, no doubt, the person who is suspended has to be covered not only by obviously a competent consultant but also his or her accommodation, travel and insurance. Would the Minister agree that that figure probably is twice as much; therefore, it is well over £1 million?

#### **The Deputy of Trinity:**

No, I would not. The cost does not include locum cover and with the costs included for locum cover it would be in the region of £732,874. However, including these costs will be double-counting in effect as the locum is providing the delivery of ongoing services in obstetrics and gynaecology.

### **2.3.2 Deputy R.G. Le Hérisier:**

Given the statement of her predecessor at the end of January where it was stated: “We will recommence our internal investigation next week. We plan to make public the key findings and recommendations of the investigation in due course”, given that this statement was made 4 months ago, would the Minister please indicate the progress of this disciplinary inquiry and when it will be completed?

#### **The Deputy of Trinity:**

I hope it will be completed as soon as is possible because this is not satisfactory and I think the amount that is being paid is scandalous, not only the cost to the taxpayers but unfair to the employee as well as to the family of the patient that died. Procedures are in place and one procedure is taking place this week, so things are moving.

### **2.3.3 Deputy R.G. Le Hérisier:**

I wonder has the Minister set a specific deadline for the disciplinary inquiry to come to an end? Because people, as she quite rightly states, have been subject to unbelievable stress [**Approbation**] and this should not just roll on and on and on.

#### **The Deputy of Trinity:**

I quite agree with the Deputy. This should have been sorted out, but I cannot hurry procedures along to that extent. It has to go through due process and part of that due process is happening this week. I hope it will come to a conclusion as soon as is possible.

### **2.3.4 Connétable D.W. Mezbourian of St. Lawrence:**

It is my understanding from the Minister’s response that the sum she quoted of maybe nearly £600,000 includes part of the cost to date of the independent review by Verita. Will the Minister advise the House what the total cost will be of that independent review and when it will be completed?

#### **The Deputy of Trinity:**

The cost does include that. The review should be finished - I have no reason to think otherwise at this point in time - and a report should be given to me by the end of September. I have no idea how much the cost is to date but I can get that information.

### **2.3.5 The Connétable of St. Lawrence:**

Will the Minister advise the House whether we will receive the review by Verita in an unedited format?

#### **The Deputy of Trinity:**

The report will come to me to look at and consider. At that point I will decide what will be released. As the previous Minister said, the recommendations of the report will be made public.

### **2.3.6 Senator S. Syvret:**

The Minister said in an earlier answer that she did not know what the original questioner was referring to when he referred to other employees who are not suspended and neither are their actions subject to the review being undertaken by Verita. Could I inform her that one of the employees in question is a consultant anaesthetist who, in fact, had responsibility for the patient’s life in the last hours of the patient’s life, and yet the organisation put that consultant anaesthetist as

the internal case manager for the investigation. Does the Minister consider that to be appropriate and, if so, could she name any other health organisation such as a hospital the length of Britain where such an action would occur?

**The Deputy of Trinity:**

The whole point of the Verita investigation is that it is totally independent and the review that they are undertaking is from the point of referral by the G.P. (general practitioner) of the lady in question to the hospital and as far as when the police investigation commenced. It is wide-reaching and it covers the whole sphere across that.

**2.3.7 Senator S. Syvret:**

The Minister just said that it was very wide-ranging and it would deal with all of the relevant issues. Does the Minister not accept that, in fact, the actual tasking of Verita and the terms of reference, which were not issued to the media, expressly said no aspect of the investigation would involve any kind of disciplinary inquiry? Therefore, a crucial and fundamental part of the issues will not be investigated by Verita.

**The Deputy of Trinity:**

I think the Senator is reaching some conclusions. I think what I am suggesting is that he should wait for the report to come out by Verita, which is due at the end of September.

**2.3.8 Deputy A.E. Jeune of St. Brelade:**

Under “procedure”, the excluded person should be reviewed on a regular basis, and in this particular instance I believe that should have happened perhaps yesterday or in the last few days. Could she please advise us the outcome of that?

**The Deputy of Trinity:**

Yes. It is all set down in policy that the case is reviewed at certain times, which I can confirm it has been. That review is part of the employee’s H.R. (human resources) file and ... I am sorry, I cannot remember the last part of the question.

**Deputy A.E. Jeune:**

Has this occurred in the last few days and what was the outcome?

**The Deputy of Trinity:**

The review has occurred and today and in the next coming weeks the procedure is ongoing, so it is not clear cut and dry; it is an ongoing situation.

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

Yes, your final question, Deputy of St. Martin. There are a lot of Members waiting but we have been 10 minutes on this question.

**2.3.9 The Deputy of St. Martin:**

I was trying to find one which encapsulates possibly ... will the Minister confirm that to date no disciplinary charges have been laid against the suspended person even though the court case concluded last January? Again, to repeat, that no charges have been laid against the suspended person to date?

**The Deputy of Trinity:**

Yes.

**The Deputy of St. Martin:**

Sorry, I missed the answer.

**The Deputy of Trinity:**

Yes.

**2.4 Senator S.C. Ferguson of the Minister for Transport and Technical Services regarding the operation of the abattoir:**

Would the Minister confirm whether the abattoir is operated in accordance with the Defra (Department for Environment, Food and Rural Affairs) E.U. (European Union) Rules and, if so, state what the extra cost of doing so is and inform Members whether he has investigated running the abattoir on sound commonsense rules rather than the detailed Defra E.U. Rules and, if not, why not?

**Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):**

I can confirm that the abattoir operates the E.U. Food Hygiene Regulations and is regulated by the Planning and Environment Department. E.U. Food Hygiene Regulations require risk-based safeguards to produce products fit for human consumption. Over the last 3 years, the annual cost of operating the abattoir has increased by some 93 per cent, some £140,000. This significant increase is due to a combination of the decision to allow cattle over the age of 30 months, which has now been raised to 48 months, to enter the food chain and operating to E.U. requirements. The additional costs equate to increased contracted staffing levels and an increase in the operational costs of running the abattoir to meet statutory requirements. The department will shortly be undertaking a cross-departmental review of the abattoir in conjunction with the Economic Development and Planning and Environment Departments to establish whether any of the operational efficiencies can be made and looking at options of how the increased cost of operating the abattoir can be funded in the long term. The working group will report the outcome of this work at the end of July. The Planning and Environment Department as regulator oversees the operational rules and their implementation to verify they are commensurate with E.U. standards. We can confirm that the regulatory aspects will be challenged within the working group.

**2.4.1 Senator S.C. Ferguson:**

Given that anything that goes via Defra adds bells and whistles to any regulations, and given that the original upgrading of the abattoir was set up for export but there is no export trade, will the Minister confirm that it is running a great deal more expensively than it need to?

**The Connétable of St. Brelade:**

As I indicated in my answer, we will be challenging the regulatory aspects within the working group. However, I am not prepared to compromise on the quality of meat emanating from the abattoir as a result of commercial pressures in the interests of the general public.

**2.4.2 Deputy A.E. Jeune:**

Could the Minister advise us, please, what percentage of the personnel costs are actual management?

**The Connétable of St. Brelade:**

No, I cannot tell the Assembly that, but I am certainly happy to forward the information later in the day.

**2.4.3 Senator J.L. Perchard:**

Would the Minister consider, as happened in many abattoirs in the U.K. (United Kingdom) and throughout Europe, privatising the abattoir? Much like his predecessor's refusal to consider the privatising of the green waste and composting operation, is it a new initiative of the Council of

Ministers and the Ministers to consider privatisation in order to offer a better, more efficient service?

**The Connétable of St. Brelade:**

I do not think pure privatisation is the answer, although I think public/private partnership is something to be considered. On the basis of the costs so far, I think it is unlikely that any private organisation would wish to consider running the abattoir, but certainly I am keen to make the operation of the abattoir commercially viable in the interests of the meat producers in the Island to satisfy the requirements of Islanders so that we can produce meat of a high quality and support the local industry.

**2.5 Connétable D.J. Murphy of Grouville of the Minister for Economic Development regarding the reimbursement of investors of Alternate Insurance Services Limited:**

Would the Minister inform the Assembly whether any Members of the States were reimbursed as part of the £597,000 package authorised by him and paid to investors of Alternate Insurance Services Limited last month and, if so, would he identify them and state the amounts paid?

**Senator A.J.H. Maclean (The Minister for Economic Development):**

I am advised that no Members of the States were reimbursed in respect of the case involving Alternate Insurance Services Limited.

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

That is a very clear answer. We are not having a full debate on Alternate, Constable.

**The Connétable of Grouville:**

No, I am extremely grateful for the Minister's reply and I would like to say that the reason I asked this question was because of the amount of rumours that are flying around. He has put them to bed. Thank you very much.

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

I am not sure supplementaries will arise, Deputy Maçon, the answer was very clear.

**2.5.1 Deputy J.M. Maçon of St. Saviour:**

Just quickly; any past States Members?

**Senator A.J.H. Maclean:**

I was not asked that question specifically and I do not know. I should point out that I do not know the names and identities of the investors. When this court case was heard the judge ruled that the identities of the investors should remain anonymous and I thought it was important that in determining the facts of this particular case that the names were largely irrelevant, there was no need to personalise the matter, so I am afraid I do not know directly, but if the Deputy would like to ask that as a separate question the information can be obtained, I am sure.

**2.5.2 The Deputy of St. Martin:**

It is very much on that because the Minister knows that I had sent him an email asking a similar question but also elaborating on that, and I have yet to have an answer. But really, I think it is quite important that public money has been given out - quite a considerable amount of public money - and I am rather surprised to hear that the court has ruled that the recipients should not be made known, yet it is public money. Will the Minister give consideration to maybe making the names of those people who have received the money available to States Members?

**Senator A.J.H. Maclean:**

No, I will not.

**2.6 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the implementation of a sex offenders' register in Jersey:**

Would the Minister update Members regarding the implementation of a sex offenders register in Jersey?

**Senator B.I. Le Marquand (The Minister for Home Affairs):**

The question relates to the Sex Offenders Law. In February of this year I withdrew the proposition on this law for a number of reasons. First, there were technical issues in relation to certain Jersey criminal charges. Secondly, I needed to consider further 2 potentially controversial issues in the law. Thirdly, there was a very controversial provision for a new criminal offence I needed to consider. Fourthly, the appeal provisions in the law were wrong and thought had not been given as to whether orders that we made were criminal or civil in nature. Fifthly, the costs of implementation of the law were unclear. I subsequently discovered that the local agencies involved, principally the Police, Probation and the Children's Service, had not yet decided how the law would be implemented. In the intervening period, the first 4 items I have mentioned have been dealt with. I have made decisions as to how to proceed on them. Only the cost of implementation issue remains. Work is now being done on that and as soon as that has been done I will be in a position to lodge the law. I anticipate that that will be before the summer recess.

**2.6.1 Deputy A.E. Jeune:**

Could the Minister advise us whether currently the U.K. Government from their sex offenders register would notify us if anybody from that register were to come to the Island that they were aware of?

**Senator B.I. Le Marquand:**

I believe that the police would be made aware of that because we have excellent information and intelligence exchanges. I am not 100 per cent sure of that, but that would be consistent with the normal information exchange.

**2.7 Deputy T.M. Pitman of the Minister for Education, Sport and Culture regarding funding from the Economic Stimulus package to help improve Fort Regent:**

Would the Minister advise the Assembly why he has not made a bid to secure funding from the economic stimulus package to help kick-start any of the potential "quick win" projects identified at Fort Regent, all of which could be undertaken by local businesses?

**Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):**

My department has not made a bid to secure funding for Fort Regent as I am not aware that any quick win type projects have been identified which meet the criteria of the economic stimulus package. I would like to add that if such projects have been identified by either the Deputy or the panel conducting a review of the fort, I have yet to be provided with that information.

**2.7.1 Deputy T.M. Pitman:**

I would probably refer the Deputy to about 20 reports we have all been reading. They identify quite a few. These might range from lift access, simple things like signage showing people where to go, rejuvenation of the gardens, removal of outbuildings, creating a small heritage centre so people know the value of that building; surely all of these could have fitted into the policy and surely they are worth the Deputy moving on.

**The Deputy of St. Ouen:**

I absolutely want to see a plan developed at Fort Regent. However, I do not believe it would be a good use of public funds to invest in quick-fix solutions unless the expenditure could be demonstrated to support, indeed, an overall plan for the fort. The criteria established to meet the requirements of the economic stimulus package are designed to be timely, targeted and temporary, and I do not believe that this particular package enables us to progress matters at the fort.

### **2.7.2 Deputy R.G. Le Hérissier:**

Would the Minister not acknowledge that despite his publicly expressed enthusiasm, this is a very sad road we are travelling? Would he not accept that there are interim measures that could be taken and we have waited with plan after plan for the mother of all plans and we have never ever got anywhere? Could we not use some of his undoubted enthusiasm, drive and energy to put in place an interim programme? Is the simple answer it was forgotten, it was overlooked and we have to somehow rationalise it?

### **The Deputy of St. Ouen:**

I am quite surprised that the Deputy has come to the conclusions that he makes when he is in the process of conducting a review on Fort Regent. I, like him, am very keen to see the issue progress and I wait with bated breath to see the completed report.

### **2.7.3 Deputy T.A. Vallois of St. Saviour:**

I would like to ask the Education Minister whether as per the Minister for Planning and Environment's views as to someone championing the actual Fort Regent he would take on this role of championing Fort Regent over the next 2 to 3-year period?

### **The Deputy of St. Ouen:**

I have had already this discussion with my Ministerial team, and absolutely if there needs to be a champion for Fort Regent I am quite prepared to step up to the mark. **[Approbation]**

### **2.7.4 Deputy K.C. Lewis:**

As Fort Regent was primarily designed to keep people out, when they scrapped the cable car it did exactly that. Does the Minister not consider it a priority to install a scenic lift from Snow Hill straight into Fort Regent?

### **The Deputy of St. Ouen:**

All I would say is that if it is proved that a scenic lift is the right particular form of transport to access the fort, clearly that will happen.

## **2.8 Senator B.E. Shenton of the Assistant Minister for Housing regarding adequate regulation of Housing Trusts in Jersey:**

Is the Assistant Minister satisfied that adequate regulation of housing trusts in Jersey exists?

### **Deputy S. Power of St. Brelade (Assistant Minister for Housing):**

The simple answer is no. Neither the Minister, the Assistant Minister nor the department are happy or satisfied that adequate regulation of housing trusts exists. Having made that bald statement, I can inform the Senator and the Assembly that the review of all social rented housing on the Island, including the trusts, has recently been completed by Professor Christine Whitehead who holds the chair of Professor of Housing Economics at London School of Economics and Professor of Housing and Planning Research at Cambridge. Her report confirms that existing arrangements are not adequate and gives options as to appropriate new regulations for all housing providers and how it can be achieved. To summarise, the department will be issuing a Green Paper very shortly on this report by Professor Whitehead - a copy of which I have here - and we will be releasing early

copies to Senator Breckon's Health, Social Security and Housing Panel and my own sub-panel, and to the Public Accounts Committee.

### **2.8.1 Senator B.E. Shenton:**

Does the Assistant Minister further agree that some of the practices undertaken by housing trusts in Jersey in respect of conflicts of interest would not be acceptable in the U.K., if not illegal, and is he concerned that the Treasury would have been willing over the years to pass millions of pounds of taxpayers' money to organisations that are largely unregulated?

### **Deputy S. Power:**

The Housing Department has no regulatory function with regard to the trusts. When the trusts were set up under an old Trust Law of 1846, it gave the Housing Department no form of regulation. I do agree with the Senator that there are some practices which appear to be inappropriate and which would not be allowed to be carried out within the U.K., but again I have to state this morning that the Housing Department has no function with regard to the control of trusts and it really would be inappropriate for me to comment any further.

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

At last the penny has dropped. This was a warning many, many years ago that the 1846 Trust Law was totally inadequate. Would the Assistant Minister at least admit that the housing trusts that are already operating and who have, as the Senator has just said, received millions and millions of pounds of subsidy, have lost the opportunity... they will not be able to bring them under regulation? They are now too big and they own too much property and there will be nothing the Housing Department can do retrospectively. It will be only new small trusts, and they are acting much too late.

### **Deputy S. Power:**

Both Deputy Martin and Senator Shenton have alluded to the fact that the trusts have received millions of pounds from the States. This Assembly has approved a number of major approvals to the trusts between 1993 and up to 3 years ago, so they have received millions of pounds. I disagree with Deputy Martin when she says that it has gone beyond the pale and the trusts cannot be regulated. I do believe that regulation of the trusts can take place. I do believe that the manner in which the trusts were set up is inappropriate. Mistakes were made by previous Assemblies and it has been a constant bedevilment of the Housing Department over the past few years that they have not been able to control these trusts. But I do believe that the future structure of the Housing Department - whether it is a Jersey Housing Authority or a Jersey Housing Commission - that that umbrella organisation will regulate the Housing Department, the housing trusts and the private sector.

### **2.8.3 Deputy J.A.N. Le Fondré of St. Lawrence:**

There has been quite a lot of heat in the housing trusts and I would like to pick up on a comment that the Assistant Minister is quoted in the *Jersey Evening Post* as saying. He may wish to clarify it. He says that the Housing Department has absolutely no control over the trusts. In the light of those comments, could he confirm - there are 4 items - one, that there are agreements between the trusts and departments and they have been in place for quite a considerable amount of time? For example, I am acutely aware of one that is dated 31st August 2001 which covers maximum rents, nomination rights, liquid assets, *et cetera*. Could he also confirm the discussions with trusts have been going on since 2000 regarding regulation and that trusts - at least reputable ones - would welcome regulation to clarify matters? Could he look into the proposal by a trust that related party transactions within a trust should be capped, for example, at a percentage of turnover, and 2 per cent was the figure? Again, that is down in 2000 and 2003 and perhaps he could identify why that was not picked up on by the department at the time. In the light of that lot ...

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

It is turning into a speech, Deputy.

**Deputy J.A.N. Le Fondré:**

... that is, actual clarification given the heat of the matter, would the Assistant Minister undertake to work with the trust to provide an appropriate level of regulation?

**Deputy R.G. Le Hérisier:**

Can Deputy Le Fondré declare an interest?

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

He did, Deputy.

**Deputy S. Power:**

I really think it is inappropriate to go into substantive detail in Deputy Le Fondré's questions, but I am very happy to come back to you with a written response. Can I say that the manner and the structure under which all trusts operate is different and that is a problem. There are trusts which operate absolutely correctly and there may be other trusts which operate not so correctly. My comments in the *Jersey Evening Post* on Saturday were not accurate and I make that clear. I did not say some of the things that I am purported to have said. I can assure the Deputy that in part of the Whitehead review it does deal with a new appropriate regulatory structure for the trusts and it also deals with the future role of the housing trusts and a new legislative framework is necessary for that. Whether we copy the U.K. model or whether we take our own model I do not know, but it is going to be changed.

**2.8.4 Deputy D.J. De Sousa:**

Bearing in mind the Assistant Minister's answer to Deputy Martin's question, will he or will he implore his Minister to bring a proposition to the House to bring regulations to the trusts?

**Deputy S. Power:**

Yes, I have already referred to the fact that there will be a Green Paper published in the summer relating to a proposed structure which would bring in new controls and new regulations on the trusts. Subject to discussion and consultation, that will then become a proposition and that will be happening as a matter of absolute priority. As I said in the earlier part of my opening remarks, the Minister, the Assistant Minister and the department are not happy with this structure that currently exists.

**2.8.5 Senator S.C. Ferguson:**

There is at least one housing trust which publishes its accounts. In the interests of transparency, will the Assistant Minister look into the concept of ensuring that all housing trust accounts are published preferably in the form of a report to the States?

**Deputy S. Power:**

Again, part of the Green Paper for consultation within the Assembly this summer and autumn will be a proposal that includes that, that the housing trusts will have to publish their accounts and, indeed, any connection between directors of trusts and property maintenance companies will also have to be included in that.

**2.8.6 Senator B.E. Shenton:**

Does the Assistant Minister think it is correct for sitting politicians to sit on the boards of housing trusts?

**Deputy S. Power:**

I think it is inappropriate for me to comment on the role of existing States Members sitting on trusts. It is for them to decide.

**2.9 Deputy P.J. Rondel of St. John of the Minister for Health and Social Services regarding the terms of reference for the Verita inquiry:**

Prior to putting the question, can I apologise to the Minister for having my back to her at this moment. Given that in the former Minister's statement on 3rd February 2009 he stated that the Verita inquiry would be independent, transparent and rigorous and there would be no boundaries, would the Minister, therefore, advise why the terms of reference for the inquiry are so narrow, only looking at investigating policy, procedure and conduct? Are the terms of reference flawed given the description of a locum consultant as a registrar?

**The Deputy of Trinity (The Minister for Health and Social Services):**

The terms of reference for this independent investigation are broad, covering several key aspects vital to assuring the public about safety of services. I have a duty, as do our staff at Health and Social Services, to ensure that the care provided is safe. I have met with Verita and I am confident that the work being undertaken is independent. I can confirm that there is no one from the Health and Social Services Department working with Verita on the investigation. In terms of the process, they make contact with staff directly from their headquarters in England and hold interviews away from the main hospital site. I am confident that the investigation is thorough and that they are reviewing all aspects of care, treatment and management of Mrs. Elizabeth O'Rourke from her G.P. referral up to the start of the police investigation. Furthermore, they are also reviewing the main actions taken by the Health and Social Services Department in response to Mrs. O'Rourke's tragic death along with the process made against the recommendations of the interim internal investigation. They will provide me with a written report with recommendations and I will make those recommendations public.

**2.9.1 The Deputy of St. John:**

Can the Minister confirm that the doctor mentioned within the terms of reference was employed by the States as a locum consultant in obstetrics and gynaecology and was employed from 14th August 2006 onwards? Therefore, why was she described in the terms of reference as a locum registrar? Would she agree that the terms of reference are flawed?

**The Deputy of Trinity:**

Sorry, I meant to put the second part of that question. I can assure the Assembly that the terms of reference are not flawed. The reference to the locum consultant being described as a registrar is incorrect. At the time of the incident the individual was employed as a locum registrar; that is a point of fact.

**2.9.2 Deputy C.F. Labey of Grouville:**

Will the Minister explain why no one from Verita, which began its investigations on 9th April 2009, has yet interviewed the excluded employee? Is it their intention to do so?

**The Deputy of Trinity:**

As I said, it is an independent inquiry. No way do I know who they are going to interview and who they are not going to interview. If they have not interviewed the excluded employee, I am sure they will do that in time if they feel that it fitted within their remit, which it is.

**2.9.3 Senator S.C. Ferguson:**

I understand that when you employ locums and so on in the Health Department the H.R. Department select them and then they work for a fortnight or a period of time under the supervision

of one of the consultants. Will the Minister give us assurance that the method of hiring people, particularly in this area of health where people's lives are at stake, will be reviewed and tightened up?

**The Deputy of Trinity:**

Yes, I can give her that assurance. As I said at the beginning, my highest priority is safety of all patients, and all procedures and things that were involved in that tragic day will be reviewed. I am sure if there are any recommendations which come out from Verita with that I would like to think that I would put them in place.

**Senator S.C. Ferguson:**

I am sorry, I understood that the review was on the events of the day, not on the hiring procedures. I am saying perhaps the Minister would like to review the method by which consultants, particularly locum consultants, are in fact hired originally.

**The Deputy of Trinity:**

Yes, I will give that undertaking.

**2.9.4 The Deputy of St. John:**

On a point of order earlier on, I was trying to get back in on a statement made by the Minister when she said on a point of fact that the locum had been employed as a registrar due to an error. In fact, I have a document here from human resources that says she was employed as a locum consultant. There is a big difference between a registrar and a consultant. **[Approbation]** Will she correct the statement she made or stand by it so we can take it further if necessary?

**The Deputy of Trinity:**

The reference to locum consultant being described as a registrar was incorrect. At the time of the incident the individual was employed as a locum registrar. If the Deputy has information otherwise, if he could hand it to me and I will sort it out and come back to him and to this Assembly.

**The Deputy of St. John:**

The information I have has been given to me in confidence and, therefore, I cannot pass it over. But that said, if it is said by me on the floor of this House and it is correct - I have the document here - therefore I will show it to the Minister in confidence once I have had permission from the sender to do so.

**2.9.5 Deputy R.G. Le Hérisier:**

I was going to cover that because the issue or the assertion is that the locum was, in fact, in a professional sense senior to the person for whom she was working, and that is very significant, as the Deputy of St. John has alluded. But moving on, could I ask the Minister where it says "no boundaries" can she tell the House whether information that may be unearthed or conclusions reached by the Verita report, if they have a bearing on the parallel disciplinary case that is proceeding, will they be used in that case or are there Chinese walls between the 2 processes?

**The Deputy of Trinity:**

It is very difficult to say, as I said before, about the outcome of the report. I will wait and see the results of the report and the recommendations they wish to make. But my idea - and I have spoken to Verita - is that no stone should be left unturned. As with the previous Minister, I am adamant that this will continue. It was a very serious incident and it must never ever happen again.

**2.9.6 Deputy R.G. Le Hérisier:**

Could the Minister tell us whether she is happy with a situation where one procedure appears not to have a disciplinary aspect to it and another one is proceeding? Is she certain that the 2 distinct objectives of the procedures are clear to people or does she feel it has all become very muddled?

**The Deputy of Trinity:**

As I said, there are 2 separate procedures. Verita are doing the external investigations and the other procedure is a grievance and disciplinary procedure. They are by means of that separate.

**2.9.7 Deputy A.E. Jeune:**

Would the Minister clarify that the purpose of exclusion is in order to ensure patient safety and the Verita investigation has come about following a safety issue? Surely one would expect that they would be interviewing the excluded person.

**The Deputy of Trinity:**

Yes, but I have no control over when and whom Verita will interview. As I said, they are totally independent and have no contact with any staff within H.S.S.D. (Health and Social Services Department) unless they contact the staff themselves.

**2.9.8 The Deputy of St. Martin:**

I am glad Deputy Jeune has raised the issue because it really follows on from I think a failure of a proper answer to the Deputy of Grouville. Can I ask the Minister who is acting as liaison between the Health Department and Verita? Surely Verita will be working to somebody. Can I have assurance from the Minister that the person that is monitoring it has no involvement whatsoever with anything to do with the operation and also the senior management?

**The Deputy of Trinity:**

To make them totally independent they have the remit to ask whatever questions or to see whoever they wish to see. I cannot tell them which ones they should see or will not see. Under the terms of reference, it is from when Mrs. O'Rourke was first referred to the hospital by the G.P. as far as the police investigation. They have the full remit to see whomever they wish to see.

**The Deputy of St. Martin:**

The Minister has not answered my question. Who is Verita reporting to? There must be some liaison between being given the job to get on with it, and there must be some involvement in between that. So, can I again ask the Minister who is monitoring Verita's investigation?

**The Deputy of Trinity:**

If there is any issue that they wish to discuss, as a couple of weeks ago they wanted to see me to see how I foresee ... if I wanted to continue or whatever with the investigation, and I said before I met them. Also, to add, I also asked for a couple of other written references on the work undertaken by Verita in the past for my satisfaction, and I am very happy with the work that they have done. I have had some positive feedback from other jurisdictions, whatever, that have used Verita in the past.

**2.9.9 Senator S. Syvret:**

Would the Minister agree with me that the kind of comprehensive, professional, genuinely independent formal inquiry I am proposing in the establishment of a Committee of Inquiry ought to be the way forward and ought to be accepted if the organisation in fact has nothing to hide? Will the Minister herself be supporting my proposition and will she take my advice, which is well intentioned, that really, regardless of what she is told by the senior managers in her department, she most certainly should support my proposition?

**The Deputy of Trinity:**

I do not want to make any comment on that proposition. It was only just lodged a couple of days ago and I need to read it and then I will comment accordingly. As I said, the terms of reference are from the G.P. referral to the start of the police investigation, so it will be broad and it will be robust and no stone will be left unturned and the report is due out at the end of September.

**2.9.10 The Deputy of St. John:**

Could the Minister tell us who wrote the terms of reference? Was it done in-house by senior staff at the Health Department or the Human Resources Department? Because this is quite important.

**The Deputy of Trinity:**

The terms of reference were drafted by Verita then consulted with the previous Minister and the family of Mrs. O'Rourke and accepted without change by the department.

**2.10 Connétable J. Gallichan of St. Mary of the Minister for Health and Social Services regarding the closure of the Newgate Street entrance to the General Hospital:**

Given its proximity to Patriotic Street car park, will the Minister explain why the Newgate Street entrance to the General Hospital closes before the end of visiting time? Will the Minister also advise whether any changes to short-stay parking near the hospital have been considered, which would facilitate the collection of patients on their discharge, especially when they cannot walk unaccompanied, for example following sedation?

**The Deputy of Trinity (The Minister for Health and Social Services):**

I would like to thank the Constable of St. Mary for asking this question and bringing this to my attention. I will be looking at improving access and the cost implications of doing so. The present access to the General Hospital is via the Gwyneth Huelin Wing entrance at Newgate Street, which is from 7.00 a.m. through to 8.00 p.m. Mondays to Fridays and 7.00 a.m. until 1.00 p.m. on Saturdays, Sundays and bank holidays. The reason access into an exit from Gwyneth Huelin wing is restricted outside these hours is one of security and fire reasons. As you are well aware, there are outpatient departments too. Collection of patients is facilitated by means of the Gwyneth Huelin ramp between 7.00 a.m. and 11.00 p.m. Mondays to Fridays and 7.00 a.m. until 3.00 p.m. at weekends. It is unlikely that sedated patients will be discharged outside these hours, but in the event that access was needed, portering and security staff would be able to supervise an exit to help. Parking and emergency collection and drop-off is also available at the Parade entrance, which is policed by the T.T.S. (Transport and Technical Services) parking control, which are very flexible and understand the needs of the patients. A parking group has been formed and meets on a regular basis to review any problems related to parking. However, parking is very limited and while trying to help may not be able to satisfy everyone who would like to park close to the front door. I would like to invite the Constable to go and see that group and to discuss her concerns with them.

**2.10.1 The Connétable of St. Mary:**

Firstly, I would like to thank the Minister for her answer and also for her proposed invitation. I would be delighted to meet with that group. I wonder if the Minister would agree that as a very small step towards making life easier for visitors to the hospital some sort of highly visible sign could be erected at the Newgate Street entrance so that it is obvious from the street level whether that door is open or closed. I have had experience in the last few weeks of quite elderly ... not disabled but still finding it difficult to walk, having to go all the way up the ramp to try the door, then to come all the way down and pretty much circumnavigate the entire hospital to visit Rayner Ward, the lift for which is just inside that entrance.

**The Deputy of Trinity:**

That is an excellent idea and I will get that done as soon as possible. I totally agree with her. Walking from Newgate Street all the way round the front, especially on a cold winter's rainy day, and round to the Parade is a bit unsatisfactory, but the main building is, shall we say, not wheelchair friendly, not access friendly. The Gwyneth Huelin Wing with its outpatient departments, safety and fire precautions have to be adhered to as well.

**2.10.2 The Deputy of St. John:**

Given that this has been a problem for a number of years that the Newgate Street entrance gets closed late evenings or from 8.00 p.m. onwards and weekends, is there no way that this can be reviewed with a view to having this open, in particular now that there is work going on across the main entrance? I know people who have great difficulty walking around that building. It is difficult to get in and out to the different wards, but some way needs to be found that while the hospital is open that Newgate Street entrance needs to be operational. I must declare an interest. I have a member of my family in hospital at the moment, and it has been raised to me in the last few days how difficult this is. So I sincerely hope that for all those people who have to visit infirm people ...

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

Put the question, please, Deputy. Time is running out.

**The Deputy of St. John:**

Will the Minister please look at doing something to help all the poor people who need to visit from that entrance?

**The Deputy of Trinity:**

Yes, as I said, I will be reviewing it and with the Constable of St. Mary's input I hope we can find a way out, because I totally agree, it is not right. It is unsatisfactory. I have only been in post just over a month, but I will try as hard as I can and as soon as I can.

**2.11 Senator S. Syvret of the Minister for Home Affairs regarding alleged breaches of Article 39A of the Public Elections (Jersey) Law 2002, as amended:**

Would the Minister clarify for the Assembly how an offence allegedly breaching Article 39A of the Public Elections (Jersey) Law 2002, as amended, committed by an independent candidate came to be initially treated as a charge against Deputy Southern?

**Senator B.I. Le Marquand (The Minister for Home Affairs):**

The question relates to charging and charging is a matter for the prosecutors and, therefore, not a matter for me. But nevertheless I am going to answer the question briefly with the answer it was not.

**2.11.1 Senator S. Syvret:**

Does the Minister accept that the allegation of the breaching of the law, which was, in fact, an allegation against that independent candidate... Deputy Southern was initially questioned about and the police were trying to stick the charge on him during questioning?

**Senator B.I. Le Marquand:**

I have no knowledge of that.

**2.11.2 Deputy T.M. Pitman:**

I stood in this Assembly many, many weeks ago and produced a witness statement, and I have seen the sheets relating to Deputy Southern. I have every respect for the Minister for Home Affairs, but I am afraid he is misleading the House and I would ask him to clarify that.

**Senator B.I. Le Marquand:**

I am most certainly not misleading the House. The question implies that Deputy Southern was wrongly charged with a charge which they charged with a charge which related to another person. If Deputy Pitman would care to read the question, he will find that is so. What I do know - and am able to confirm - is that disclosure was made to Deputy Southern under the normal disclosure rules which related to a potential charge against another person. That was done out of fairness and part of the normal disclosure process.

**Deputy T.M. Pitman:**

I will bring the document in.

**2.12 Senator S.C. Ferguson of the Minister for Economic Development regarding the role of the abattoir in supporting and encouraging the local farming industry:**

I am sorry. I seem to be up to the eyeballs in abattoirs this morning. Although the abattoir is operated by the Transport and Technical Services Department, its advantages are more related to the Economic Development Department. Would the Minister therefore undertake to work with the Minister for Transport and Technical Services to support and encourage the local farming industry, particularly as fortnightly opening is not appropriate for the local pork industry?

**Senator L. Norman (Assistant Minister for Economic Development - rapporteur):**

The answer is a clear and definite “yes”. We are already working closely with local farmers to encourage the growth of Island meat production but, clearly, as we heard a few moments ago, there are issues regarding the operation of the abattoir. However, through a joint team of Transport and Technical Services and the Economic Development Department, efforts are well under way to establish a short term solution, a medium term solution and a long term solution that will better meet the needs of the local producers.

**2.13 Deputy M. Tadier of the Minister for Home Affairs regarding the treatment of mentally ill inmates or those with addictions:**

What steps, if any, are the Minister and his department taking to ensure that mentally ill inmates or those with addictions are given appropriate help and are not simply in prison?

**Senator B.I. Le Marquand (The Minister for Home Affairs):**

I am going to ask my excellent Assistant Minister if she would answer the question, as she deals primarily with matters relating to the prison.

**Deputy J.A. Hilton of St. Helier (Assistant Minister for Home Affairs - rapporteur):**

The healthcare needs of every prisoner are assessed on admission to the prison. The prison employs 3 full-time professional drug and alcohol counsellors and prisoners are able to access considerable support in this area. In regard to mental health, a consultant forensic psychiatrist visits the prison on a weekly basis to carry out assessments and provide professional care and support. The prison also benefits from the services of a community psychiatric nurse who attends one day per week to manage a prisoner case load. Most of those with a history of mental illness are kept stable by the administration of appropriate medication. There are some prisoners who would clearly present to the lay person as being mentally unwell but who are not deemed to be suffering from treatable mental illnesses. They are not eligible for a place in a mental health facility and, yet, seem to be misplaced in the prison. Myself, the Prison Governor and the Minister met with the previous Minister for Health and Social Services to discuss the management of such individuals and I plan to seek an early meeting with Deputy Anne Pryke to explore the issue further.

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

My underlying concern is not simply about prisoners who may be mentally ill and end up in prison but is about the steps which are being taken to avoid that happening in the first place. I know, certainly, from personal experience in my constituency, that people who have had a history of mental illness and also a history of addiction are simply being treated as ordinary criminals and not being given the appropriate sentences which may not always end up in a prison sentence. So what steps is the department taking to ensure that these problems are picked up by the police and the Honoraries before they get to court?

### **Deputy J.A. Hilton:**

I feel that I can only answer with regard to prisoners who have been convicted. I agree that there is a problem and both the Minister and I, who have been involved in the criminal justice system for many years, are well aware of the merry-go-round that appears to be happening at the moment with certain prisoners and we are both extremely concerned about that.

### **2.13.2 Deputy S. Power:**

Would the Assistant Minister agree with me that there is, in our society, those that do have personality disorders, brain injuries and mental illness who are given custodial sentences because of this and it is beholden on States departments such as Social Services, Social Security, Housing, Education, Sport and Culture and Home Affairs to get together under the Chief Minister's Social Policy Review Panel to solve this problem once and for all - sentencing people to La Moye - when there may be a more appropriate way forward?

### **Deputy J.A. Hilton:**

The Social Policy Group met last Thursday afternoon and I was there in place of the Minister who was away from the Island and, indeed, Deputy Power did produce a paper which he had done in conjunction with Deputy Green for that meeting that afternoon, and it is the intention to pass that paper to an organisation called M.A.P.P.A. (Multi-Agency Public Protection Arrangements) which is made up of professionals from various departments who are trying to deal with this problem. As I said in my answer previously, it is a matter that both the Minister and I have very significant concerns about and we do intend to address the issue of prisoners currently in the system who, we believe, should not be in the system and are not receiving appropriate treatment. To that end, we will be working with the Deputy of Trinity, the Minister for Health and Social Services and I do sense that we are pushing against an open door in that regard.

### **2.13.3 Deputy A.E. Jeune:**

I fully accept what the Assistant Minister says in that she and the Minister are very, very concerned about the current situation for offenders with mental illness. However, currently, with 3 persons with experience in drugs and alcohol and a C.P.N. (Community Psychiatric Nurse) attending weekly, does the Assistant Minister consider this anywhere near sufficient and surely they ought to be considering having experienced nurses with forensic psychiatry?

### **Deputy J.A. Hilton:**

Prior to the 2 additional members of staff being taken on, the prison was operating with one counsellor as Members will be well aware, from what the previous Minister Senator Wendy Kinnard used to bring to the House about the concerns surrounding funding for prison. Now, since the Prison Improvement Plan was approved by the House, obviously additional funding was put in place which did enable us to employ a couple more counsellors to help with the problem. Currently, approximately 50 per cent of prisoners do have issues with alcohol or drug dependency. We could spend any amount of money on trying to address these issues. The staff that we have at the prison are excellent, professional staff who carry out their jobs in a very professional way but, yes, we could do with more funding but I suppose the same could be said of many different services

provided by all States departments. I think we provide a very good service with the resources we have available to us.

**2.13.4 Deputy M. Tadier:**

I appreciate the Assistant Minister may not have been prepared for the angle of my last supplementary, so I would be happy to discuss it perhaps informally with herself and the Minister but my last question would be, to what extent is the problem a practical one, in that there is no satisfactory alternative facility for housing mentally ill offenders?

**Deputy J.A. Hilton:**

The great majority of prisoners with mental health issues are being handled satisfactorily at the moment but we are very aware of the small number who have been in the system for a very, very long time, and it is that small number that the Minister and I are going to be working very hard towards obtaining what we believe is the appropriate treatment for them. As in all small jurisdictions, there is always going to be a problem of funding a unit specifically for the needs of maybe just 2 or 3 people, so one has to weigh-up the cost of possibly providing that unit within the Island or whether those people are best treated away from the Island.

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

Question 13 falls away in the absence of Deputy Pitman, so we come to question 14 which Senator Syvret will ask of the Attorney General.

**2.14 Senator S. Syvret of the Attorney General regarding the recent prosecution of Deputies S. Pitman and G.P. Southern of St. Helier:**

In making the case for the £12,000 fines going to Deputy Shona Pitman and Deputy Southern, the prosecuting Crown Advocate stated that: "No one is above the law." Given the quality of application of the law, would the Attorney General clarify to the Assembly why an independent candidate whose alleged offence was initially to be charged against Deputy Southern was not also prosecuted and in the Royal Court.

**The Attorney General:**

It is not generally appropriate for the Attorney General to comment on individual prosecution decisions and I am only doing so because it has been suggested that the decision to prosecute Deputies Southern and Shona Pitman was unfair in that it singled them out from others and amounted to an attack on the Jersey Democratic Alliance or on them personally. Neither of those is the case and there is a public interest in my explaining why the decision was taken. The approach which is to be taken in deciding whether or not to prosecute, as I have said to the Assembly already, is set out in the Code on Decision to Prosecute which is published on the Law Officers' Department website. Turning to the specific question, when my office received the prosecution file relating to Deputy Shona Pitman and Deputy Southern, we were informed by the police in an accompanying report of 2 other possible infractions of Article 39A of the Public Elections (Jersey) Law 2002. One of those involved an independent candidate; the other involved a J.D.A. (Jersey Democratic Alliance) candidate. Each was a single alleged infraction. The police had not conducted a full investigation into either of those 2 matters. On the basis of the information which I was given, I was satisfied with the approach the police had taken. The police reasons included these. Neither of those individuals were States Members who had participated in the debate and voted when Article 39A was introduced. Their familiarity with the provision was, accordingly, entirely uncertain. Both incidents had apparently occurred prior to 6th November 2008 when the Judicial Greffier wrote to all candidates, among other things, reminding them of the rules in relation to postal voting. Finally, there was no suggestion that either individual concerned had committed any further alleged offence after 6th November 2008, i.e. when the Greffier's letter would have been

received. There is a very clear distinction between those cases, which seem to the police and to the lawyers and to me, to be consistent with a single, honest mistake and the cases of Deputies Southern and Shona Pitman. In the latter cases, the accused persons were sitting States Members well aware of the statutory provision who knowingly and intentionally broke the law on more than one occasion and after being reminded expressly by the Judicial Greffier of the legal position and in the knowledge they would be prosecuted, a knowledge indeed confirmed by the warning which I gave in this Assembly in July last year. I welcome the opportunity to explain in general terms how the prosecution decisions were taken in this case.

**2.14.1 Senator S. Syvret:**

Does the Attorney General not recognise just how astonishing the answer is he has just given because in the space of a couple of moments, he has stated that ignorance of the law is an excuse for breaking it which is against every legal application of the law, as far as I understand it and he is suggesting that perhaps somehow only States Members who may have approved the law can be expected to understand it and, therefore, be held accountable under it? Really, it is quite astonishing what the Attorney General has just said and does he not see that fact?

**The Attorney General:**

No, I do not. I find the question to be quite astonishing. The reality is that people do sometimes break the law by making an honest mistake and the public interest has never required that people who make honest mistakes are brought before the courts and prosecuted. Ignorance of the law is, indeed as the Senator says, no excuse but that is quite a different test from whether or not it is right to prosecute somebody criminally before the courts of the Island. I find the Senator's question to be truly astonishing.

**2.14.2 Deputy M. Tadier:**

Does the Attorney General see any anomaly with certain Members being fined thousands of pounds for helping needy people to fill in postal votes while a local businessman who, presumably, is not a Member of the J.D.A. imported more than £20,000 worth of cocaine which I understand to be the choice drug of the wealthy in the Island by yacht and he only received 270 hours community service?

**Deputy T.M. Pitman:**

Sorry to interrupt, but on a point of order, could the Deputy just clarify it is applications to get registered for a postal vote and not postal votes? No one has been charged with that.

**Deputy M. Tadier:**

Yes, I am happy to clarify that. It is not postal voting which they were helping to fill in. I believe it was the application form for postal votes.

**The Attorney General:**

I am not able to comment on decisions which have been made by the courts, all of which, in every case, are treated on their own facts and what seems to be appropriate on the facts of that case and I just decline to get into that discussion.

**2.14.3 Senator S. Syvret:**

Given the decisions as to whether to prosecute, does the Attorney General not see that his position as a Member of this Assembly and as a *de facto* politician and as somebody who is conflicted in being involved in giving legal advice to the Executive, is rendered simply unsustainable. He is involved closely in political matters and it is impossible to see how that role can be split from the role of deciding prosecutions.

**The Attorney General:**

I am not quite sure that I see the relevance of that question to the one I was first asked, but the answer is no. I do not think that that is a conflict which is, in any sense, unmanageable. I am not accountable to Members of this Assembly for the prosecution decisions which I take.

**2.15 Deputy A.E. Jeune of the Minister for Transport and Technical Services regarding steps to ensure that the abattoir resumed a weekly service to assist local pig farmers:**

I guess I should declare an interest in that I do eat meat. [Laughter] Given the current economic climate and the need to support our livestock farmers to produce as much meat as possible for the local market, would the Minister undertake to take steps to ensure that the abattoir resumes a weekly service for killings now to assist pig farmers who have been increasing their herds and, if necessary, will he seek funding for this service from the Economic Stimulus Funding?

**The Connétable of St. Brelade (The Minister for Transport and Technical Services):**

Unfortunately, the funding of a weekly service for slaughtering pigs does not meet the economic stimulus funding criteria in that a permanent solution is required and not a temporary one. However, Transport and Technical Services are currently undertaking a cross-departmental review of the abattoir in conjunction with the Economic Development and Planning and Environment Departments. The team will review the existing operation and services that are currently provided by the abattoir and look at the future strategy focusing on opening times, particularly weekly pig slaughter, operational efficiencies and a long term sustainable funding route for these services. The review will be completed by the end of July, so I would conclude by commending the female politicians of my Parish for the support they are giving pig farmers in general and particularly those in the Parish. I would also vouch for the sausages which are of an excellent taste. [Laughter]

**2.15.1 Deputy A.E. Jeune:**

Would the Minister agree that the sustainability of the farmers continuing is dependent on them being able to supply the market and particularly hotels and other businesses which promote Jersey; Jersey fresh, home-grown and all that sort of thing. But unless they can give the customer what they want, when they want it and continually, it is going to make life extremely difficult and we could end up with farmers going down.

**The Connétable of St. Brelade:**

The whole issue is about funding and for an abattoir to run properly, it also has to have a throughput of animals when it wants them. Now, this is not always possible for the farmers to do and, in fact, in discussions last week, there are indications that there is a willingness from the farmers to be able to ensure a continuity of supply to the abattoir so that it can be made to operate economically, not only to the benefit of the public in general but also the pig farmers.

**2.15.2 Deputy D.J. De Sousa:**

Bearing in mind that the Minister for Economic Development just over the weekend has been in the paper encouraging people to 'buy local', will the Minister make this a priority to help the pig farmers?

**The Connétable of St. Brelade:**

I indicated in my answer earlier that the working group will report the outcomes of this work at the end of July.

**2.15.3 Deputy C.H. Egré of St. Peter:**

Although the Minister dealt with this question in a somewhat frivolous manner regarding sausages, will he accept this is a very serious exercise to those farmers who need the facilities of the abattoir? Secondly, we heard a little earlier from the Assistant Minister for the Economic Development

Department that there were 3 solutions to this problem; an immediate, an interim and a long term. Is he aware of the immediate solution because we need an immediate solution and the end of July, to me, is not immediate?

**The Connétable of St. Brelade:**

It is all down to cash and I think it is reasonable to discuss these matters in a sensible way with the departments involved. My department is tasked with operating the abattoir and we have insufficient funding as dictated by the regulations in place at present. The working group will be considering this and I think the end of July is a reasonable timescale in which to do this.

**The Deputy of St. Peter:**

I did ask the question about what was the immediate solution. Is he aware of the immediate solution offered by the Assistant Minister for the E.D.D. (Economic Development Department)?

**The Connétable of St. Brelade:**

I am not aware of an immediate solution.

**2.15.4 The Deputy of St. John:**

The Minister is referring to funding but given that the abattoir is there and the staffing must be there, I cannot understand why we have additional costs for slaughtering animals, *et cetera*, given that this body is in place anyway, so these people are in our permanent employment. Can he please explain what he is referring to by “funding”?

**The Connétable of St. Brelade:**

I am not sure if the Deputy was in the Chamber when I answered the question of Senator Ferguson, but I pointed out at that time that over the least 3 years, the annual cost of operating the abattoir has increased by some £140,000 and this is due to a combination of the decision to allow cattle over the age of 30 months to enter the food chain and operate to E.U. requirements. I am not sure if the Deputy was aware at that time but that is the reason for the increased costs.

**2.16 Deputy P.V.F. Le Claire of the Attorney General regarding the extension of the UK’s ratification of the UN Convention on the Rights of the Child to the Island:**

Would H.M. Attorney General please inform Members what are the legal obstacles - such as the need for legislation governing the employment of children - which must be overcome before Jersey can seek the extension of the U.K. ratification of the U.N. (United Nations) Convention for the Rights of the Child of the Island please?

**The Attorney General:**

Before a conventional treaty is ratified on behalf of the Island, the United Kingdom makes sufficient inquiry to ensure that the Island legislation is consistent with the international obligations in the convention so that the United Kingdom will not be in breach of those obligations by extending the instrument of ratification. The Law Officers expect to carry out their review of Island legislation which will assist the U.K. in making those inquiries and being satisfied with the result. However, there are frequently judgment calls which have to be made in the course of doing so and the U.K. lawyers and the Law Officers sometimes reach different views. I say that by way of warning that sometimes things are raised unexpectedly after the request for ratification is made. We are currently conducting a full review of the convention to see what is required and that review is not yet complete. For present purposes, I can say there will be at least one legislative change needed which is implied by the question and that is in relation to Article 32 of the convention which requires provision to be made for: “a minimum age or minimum ages for admission to employment and appropriate regulation of hours and conditions of employment.” New legislation,

namely, the Draft Children Regulation of Employment (Jersey) Order has been prepared and is the subject of consultation and currently taken forward by the Minister for Health and Social Services. That is one example. There may well be other examples of legislation which we will need. I would certainly be hopeful that such changes can be achieved within the timeframe of the next Strategic Plan.

**Deputy P.V.F. Le Claire:**

I thank the Attorney General for the answer.

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

Very well, the Deputy of St. Mary is not in the Chamber to ask his question, so it falls away and we come to question 18 which the Deputy of St. Martin will ask of the Chief Minister.

**2.17 The Deputy of St. Martin of the Chief Minister regarding arrangements for the establishment of an independent panel to review the continuation of employees' suspensions:**

Following the adoption by the States of P.46/2009 - the Suspension of States Employees and Police Officers Revised Procedures on 20th April 2009 - will the Chief Minister inform Members whether arrangements are in hand for the relevant disciplinary procedures to be amended and whether arrangements are also in hand to appoint an independent panel for review of the continuation of employees' suspensions?

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

I can confirm that arrangements are well in hand for the relevant procedures to be amended and to appoint an independent panel to review the continuation of employees' suspensions following the adoption by the States of P.46/2009. The following actions have taken place. First, there was a meeting on 18th May 2009 where the States Employment Board formally endorsed the new arrangements contained in P.46 and instructed officers to plan that implementation. Secondly, in order to avoid delay, the Board agreed to appoint members of the Corporate Management Board to act as panel members to review the continuation of employees' suspensions. The Board felt that only employees at this level of service would have the authority to challenge a continuous suspension originally made a Chief Officer. Thirdly, departmental human resources, business partners and senior staff representatives across the public service have been advised of the new policies, of the need to implement them forthwith and to amend appropriate disciplinary procedures. It is not considered that the implementation needs to be delayed pending amendments to the procedures. Finally, I have to point out that these new arrangements apply to States employees only - that is staff employed by the States Employment Board - although I know similar matters are in hand with the police.

**2.17.1 The Deputy of St. Martin:**

The Minister is well aware that it was intended the review panel would comprise of States employees from across all areas of the public service. Would the Chief Minister agree that by appointing the Corporate Management Board to form the review panel is outside the spirit and intention of my proposition and he should ensure that the proposed review panel is replaced with a panel which comprises of a broader range of States employees, which would be independent and not an extension of the Chief Minister's Department? Will he ensure that those arrangements are made with immediate effect?

**Senator T.A. Le Sueur:**

I note the point that the Deputy makes but one has to be practical and say: "Will a Board of that mixed constitution have the ability and the authority to challenge a suspension?" What we have to do is have a system which works and we believe that the system set up here will work.

**2.17.2 Deputy R.G. Le Hérisier:**

Building on Deputy Hill's question, how can the Minister argue he has set up an independent body when the people reviewing a possible senior officer's suspension are the very people who are the peers of the Chief Officer who will have ordered that suspension?

**Senator T.A. Le Sueur:**

One still has to ensure that the people involved in any particular inquiry are independent of the case being assessed.

**2.17.3 Deputy R.G. Le Hérisier:**

Would the Chief Minister not accept that, given that everybody will in the broader sense be from the same background, will it be possible to be independent when reviewing another Chief Officer's suspension?

**Senator T.A. Le Sueur:**

I think that belittles the ability and the intellect of the people concerned

**2.17.4 Senator S. Syvret:**

Would the Chief Minister not accept that even if he his claim is correct and that the officers in question were capable of setting aside any personal friendship or knowledge they may have of the other people, that is important to achieve the appearance of objectivity and impartiality in these matters and the arrangements he put in place are structurally incapable of meeting that test of the appearance of objectivity?

**Senator T.A. Le Sueur:**

Yes, but I will accept that, on face value, this does not appear to be specifically objective. On the other hand, we will have to look at the practical aspect of it and see what will actually work. That balance was struck in the way which has been and I think what we should do is to see whether or not this is satisfactory and if it is unsatisfactory, it will need to be revised.

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

I am afraid that concludes the 90 minutes set aside for oral questions today and we move to questions without notice.

**The Deputy of St. Martin:**

Could I propose that Standing Orders be suspended to allow all questions lodged today to be asked?

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

No, I am afraid you cannot, Deputy. You were not in the Assembly last time but the Bailiff was pushed into a corner on this matter, as he described it, in *Hansard* and he ruled that such a proposition was in fact out of order, although it had been allowed on numerous occasions previously. I am certainly not in a position to overrule the Bailiff, as you will appreciate, even if I wanted to, which I do not. So we come to questions without notice. The first period is the Minister for Social Security and I invite questions.

**3. Questions to Ministers Without Notice - The Minister for Social Security**

**3.1 Deputy R.G. Le Hérisier:**

Will the Minister for Social Security inform the House of whether he is satisfied with the return-to-work rate of people who are on, for example, long term income and disability support?

**Deputy I.J. Gorst of St. Clement (The Minister for Social Security):**

As the Deputy knows, there was a re-organisation of benefit for those who were long term incapacitated. As I have answered in a question earlier today, the change allowed people to then receive the benefit and, at the same time, work. As I have said in my written answer, that level has been around the 40 per cent mark since 2004. The Deputy will also be aware of work undertaken by Professor Stafford which said we needed to do more work in this particular area. We needed to review earlier to see if there were ways that we could encourage people to go back to work. I should say that the department does encourage people back to work but these people sometimes, once they have been out of work for a time, do find it very difficult to re-adjust not just to the working environment but to the whole process of getting up in the morning and going to work. On top of that, sometimes people have illnesses in this category which can differ from one day to the next, which makes it difficult as well.

### **3.1.1 Deputy R.G. Le Hérisier:**

Given the difficulties for which we all obviously sympathise, would the Minister identify the areas where he feels more progress can be made and where he feels if the department, for example, were given more resource or used its resource differently, there could be substantial progress?

### **Deputy I.J. Gorst:**

It has been part of my department's Business Plan to carry out some of the changes recommended by Professor Stafford. You will be aware, like I hope most Members are, that we have somewhat been thrown off-track this year with various, I have to say, good causes and we have responded to crises as they have arisen which means that we have been short of resources. We have not been able to carry out that piece of work but it is a priority and I hope that we can start it by the end of this year.

### **3.2 Deputy D.J. De Sousa:**

Can the Minister please inform the House why he applied to the Economic Stimulus Package for funds to extend the protection to the long term income support people when a lot of people are having minor changes to their circumstances and then being treated as a new claim and losing the protection that they were previously afforded? The way things are going in a few months' time there probably are not going to be so many people under the protection, so why is he claiming the money from the stimulus package to fund extending that?

### **Deputy I.J. Gorst:**

Departments were asked to put forward bids from the Economic Stimulus Package which met the 3Ts (Targeted, Timely and Temporary) outlined by the F.P.P. (Fiscal Policy Panel) and I am aware that some Members of this Assembly feel that the extension of transition is not an appropriate use of that money. However, I should say that, in my analysis, the extension of transition does those 3 things - and here I am putting my head on the block - perhaps better than any of the other applications. People are, we must remember, in the low income bracket; they are more likely to spend than save because of the nature of their income levels; and they are, on balance, more likely to spend that locally and the step-down will continue but just at a slightly later date. So that is why my department - after much discussion, I should say, and disagreement politically - put forward that particular application to the Economic Stimulus Package.

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

My question is about the subjective use of discretion by definition within the department and also perhaps the lack of communication. Just to put the question in context, if I may, I called the Social Security Department perhaps 2 weeks ago following a contact from a constituent of mine regarding the Active Card system and it was my understanding that anyone who had been referred by a doctor and was on income support is able to claim for an Active Card free of charge. So I did ask someone on the front desk and I was told that it is discretionary, so even if someone does apply through those means and is referred by a doctor, it is up to the department whether they issue it. I

followed this up by an email and I was told something completely different whereby it was not discretionary and that anyone, so long as they had been referred by a doctor, would get an Active Card. So I did email further to ask why there was this discrepancy of information and I still have not received a response. So, firstly, could the Minister clarify what the situation is and why there were discrepancies of information being given out to the public and even to States Members?

**Deputy I.J. Gorst:**

I am quite pleased to be able to clarify the situation, and I was not party to the conversation that the Deputy had with the member of staff. If I outline what the procedure is, then, hopefully, that will then satisfy the Deputy. The procedure is that anyone on income support who is referred via their G.P. to ... and I forget exactly what it is but it is a period of classes at the Fort that deal with exercise and that sort of thing. If that individual has been referred to that course of exercise by their G.P., they must complete that course to show that they are committed. I think it is an exercise referral course and, if they complete that course, they will be granted by the Education Department an Active Card which gives the access which that gives. So if the Deputy was misunderstood or perhaps if my staff member did not make it clear in the way that I would have hoped they might have done, then I can only apologise in this instance but the procedure is as I have just outlined.

**3.3.1 Deputy M. Tadier:**

I am grateful for the answer to the first part of my question but I believe the second part has not really been answered. Why is there a discrepancy in the information being given out and what steps are being taken to make sure that accurate information is given out on the front desk because, quite simply, this would not be tolerated in the private sector if false information was given out over the phone and it should not be tolerated in the public sector?

**Deputy I.J. Gorst:**

As I tried to indicate in my opening response to this question, I was not party to that conversation. As I understand it from reading the Deputy's email - and perhaps I am misinterpreting what was said - the department member said that there was some discretion. Now, it might be that the department member indicated that the discretion lay with my department. As I explained, the discretion lays with the G.P. and the completion of the exercise referral class. If the exercise referral class is not completed then the Active Card will not be granted. That is my understanding because a commitment has not been shown that they will be exercising in an appropriate manner. With regard to training, we have introduced a buddy system. There is extensive training to departmental members. Any organisation which relies on human input may, from time to time, unfortunately, distribute information which is not complete and, as I said, if that happened in this instance, then I do offer my apology to the Deputy.

**3.4 Deputy P.V.F. Le Claire:**

Several weeks ago, I visited with the Minister to discuss matters in relation to opportunities for the unemployed. Among those were issues relating to computer companies who offered small courses that people could undertake and present themselves with certificates. What steps, if any, has the Minister taken in regard to the suggestions of mine and does he have any information?

**Deputy I.J. Gorst:**

I spent a useful hour or so with the Deputy listening to some of his suggestions with regard to helping those unemployed get back to work. I have had conversations with my officers but I have no positive feedback or update to provide him at this particular time. He mentioned, if I recall, also the insulation scheme and perhaps we could adapt that to help employ those who find themselves unemployed, and I hope shortly to be able to have a conversation with the new Assistant Minister for Planning and Environment with special responsibility for environment about those very issues as well.

### **3.5 Senator J.L. Perchard:**

I know the Health Insurance Fund has a value in the region of £60 million. Is the Minister able to confirm the exact value of the Health Insurance Fund as to how much it increased by in 2008 and to give his view as to how this fund should be best deployed into the future?

#### **Deputy I.J. Gorst:**

This is an interesting area and perhaps I should preface my answer by saying that, in the past, I am afraid that sometimes departments have not worked together in the way that we, as a government, believe that they should and certainly in a way that I, as Minister, would like to see and I am afraid that perhaps this is one of those areas; the relationship between Social Security and the Health Department and the relationship between secondary care and primary care. In answer directly to the Senator's question - I see a Deputy bobbing up and down there - I believe that the surplus in 2008 was £5 million but the actual capital balance stands somewhere just over £70 million. I believe that the law currently says that this fund should be used for the purposes of primary care and in relation to the benefit to individuals of primary care, so it is a piece of work that I am keen to push forward. I have several people knocking at my door that would like to use this money for their particular area. It is my responsibility to safeguard it and ensure that it is used appropriately and, where necessary, bring amendments to the law to ensure that it can be used appropriately.

#### **Senator J.L. Perchard:**

I did ask if the Minister had a view as to how this fund could be best deployed into the future.

#### **Deputy I.J. Gorst:**

I just answered that question in my final remarks. The fund is there set up and controlled by lawful primary care around benefits to individuals. Perhaps the Senator did not realise that when I was trying to be polite about the past activities of both departments, I was indicating that we need to get our act together, particularly with some of the outcomes that have not quite materialised from *New Directions*. There is an exciting piece of work that we can undertake. There are some real positive benefits that the community can see from these funds. However, as I said, part of my role is to safeguard those monies and ensure that they are used appropriately.

### **3.6 Deputy M.R. Higgins of St. Helier:**

I am just seeking from the Minister whether he can give an indication to the House how many people are covered by the transitional relief scheme, bearing in mind that a number of people have fallen out of it.

#### **Deputy I.J. Gorst:**

I do not have those numbers directly to hand but what I can do is copy written questions. I have copies of written questions here and update them. He is quite right. Individuals do fall out as income support benefits increase. For those who have a combination, their income support allocation might rise above what they would be getting on a transitional protective payment and, therefore, they fall outside of that but I can email the Deputy the written answers that I have given quite in-depth on this particular subject with regards to transition.

### **3.7 Deputy R.G. Le Hérissier:**

Can the Minister inform us what progress is being made on the projet for long term residential/community care insurance and when will he be able to lay this proposal in front of the States?

#### **Deputy I.J. Gorst:**

I have given a commitment that a Green Paper will be before the States by the end of June and I should say that I shall be having quite a period of leave during the course of June but officers have

been working on this. My Assistant Minister and I had the pleasure of recently visiting Guernsey and reviewing their excellent scheme, I might say, and I believe - I am putting words in my Assistant Minister's mouth and that is an extremely dangerous thing for me to do - that she probably agrees that it is an excellent scheme as well and will be very supportive of it. However, we learnt some interesting things and areas that they felt had been missed out of their scheme and are now starting to look at, particularly in relation to long term care for the elderly which could take place in the individual's own home. Whether we could go to that in the first step or we would have to do it one year and then the next year, we still have to see. We also learnt some interesting things the Housing Department and Planning Department will be keen to know about such as lifelong homes for the elderly over 55, and they were saying that some of the decisions that we have made, they are now going to have to make. So it was a most interesting visit.

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

That concludes the 15-minute period for the Minister for Social Security. I now move to the Minister for Planning and Environment.

**Deputy I.J. Gorst:**

I am not sure if this is an appropriate time and I was not expecting you to be in the Chair, but I felt that it was only appropriate that I, on behalf of the Jersey Overseas Aid Commission thanked you for the money that you raised for the trip to Uganda. I know that it will be used very valuably out there and perhaps just to remind any States Member who had not sponsored you that it is not too late. Thank you.

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

Thank you for that, Minister. Although I am not sure it is entirely appropriate for the Chair to talk about these matters, I obviously express my gratitude to all Members and just to prove one cannot always believe what one reads in the *Jersey Evening Post*, I am not going to Uganda myself [**Laughter**] but I am raising money for those who are. We move now to the Minister for Planning and Environment and I invite questions.

**4. Questions to Ministers Without Notice - The Minister for Planning and Environment**

**4.1 Deputy S. Power:**

The Minister will be aware of guidance notes issued to members of the Planning Applications Panel in relation to protocol to meeting and having contact with developers, their agents and, indeed anyone who has a planning application at the department. Would he consider issuing a similar set of guidance notes to all States Members so that all States Members know how to deal with developers, their agents and planning applications and, indeed, that they know how not to deal with them?

**Senator F.E. Cohen (The Minister for Planning and Environment):**

This is a difficult question to answer because, really, it is up to each States Member to decide where they think the appropriate line is, and the same applies of course to members of the Planning Applications Panel on when they consider they are conflicted. There was some work done on this last year, and I will find out what stage the work is at and if it is possible to issue a set of guidelines or guidance notes, then I most certainly will do so, but of course it will be up to States Members individually to decide whether they wish to accept those guidelines or not.

**4.2 Senator J.L. Perchard:**

The Minister this morning, in a written response to a question from Deputy Le Claire's question 2, confirms that 2 planning applications have been received in respect of the Esplanade Quarter; one for the underground car park and road and one for 16 huge buildings on the surface and that he

subsequently indicated to both States Members and the applicants that he is minded to approve the application. This worries me greatly. Will the Minister confirm that he will not approve any planning application submitted in the name of Harcourt Developments and the Waterfront Enterprise Board until such time as this States Assembly has approved that the development should proceed.

**Senator F.E. Cohen:**

That is pretty much the assurance I have already given. However, I must say that it would be for an applicant, if they felt aggrieved that I was delaying a decision, to perhaps bring a decision to early determination and of course if there was a court action requiring me to determine an application, then I would have no choice other than to do that. But it is certainly not my intention, as I have repeatedly explained, to determine the application before the States have had a chance to debate the development agreement.

**4.2.1 Senator J.L. Perchard:**

I must draw the Minister's attention to paragraph 3 of written answer 2 and I ask him and Members to access this paragraph in which he writes: "I am minded to approve the application once the issues raised by the inspectors have been addressed" and these inspectors are looking at the planning of the site and not the legal and technical nature with regard to the application and the ownership of the application. I am concerned that the Minister is forcing this issue. We know he is enthusiastic about this scheme but, really, we must be prudent at this time and hold back until this Assembly has approved the development and will the Minister confirm that he will do that?

**Senator F.E. Cohen:**

I would suggest that the Senator reads the whole of the answer because it is very clear in the whole of the answer what I intend to do. I will not be issuing a consent if I can avoid issuing a formal consent until the development agreement has been debated and decided on by the House. Thank you.

**4.3 The Deputy of Grouville:**

In 2008, the Assembly approved P.33 asking Planning to bring forward a scheme along the lines of Section 106 of the U.K. Planning Guidelines whereby large scale development, if appropriately located, has to provide a percentage of their build for social need. My proposition was approved in April 2008. That is 14 months ago. Could the Minister indicate when we might expect to see the scheme tabled?

**Senator F.E. Cohen:**

The answer is as soon as possible. There has been some significant work done on this. I have commissioned a report. The report is in draft form at the moment but I am afraid in the present housing conditions, it is very difficult to work out a mechanism that can be used across the broad spectrum of developments and we are still working on how to quantify the social housing requirements in relation to the various sites that will become apparent over the coming years.

**4.3.1 The Deputy of Grouville:**

The template is section 106 of the U.K. Planning Guidelines. His department does not have to reinvent the wheel. Does the Minister not appreciate the missed opportunities of homes that could have been provided for first-time buyers and the elderly in this 14-month delay?

**Senator F.E. Cohen:**

Yes, I do, but 106 is a much broader principle surrounding the whole spectrum of planning obligation agreements and this is a specific requirement we are talking about to deliver social homes on all large sites. I am afraid that we have not got, as yet, a workable mechanism that we are satisfied will deliver social housing without stalling the whole of the housing market and the

range of provision of social housing is quite significant. What I am very happy to do is to circulate to Members an update of where we are and Members will understand the large range of opportunities, but it is very important that we deliver a mechanism that delivers social housing and does not just stall all development. Thank you.

#### **4.4 Deputy R.G. Le Hérisier:**

In the light of the inference of the Committee of Inquiry on Third Party Appeals that the system, sadly, was not working because there was always the possibility of a heavy legal bill; would the Minister outline whether he is now looking at other alternatives so that the excellent initiative of former Deputy Scott Warren will not be allowed to wither on the vine? Thank you.

#### **Senator F.E. Cohen:**

We are still in the early days of third party appeals and I still think, as I have said on a number of occasions before, that it is too early to determine how to change the third party appeal system. It undoubtedly will need changing but the early stage that we are at at the moment was of course identified in the Committee of Inquiry's Report. We are doing what we can to ensure the system runs smoothly, as is the court, and I am sure that there will be changes made to the system in time but I really do not think that there is anything that needs to be done that urgently in order to make the system work. It is working and it can be improved.

#### **4.4.1 Deputy R.G. Le Hérisier:**

Would the Minister not acknowledge that the very small numbers of appeals coming forward really reflects the fact that the legal cost issue has holed the whole project below the water line?

#### **Senator F.E. Cohen:**

When you are dealing with a legal process, I do not think it is possible to absolve all those wishing to use the court process from court costs and of course one must remember that if a third party appeal was lost or won, there is of course always the possibility of an appeal to a higher court.

#### **4.5 The Deputy of St. John:**

Could I have the Minister's views on the wash-off from land, particularly on the south coast which in fact is affecting the fauna and flora within the bay from Gorey down to the Ramsar area, shall we say? Can I have the Minister's views on a way forward to try and prevent the wash-off from getting into the sea please?

#### **Senator F.E. Cohen:**

The whole issue of wash-off and contaminants entering the sea of course is a very important issue where the Planning and Environment Department carries out a regulatory role, but it really is for Transport and Technical Services to deal with possible solutions to improve the situation. This is a matter that is common to all marine locations and, as Members will have seen from the recent beach reports for the whole of the United Kingdom, this was a significant issue in many other places. So I am afraid I do not have any specific answers for improvements but I am sure if the Deputy has any particular ideas, I would be very happy to hear them and will take them to T.T.S. Thank you.

#### **4.6 Deputy P.V.F. Le Claire:**

The Jersey Heritage Trust, I believe, are finding some issues in relation to funding challenging at this time. What is he doing in respect of these challenges that they are facing to help them get over this period of difficulty and what, in particular, is being done to increase the access to such historic places like Elizabeth Castle?

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

I am not sure that question falls within the Minister's remit.

**Senator F.E. Cohen:**

That is exactly what I was going to say but, very clearly, if there is anything that we can do to help Jersey Heritage Trust, particularly as I am a former Vice-Chairman of Jersey Heritage Trust, I would be very happy to see such help afforded to the Trust.

**4.7 Deputy A.E. Jeune:**

This is going back to an earlier question now of Senator Perchard. Can the Minister confirm my belief and understanding that when his department looks at plans that are submitted, it is the plan they look at and not the name of who is putting the plan in and, when it comes to development on land that is owned by the Island, it is not the Planning Department who decides whether that goes ahead? Thank you.

**Senator F.E. Cohen:**

I am not quite sure where the Deputy is coming from on this but I can assure Members that all applications are considered against the same set of criteria. Clearly, the name, for example, of an architect can be important but it is not the overriding factor. It can certainly help in the determination of an application and you do, after a period of time, get a feel for the schemes that are likely to be of quality and those that are not likely to be of quality but I can assure Members all planning applications are given a fair hearing against the same set of criteria.

**4.8 Deputy T.A. Vallois:**

Could the Minister advise how serious a breach of a planning condition needs to be before any action is taken by his department?

**Senator F.E. Cohen:**

This relates to a particular situation where we are doing everything we possibly can. The enforcement team is a very small team in fact and until quite recently we were down to one officer. We do everything we can within our resource to ensure that planning conditions are enforced, but of course it is always open to an applicant to challenge a condition and to ask for the condition to be removed and that happens regularly.

**4.9 The Deputy of St. Mary:**

Can the Minister confirm that the Hopkins team doing the master plan are seriously considering putting housing on the Millennium Park site, thereby shrinking the greenness and the value of that? If so, does he have any feeling about whether this is somehow breaking the spirit in which the petition was presented to the States?

**Senator F.E. Cohen:**

I think it would be inappropriate at the moment for me to speculate on what I believe the Hopkins team are looking at because it is changing by the week. One thing that is for certain is that if there are any changes that relate significantly to the approval the States gave to the Town Park site that it will be brought back to the House to consider.

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

That concludes the 15-minute period allowed for questions to the Minister. There are no matters under J or K.

**Deputy P.V.F. Le Claire:**

May I ask that the questions that were not answered this morning be circulated by the Ministers to those who asked the questions, as has been in the case in the past please?

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

There is nothing in the Standing Orders that applies. It is a matter for the Ministers individually and for the Chief Minister perhaps to look at.

**Senator T.A. Le Sueur:**

It seems to have been tradition in the last few weeks that that should happen. Speaking for myself, I have no difficulty in doing that and I expect to circulate them later in the day. I will leave it to other Ministers and other questioners to decide for themselves, but with a strong recommendation that they do also circulate them.

**Deputy P.V.F. Le Claire:**

I thank my Chief Minister for my answer anyway.

**PUBLIC BUSINESS**

**5. States Strategic Plan 2009–2014 (P.52/2009)**

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

Very well, the Assembly now comes to Public Business and the first and major item of course is the States Strategic Plan. The Deputy Greffier has kindly circulated a running order, but firstly we must invite the Chief Minister to propose the Plan and I will ask the Deputy Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion, in accordance with Article 18(2)(e) of the States of Jersey Law 2005, to approve the statement of the common strategic policy of the Council of Ministers as set out in the aim on page 7 and the Council's priorities on pages 8 to 31 of the Draft Strategic Plan 2009 to 2014, attached as Appendix 1.

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

I am pleased to bring to the States, on behalf of my Council of Ministers, the States Strategic Plan for 2009-2014 and beyond. This is the second Strategic Plan to be brought before the States and I think it is worth reminding ourselves just what a Strategic Plan should be. A Strategic Plan is a statement of high level, long term aims and objectives of the Council of Ministers. These aims then need to be translated into firm departmental objectives through the annual business cycle. The Annual Business Plan, which is ultimately approved by the States, sets out the key objectives of each department and the resources allocated to deliver them and these are then translated into firm actions through departmental business plans. I mention that at the outset because there seems to be disagreement among some Members about what a Strategic Plan should contain. Many Members would have been in the States 3 years ago when the first Strategic Plan was debated, and concluded at the end of that debate that the plan was too detailed and that the process was capable of improvement. The matter was subsequently reviewed by the sub-committee of the then Privileges and Procedures Committee which resulted in recommendation 46 in their report which, with your permission, Sir, I would quote in full: "The sub-committee recommends that future Strategic Plans brought forward by the Council of Ministers should be a broad policy statement setting out the general overall policy direction of the Council without excessive detail on individual initiatives." It may be that we have not yet gone far enough because Strategic Plans by their nature are long term and high level, setting out the broad strategic direction rather than actions. It is the "whats" rather than the "hows". The how is incorporated into the detailed policy proposals, subsequently put forward to and debated by the States in the Annual Business Plan. This is the principle which the Council is proposing this plan in accordance with those recommendations. So, I think there has been a tendency in some of the amendments put forward by Members to try to focus on those hows, rather than the whats. If we have in some cases chosen to oppose them it is not because we

disagree with them, it is because they, in our view, related to actions which should be agreed at an operational level and are therefore more appropriate elsewhere, rather than in a Strategic Plan. There are also some who question why we should debate a Strategic Plan only 4 months into the States sitting. In fact, it is now 6 months, but apart from the fact that that is a requirement of the States of Jersey Law to present the plan after 4 months in office it is also surely common sense that as times change each new House with new Members needs to address up-to-date issues. The policy direction is best set out at the start of our life rather than at the end. There is no point in waiting until the end of a government's life to discuss a Strategic Plan which we then would not be able to implement. It would also perhaps run contrary to the political manifestos on which many of us were elected. So, even though the Strategic Plan would carry over in many cases to successive plans, I believe it is only right that we start this debate at the beginning of our life - our 3-year cycle - and I am quite satisfied that the States of Jersey Law has this right. One of the matters I would like to begin to deal with before we get into detail on the plan is that of sustainability. It is the view of the Council of Ministers which reflects the view expressed in a document: *Jersey into the Millennium: a Sustainable Future*, presented in 2001 that, and I quote: "Sustainability involves development that delivers a balance of basic environmental, social and economic services to all the residents of the community without threatening the natural, built and social systems upon which the delivery of those services depends. Putting it another way, sustainability requires that the needs of the future - social, economic and environmental - are not sacrificed to the demands of the present." Our Strategic Plan tries to reflect that philosophy and also recognises sustainability is more than just about a green countryside. Decisions that we take this year will in many cases impact on the Island's future generations, both in the medium and longer term. Very few of our economic, social, or environmental policies exist in isolation. I tried to make it clear in my speech last December when seeking election as Chief Minister that we had to be aware of the constant interaction and tensions between these 3 important areas. I hope that all Members will be thinking similarly. A unilateral blinkered approach, whether that be economic, environmental or social cannot be in the Island's best interests. The trick of course is finding the right balance. When the Council of Ministers was appointed the first thing we did was to review the previous plan. Much of that plan has been achieved; however, the world of today is very different from the world of 3 years ago and the Council therefore agreed that it was crucial to set out the priorities that needed to be addressed and where efforts and resources should be focused. The Council consulted with States Members early on in the process and as a result has amended its priorities. Members raised a variety of issues but in particular the economy, infrastructure, population levels, the ageing population, and community values were seen as key issues that needed to be addressed. The Council also asked the public for its views early on and it amended proposals as a result. Over 200 comments were received and I am grateful to those members of the public who took the trouble to respond. All those comments were considered by the Council and many resulted in refinements to the plan as we see before us today. This plan is being developed at a time of considerable economic uncertainty, as the world moves into recession. The Island will not escape the effect of that, and while the outlook remains unclear, deterioration in our economic performance over the early part of this plan would appear to be inescapable. We must remain flexible in our outlook, be prepared to revise our plans, if unexpected situations unfold, and take advantage of opportunities as they arise. It may be the effect of the sunshine in the last few days, but I think the spectre of economic gloom seems to be lifted at the moment, but I just suggest to Members that we are by no means out of the economic turmoil yet and I suspect there is worse to come. So, I welcome the general comments of the Chairmen's Committee on our plan, but I therefore have to say I was slightly surprised to read the suggestion that in view of the current uncertain economic climate setting a high level vision across the board might not be appropriate because the plan would be set in stone and we could not think outside the box, to use their quote. I do not share that view because I believe that provided one keeps the plan focused on strategic matters the flexibility which may indeed be needed will be reflected in the Annual Business Plan, or in extreme situations such as the recent Economic Stimulus Package, which we recently passed. That package was, in my view, entirely consistent

with the policy objectives in the last Strategic Plan, which I could paraphrase, as to remain ready to adopt new economic initiatives. This is even more current and clearly set out in the current plan which contains the priority to support the Island community through the economic downturn. That is the “whats” we are discussing, not the “hows.” It is the hows that may change from year to year and that is why I keep trying to reiterate that message. I think that that recent debate on the fiscal stimulus package was a good example of how we all need to work together to meet the needs of the community and by together I do not just mean the Council of Ministers, or even States Members, I mean the whole Island community. All of us in Jersey need to work together if we are to achieve our objective of ensuring that Jersey remains the best place in the world to live. As I say, this Strategic Plan is being brought forward at a time of unprecedented change and we are facing significant challenges over the coming years. This plan sets out in broad detail what we aim to do so that we can best tackle those challenges. We will support the Island through the economic downturn. We will reform the public service to maximise efficiency and reduce costs. We will protect those who are most vulnerable in our society and we will take care of our environment and strive to fulfil our global responsibilities and we will cease to balance competing pressures in those regards. I make no apology for focusing primarily on the current economic situation. The changing economic climate means it is vital we protect our economy, our livelihoods, how we pay for public services, and that we live within our means. The fiscal policy panel has given us stark warnings of what can happen if we do not and this means tough choices. We cannot fund new initiatives without saving or raising the funds to pay for them. We cannot pay for the ‘nice to haves’ when there is real difficulty in maintaining essential services. We must look after vulnerable children and families. We need to support people to help themselves and we want to protect and preserve our unique environment, but we also have to maintain our infrastructure to plan for an ageing population and to provide adequate housing for everybody. We need the resources to look at major strategic issues and plan to deal with them accordingly over the longer term. We should not be a government that interferes or tries to provide everything. What we should provide is a solid foundation for all Islanders, and by that I mean providing the fundamentals such as education, healthcare, and a strong jobs market. We want to encourage individual initiatives but at the same time we must do more to encourage the community spirit that is so key to Jersey’s identity. To do this we will have to balance environmental, social, and economic factors in a responsible and relevant way and in a way which will enable us to adapt to the changing conditions, but above all we cannot avoid the fact that we must continue to live within our means and be realistic in our aspirations. Over the past 6 months in putting together this plan I have been conscious of the number of times the subject of population has come up. I would have expected in the current economic situation that the economy might have featured most strongly, but that is probably the second most talked about area, but the first is certainly that of population. I think perhaps that is the subject in which we can make direct local policy decisions, whereas for the global economic problem we are mainly concerned about how we can react and deal with the effects of it. However, when I try to analyse the underlying issues behind population concern it strikes me that what is really at stake in many people’s minds is the pressure on our infrastructure, whether that be building, traffic, or the need to preserve our beautiful countryside, and not allow the Island to become an urban sprawl. I fully acknowledge those concerns. Indeed I share them, and so do my fellow Ministers. However, this is a good example of where, in order to have a sustainable future, it is important to look at the balance of social and economic as well as environmental issues. Too many people on the Island would be disastrous, but so also would too few people. The implications of the level of population are indeed one of the key strategic issues we need to look at, but more importantly to look at the long term implications. I will make no apology for digressing a moment and reminding Members that when I was President of Social Security - now some 13 years ago - I proposed an increase in Social Security contributions of 25 per cent to be paid over a 5-year period. I could have taken a short term approach. We did not need to increase contributions then. Why add to the cost of doing business? I did not take the short term view. I looked at the future demographics and I said that the increase in contributions was an

inevitability and that we should have a plan in place from the start. In just the same way I am satisfied that over the next 40 or 50 years we need to plan for an ageing population and without some further limited inward migration the future for the Island community of that time looks very bleak indeed. Not only could the number of people diminish, but much more importantly those who remain will contain a far greater number of the elderly who will have far fewer people to look after them. I think in terms of population one of my tasks over the course of this debate is to convey the messages more clearly than I seem to have been able to do so far, because when we talk about the effects of an ageing population it is not simply a matter of healthcare or nursing home beds. The implications of an ageing society permeate all manner of social and economic issues and it is vital that we start to address this problem now. The issue is simple. The ageing of society will have chronic long term implications for the Island. More old people and fewer young people and a shortage of workers will change the nature of Jersey society considerably. We will be faced with a prospect of significant Government debt, of economic decline, of fewer jobs for local people, higher taxes, and cutbacks in public services. All those things would arise if we did not start planning now. So, we need to set that policy direction if we are going to secure the long term future of our Island. Some people would make you think that the proposal for inward migration is the only solution being proposed to address the problem, and I say that such a view is totally incorrect and unjustified. Modest inward migration is only one part of a range of other policy initiatives within the plan; initiatives which must be delivered in a joined-up way if we are to address the ageing population and protect the future of our Island. The population policy being proposed I regard as a balanced solution to maintain the current level of working population in the Island. Extensive work has been done to assess the impact of demand on resources that would be required and, in particular, the need to accommodate future housing requirements without further incursion on to greenfields, or unacceptable density in the urban areas. I firmly believe that these demands can be achieved and we would not have put forward our proposals if we doubted that. I repeat that the Council of Ministers has made clear that addressing the ageing population will require a balance between social and economic and environmental policies. Any alternative proposals which ignore that balance are simply not sustainable in the longer term and ignoring the implications of the inevitable shift in the makeup of the population towards an ageing society is simply not an option. There is an absolute requirement to take policy action as soon as possible to keep Jersey as a special place to live and work. The Strategic Plan we have before us today is far more than just about population and economic uncertainty. With the recent amendment the Council have put forward following the initiatives of the Constable of St. Helier, we are putting forward 16 priorities in addressing our objective of working together to meet the needs of the community. It is really pages 7 and 8 of this projet which constitute the heart of our Strategic Plan, a plan which we believe sets the policy direction for the future without overlooking the needs of the present. Indeed, taking to heart the previous Privileges and Procedures Committee recommendation that the Strategic Plan should simply be a broad policy statement setting out the general policy directions without going into detail about individual initiatives, I was tempted to leave our Strategic Plan at the end of page 8. I suspect that that could have led to a rather shorter debate this week, but I also know that Members like to see more detail and certainly in terms of scrutiny I take on board the comment of the Chairmen's Committee that they are looking for still more detail which they hope will come out in the Annual Business Plan. I believe that the balance we have struck in this plan is appropriate and that it does explain in sufficient detail all our key policies. I think I should begin that by speaking about the main aims set out in our plan, aims which are designed to meet the economic, social, and environmental needs of our community. The first aim - that of enabling everyone to achieve their full potential - may attract criticism as sounding a bit grandiose and nebulous. I do not see it that way. I see it more as a shorthand way of combining a group of social and economic issues which include the development of skills to provide and secure worthwhile jobs, the provision of support to those who for whatever reason cannot fully support themselves and their families, and also encouraging a spirit of mutual support and assistance within the community. The second aim of meeting our health, housing and education challenges may seem more obvious,

but again it is looking not just at the next few years, but over a longer time span. The number and location of schools depends very much on the size of our population, but also where it is housed. This then has a knock-on effect on matters such as transport policy and waste disposal. The third aim of preparing for an aged society I have already spoken about in terms of population issues, but we also need to prepare in respect of other matters, such as the amount of residential care to be provided. The ever-increasing cost of the more sophisticated treatment which, in turn, leads to an even greater prolongation of life and the way in which those escalating costs can best be funded. The fourth aim of protecting the countryside and the environment might appear to be quite limited and self-contained. However, once again it can be seen to be related to a number of issues, including planning policy and the development of a new Island Plan, housing policy, and the social justice need of people to be adequately housed, climate change, and energy policy, transport policy, and the balance to be struck between the social, economic and environmental aspects of such a policy and the need to maintain and where possible diversify our agricultural and rural heritage. The fifth aim may again sound general but it is designed, in my view, to ensure that a balance is struck between the need for Government to provide services only where necessary and as far as possible to let individuals and groups of individuals do things for themselves. The more the Government has to intervene the costlier it is for everyone. If Government is not to intervene directly it will need to provide a framework in which the necessary independence can be achieved. But underpinning all these aims is the clear and vitally important message we can only achieve them if we have a sound economy and that therefore the need to support and maintain that economy must be paramount. Turning now to the priorities of the Council of Ministers, as set out on page 8, while they are not set out in any sort of priority order, we have tried to group them between economic, social and environmental. I have to say that while that sounded feasible in theory it just does not work totally in practice because not every priority fits simply into one or other category. I have already indicated that providing for an ageing society has economic, social and environmental aspects but so also do many others. Maintaining a strong and diverse economy may sound simply like an economic issue but a stronger and more diversified economy may require more people, more land, or more resources. So, if Members are in any doubt about the complexity of this interaction they should turn to the table on page 9 which tries to show how the various policy proposals on page 8 link to the strategic aims on page 7. I say “tries to show” because even the Council of Ministers found it difficult in many cases to decide what to include, or what not to include, within those rows. Ministers are fully aware of the balance which needs to be struck and one of my objectives today is also to try to convince Members of the needs for that balance, both in the short term, but more importantly in longer term planning. I think it is fair to say that many States Members - and I can include myself in this - are much more at home dealing with the practicalities of policy implementation. We like the hands-on approach dealing with the “hows” rather than the “whats” of policies. Our objective today, I am afraid, has to be to deal with the policies, and particularly the longer term policies and the longer term solutions, and only then to try to address the hows. You will be pleased to know that I do not intend to elaborate too much on every one of those 16 priorities set out in the plan. We have already done that in the documentation and I do not see any point in repeating it. I am also aware that there have been a number of amendments - a variety of amendments - to many of those details and it has been my objective, as far as possible, to welcome those amendments and where they have been constructive to accept them. I believe we have listened to other people’s points of view. In many cases we have amended our draft proposals to reflect those views. In other cases we are prepared to accept many of the amendments put forward in the last couple of weeks and where, in a few cases, we have been unable or unwilling to share the views expressed in certain amendments I hope that after proper and careful debate the majority of Members will see a clearer picture. At the end of the day this Strategic Plan should become the political manifesto, not just for the Council of Ministers, but for the States as a whole. I am reminded that in the original proposals for Ministerial government it was suggested that the Strategic Plan should be presented as a package on a take it or leave it basis. That is a point of view which I must say I have some sympathy with, but I also think that it might

then be difficult to get the total acceptance of 53 States Members for that sort of situation. What I would like to see is having debated this Strategic Plan, having the chance to discuss it both with Members of the States and with the public... but once it is agreed then we can say that if we, as the States, are to discharge our duty properly to the electorate we have a clear blueprint for the years ahead as to how we should do that. It is only a framework. Metaphorically, just as a skeleton needs to have flesh and blood as well as bones if it is to come to life, so we will need to give this plan the food and support it needs if we are going to make it work to the benefit of our community. We have come a long way since the previous Strategic Plan was agreed in 2006. We have developed and sustained a strong economy. We have made progress with many of the social issues identified 3 years ago and we have provided a firm foundation for Jersey's future. Now we have to take that extra step. We must work together to create a community in which every Islander, no matter what their background, has the opportunity to fulfil their potential. I believe that this plan can form the basis for developing a partnership between Government and the people of Jersey so that we can all work together for the benefit of our Island community with the acceptance that Government cannot and should not have to provide everything. What Government can do is to set up the systems, the framework, and the support which will enable all Islanders to develop and I hope that with this plan we can move closer to this goal in the years to come. I commend this plan not just to all Members, but to the whole Island community, as the way forward and I have pleasure in proposing it.

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

Is the proposition seconded? [**Seconded**] As Members are aware, before we can really debate in detail the matters the Chief Minister has just raised and the plan it is necessary to address all the various 70 amendments to the plan. I am just looking at the clock, Deputy of St. Mary, I wonder if you wish to start addressing the Assembly before the luncheon adjournment, if you would rather.

**The Deputy of St. Mary:**

There was the matter which the Deputy Greffier corresponded with me about in notes, which was my amendment to the amendment and perhaps we could simply clarify what that meant before lunch and then launch into the proper debate after lunch, because that would take a couple of minutes.

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

As suggested to you, Deputy, you lodged a small amendment to your own amendment, which is effectively consequential to make the consequential changes. It was suggested to you it would be logical to take the amendment as amended by your own amendment so that the whole thing held together.

**The Deputy of St. Mary:**

That is absolutely fine, Sir. I just wanted to qualify one of the amendments to the amendments in the spirit of debate we had on Family X where flexibility was the order of the day and just to point out that in one of my amendments I ... anyway, I could explain it in a couple of minutes.

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

Let us get to that when we come to it. Would Members prefer to ...

**Senator P.F.C. Ozouf:**

I am mindful of the fact you do not want to start the debate now. Could we deal with the issue of Deputy Southern's amendment perhaps and agree as to whether or not the Assembly is willing to lift the requirement of the lodging period and then Members will have some certainty about that debate going ahead? In addition, could we have some clarity... I am mindful of the fact that this debate is likely to go on for some time. Could we get an immediate decision as to whether or not we are going to sit on Friday or next Tuesday and a continuation for business planning purposes?

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

Are Members content to use the 5 minutes available to address those 2 issues? Obviously with Deputy Southern's amendments they cannot be debated currently until Thursday, so it would depend when one reached those amendments and how long we are on the first amendment. Deputy Southern, did you wish to address the Assembly?

**Deputy G.P. Southern:**

Well, yes, Sir, briefly. Firstly, to apologise to the House for not producing my amendments on time. They were, I believe, 2 days late, and to ask the House's indulgence on this high level strategic debate to include those in the debate from the beginning because I think they do in fact go to the heart of a philosophical difference between the Council of Ministers and others in the House, and they do address very crucial and critical issues that if we are to fully get behind, as the Chief Minister requires, or asks, whatever comes out at the end of this process and get together and pull together then we need to have had a full debate on it, I believe, and so I do crave the House's indulgence in bringing this forward.

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

You are proposing, Deputy, under Standing Order 26(7) that the lodging period would be reduced by one or 2 days as necessary to allow your amendments to be taken. Is this proposition seconded? **[Seconded]** Does anyone wish to address that matter?

**Senator T.A. Le Sueur:**

Just briefly, to say that from a practical point of view although I do not like the tinkering with Standing Orders, in this particular situation I think it would make for a tidier debate if we did do so. It is quite clear that this debate is going to go on until Thursday and that the amendments from Deputy Southern are going to be debated sooner or later and it strikes me as far better to deal with them in a logical sequence when they arise within the context of this plan, rather than jump about like demented rabbits trying to work out what to do. So, without asking for any precedent, I would accept the suggestion this time.

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

Are Members content to proceed on that basis?

**Deputy M. Tadier:**

Sir, can we ask for the appel?

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

Yes, the appel is called for. If Members in their designated seats. The vote is for or against the proposition of Deputy Southern and the Deputy Greffier will open the voting.

**POUR:**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator J.L. Perchard  
Senator A. Breckon  
Senator S.C. Ferguson  
Senator A.J.D. Maclean  
Senator B.I. Le Marquand  
Connétable of St. Ouen

**CONTRE:**

**ABSTAIN:**

Connétable of St.  
Helier  
Connétable of Trinity  
Connétable of  
Grouville  
Connétable of St.  
Brelade  
Connétable of St.  
Martin  
Connétable of St.  
John  
Connétable of St.  
Saviour  
Connétable of St.  
Peter  
Connétable of St.  
Lawrence  
Connétable of St.  
Mary  
Deputy R.C. Duhamel  
(S)  
Deputy of St. Martin  
Deputy R.G. Le  
Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin  
(H)  
Deputy G.P. Southern  
(H)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton  
(H)  
Deputy P.V.F. Le  
Claire (H)  
Deputy of Trinity  
Deputy S.S.P.A.  
Power (B)  
Deputy K.C. Lewis  
(S)  
Deputy I.J. Gorst (C)  
Deputy of St. John  
Deputy M. Tadier (B)  
Deputy A.E. Jeune  
(B)  
Deputy of St. Mary  
Deputy T.M. Pitman  
(H)  
Deputy A.T. Dupré  
(C)

Deputy E.J. Noel (L)  
Deputy T.A. Vallois  
(S)

Deputy M.R. Higgins  
(H)  
Deputy A.K.F. Green  
(H)

Deputy D. De Sousa  
(H)  
Deputy J.M. Maçon  
(S)

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

Chairman of P.P.C. (Privileges and Procedures Committee), did you have any remarks in relation to the timing of the debates?

**The Connétable of St. Mary:**

Only to say that I wish I had a crystal ball. We had anticipated that this debate of the Strategic Plan would possibly take the whole of the 3 days allocated, but we did make provision at the last sitting I believe for any additional business not taken at this meeting to go forward to the next scheduled sitting rather than meet on the Friday. As there are a great number of amendments that have been accepted I would hope that we can discipline ourselves and have a full debate by the end of Thursday. **[Approbation]**

**Senator P.F.C. Ozouf:**

My comment was not in relation to just the Strategic Plan, but the other business laying before the Assembly. If we do not finish the Strategic Plan, could we make a definite decision to come back next Tuesday, as opposed to Friday, because otherwise business planning and meeting organisation is in absolute chaos? I would move a proposition that in the event that we need to continue that we do not sit on Friday. Would that be in order?

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

I think the first matter you addressed, Senator, was addressed at the last meeting, as the Chairman has said. The Assembly did agree and it is reported in the minutes that the Assembly would hold the other business over until 16th June. Simply in relation to the Strategic Plan, if we are not finished by the end of Thursday you are proposing that should continue next Tuesday and not Friday. Is that proposition seconded? **[Seconded]** Does anybody wish to speak on that proposition? I put that proposition. Those Members in favour of adopting it kindly show. That is adopted. So, the Assembly will sit for 3 days this week and if necessary on the Strategic Plan next Tuesday with the remaining other business held over, if necessary, to 16th June. Just to take advantage of one minute before the adjournment to notify Members of a number of matters that have been lodged this morning that came after the matters lodged on the consolidated order paper. There is the Draft Banking Business (Depositors Compensation) (Jersey) Regulations in the name of the Minister for Economic Development, P.86. The Draft Banking (Depositors Compensation) (Jersey) Regulations 200- P.87, in the name of the same Minister. The Draft Foundations (Amendment) (Jersey) Regulations 200-, also in the name of the Minister for Economic Development, P.88. The Draft Foundations (Continuance) (Jersey) Regulations 200-, also in the name of the same Minister, P.89; the Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 (Appointed Day) Act in the name of the Minister for Economic Development, P.90; and the Draft Companies (Takeovers and Mergers Panel) (Amendment of Law) (Jersey) Regulations, P.91, also in the name of the Minister for Economic Development. Those matters have been lodged this morning.

**The Deputy of St. Mary:**

May I just make a brief apology? I just want to apologise to the Chairman of P.P.C. and to the House that I was not here to ask my Oral Questions. A number of Oral Questions were whizzed through and I simply got my timing wrong. I am sorry.

## **LUNCHEON ADJOURNMENT PROPOSED**

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

The adjournment is proposed. The Assembly will reconvene at 2.15 p.m.

## **LUNCHEON ADJOURNMENT**

## **PUBLIC BUSINESS - resumption**

### **5.2 States Strategic Plan 2009–2014 (P.52/2009): fifth amendment (P.52/2009 (Amd. 5))**

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

Very well, we now come to the amendments for the Strategic Plan and the first amendment is to the aim on page 7 in the name of the Deputy of St. Mary and I think initially the Deputy will ask the Deputy Greffier to read it, as amended, and perhaps address the principle issue in that which is to maintain the overall population. You can touch briefly on the consequential items, if you wish, but the main debate clearly is on the fundamental issue. So, I will ask the Deputy Greffier to read the amendment.

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

After the words “attached as Appendix 1” insert the words “except that in Aim on page 7, before the first bullet point insert the following new bullet point: maintain the overall population of the Island at its present level and make consequential changes in Priority 5 on page 17 by deleting the third bullet point in the section entitled “Why we must do this” and the second and fourth bullet points in the section entitled “What we will do”.

#### **5.2.1 The Deputy of St. Mary:**

I had a surprise phone call this morning. It was from a woman I do not know from Adam and she said: “Good luck with it in the States” and it is the first such phone call I have had. I do not know how many other people have had these before a major debate, or indeed any debate. She said: “I am glad someone is bringing it to the fore, i.e. the issue of population.” She said: “It is about quality of life.” She said: “This Island is so tiny.” That began to crack me up when she said that. She said: “Me and my friends all feel like this but they do not have the guts to pick up the phone.” So, it is in that sort of frame that I want to talk to Members today. I do not need to spell out how important this debate is and I think we are talking about the soul of the Island. I believe that this debate should have been a separate debate; the population question and the ageing population, rolled into a separate debate and proposition but it has not happened that way, we are where we are, as they say, and the next best thing is that we are debating this question as the very first amendment in this whole debate about the Strategic Plan. All I am asking for with this amendment is that we draw breath, take stock, and have a population pause. There are 4 pillars to this pause that make up the need for it. The first is that we have just had a population surge. We need a time where the population does not increase for a while, just to get our Island back on an even keel, and I will go into the details of the surge later, just how big it was. The second is that on top of this massive increase each year at the moment births are exceeding deaths by around 230-240, so the population is growing naturally as well. Third is that we now have over 1,000 unemployed; hardly the time to be bringing in an extra 150 households a year. The fourth is that we still have a housing shortage. We have had a housing shortage for years and if we continue to bring in people the housing shortage will continue, despite the best efforts of the Minister for Housing. It is like having a policy for shortage and all that goes with that. This debate is about quality of life for all residents,

whether they live in the country, as do my constituents, or whether they live in the town. All of our constituents are affected by the outcome of this debate. So, it is about quality of life and the second thing it is about, it is about responsiveness, our responsiveness to the residents of this Island. The people who put us here. Do we listen to what they are telling us, or do we not? The Strategic Plan report... and you can refer to it if you like, and I quote from it at the bottom of page 3. The report accompanying the proposition says right at the bottom: "Central to the social agenda is the development of shared responsibility between Government and the individual. This is a partnership that will require Government and Islanders to work together." Well, amen to that, but working together - co-operation - requires trust and it requires honest communication and genuine listening and I am not sure that those conditions are fulfilled at the moment. Before we get to the nitty-gritty, I want to say a few words about this concept of the ageing population. I was driving along last night to pick my wife up and a caller was quoted on the evening show - a caller from the phone-in, the famous "moan-in", but she was not a typical moaner. The lady was called Anne and she said: "I object to the way all the politicians [and she lumped us all together] talk about the ageing population. I am not a burden." That was the gist of what she said, and she went on, and I will pick up on what else she said, but that question of how we view the ageing population is quite important and we should take that on board before we get into the detail. For example, the number of people over 65 is growing and is set to grow steadily until 2035. This is called being past retirement age. Past working age. It is defined like that. So, these people are defined as needing support. Let us have a look around this Chamber. There are some of us who are defined as needing support, but can we tell immediately who is past the magic age and who is not? Now, of course we do have our younger Members who are nowhere near this golden break point, but some of us, perhaps the majority of us, are near or thereabouts and I just wonder how we feel about being cast on to this sort of hypothetical scrapheap of being beyond working age. What do old people want to do? What can they contribute? How can we create and maintain links between elderly people and their families and the community. The other point which Anne made is that in their time all these people made Jersey what it is. She, and her generation, and all the people who are now elderly are the people who planted the gardens along the Gorey waterfront. They are the people who taught in the schools. They are the people who set up the businesses we know today. So, I think that it is important to put this whole debate in that kind of context because it is not just about: "Gosh, how do we cope with this problem?" What I am proposing is that we keep the population steady. That we keep it the same. The Chief Minister in his speech said that if we have too many people in the Island it would be disastrous and then he said that if we have too few people it would be disastrous. Well, I absolutely agree. The point is, I am not proposing either of those 2 things. I am proposing that we keep the population where it is and I do not think that we are all at each other's throats at the moment. I do not think there is too much social aggravation so we know what it feels like to live in 91,800. I want to say a few things about what I am not proposing because there has been some misinformation lying around and I would like to deal with those things. The first is we are not talking about immigration because we all know that 2,500 people roughly leave the Island every year and another 2,500 different people come in. So, we are not talking about stopping immigration because if we did the population would plummet. We are not talking about forced immigration, as the Chief Minister suggested in his press conference and I would have forgiven that and maybe it is thought: "It must be the *J.E.P.*'s reporting." But it was not only in the press conference. It is in their comments to my amendment and in the comments - I think it is the third paragraph - we have the same curious idea that what I am suggesting leads to the consequence that we will have to decide who leaves the Island. This is of course complete nonsense because 2,500 people leave every year and 2,500 people come in, and that is what the various mechanisms work on; that flow of 2,500 in each direction. The third thing I am not suggesting is nil net migration. We are constantly told about the evils of nil net migration and how the population would go down and down and down and how terrible this would be for everything, but of course no one is suggesting nil net migration. I am proposing that we manage the population in exactly the same way as we do now, only my target is to keep the population at its present level

for the period of this plan at least: to have a population pause. Now, the proposal of the Council of Ministers is to take the population to a minimum of 99,500. It says in Appendix 2 that their proposal would take the population to: "Just under 97,000" but they have not done the maths right, or rather they have left out some people. So, the true, final figure for their population is 99,500 people. What this amendment is all about is the goal. Are we going for 91,800, which we are told is the present population, or are we heading for 99,500? I would like to refer Members to the paper that I had put out on their desks this morning, entitled *Some Notes on the Amendment 5 to the Strategic Plan* and I will be going through this, so if people like to take in information reading and listening at the same time then go ahead. I want to refer Members to first of all the first thing that I say there which is about the ebb and flow. I have already touched on that. There are 2,500 in and out every year, we are told by the Statistics Unit. So, it is by manipulating the inward figure that we control the population and we have been doing this for years. We have been turning the tap on, as we did in the last 3 years, or we have been turning the tap down at other times. So, the ebb and flow is absolutely fundamental to understanding this debate and nil net migration, which I touch on next, is used as a baseline scenario by all the modellers - by the population modellers, and by Oxera, who do the economic modelling - as a baseline. It is not a policy. It is just a baseline. It is a hypothetical scenario to measure other policies against. There is nothing wrong with that method, but when you take that hypothetical baseline and turn it into an Aunt Sally and say: "That would be terrible if that were to happen" then you are being slightly dodgy and the point is that it is a tool for understanding the different policies. In fact, their glossy brochure, which they circulated to all Members a few days ago - and presumably is out there in the public, I do not know, but it looks as if it would be - it is printed in colour and has little pictures of men looking like Halma on it, and that uses the nil net migration scenario and it lists all the things that would happen and frankly it is a frightening picture, but they should not be doing that because no one is proposing nil net migration. So, moving on to the second page we have the figures for the last 3 years and there we see net inward migration in 2006 of plus 800; that is 800 more people coming in than going out - probably 3,300 coming in and 2,500 going out. In 2007 we managed to have more people coming in to the tune of 1,100, and 2008 700. So, the total in the last 3 years of net inward migration was 2,600 and I have a chart there which shows the net inward migration and the effect of the births over deaths which, as you can see, is the dark columns and they are much, much smaller than the grey columns, which are the net inward migration, and at the right-hand side you see the total over the last 3 years, and that total - the white one - is the total of the 2 together and the grey is the total of inward. Those are big figures. Now, you would have thought that the Council of Ministers would have included those people in the figures presented to Members, but they did not. Those people, those 2,600 people, are not included in the figures in front of the States. That is pretty shocking, and others may want to comment on it. Clearly, 2008 figures have only just come out so I am not accusing the Council of Ministers or anybody else of not including the 2008 figures, although they could have made an estimate because they knew what R.U.D.L. (Regulation of Undertakings and Development Law) had been doing in that time. They knew roughly what was going on inside the Population Office, so they could have had a stab and said 500, 600, 700, but they did not. They certainly excluded 2006 and 2007 net inward migration even though they knew perfectly well what the figures were. How can this happen? How can they leave out those people? On this page, the strange case of the missing 2,600 people, I quote from the Statistics Unit working paper, which explains how these 2,600 people were airbrushed-out of the figures presented to the States. I will not read them out. They are there for you if you want to check what I am saying. But the Statistics Unit are quite clear, they had a footnote in their working paper, by the way, by taking 2005 as the baseline, and then skipping to 2009 for the inward migration figures, there will be 1,900 people missing from the figures. They make that quite clear. The question is, why were they left out? Now, the effect of those missing 2,600 people is very large because they are younger people. Their probably average age, 25 to 35 - in that sort of cohort - and they have got dependents; young dependents. So, all the figures about dependency ratios and the number of children in our schools are all missing the effect of these 2,600 people. All the statistics are

changed and if you look, as I did, at the detailed annexes where they put all the figures across the page for the different scenarios, you can track the missing people through the charts. They are just not there. If you add those missing people to the Council of Ministers, just under 97,000, you get to 99,500. That is the choice in front of Members. Whether to say: "We have had these people in already." We have had 8 years of the net inward migration of 150 heads of household which they are proposing. We have had them already. They are already here so let us just steady the boat and have a pause. If, in spite of those missing people who are not in the figures, we go ahead and bring in another 150 a year households, then we will reach 99,500. That means 7,700 people. The Chief Minister informed us at the population briefing of where these extra people would go. If you add it to the existing housing demand you get 6,000 new housing units and they will all go into the urban area. The Council of Ministers says in the Strategic Plan absolutely nothing about the implications of such an increase on our urban area. There is no resounding call in the Strategic Plan to make St. Helier a fantastic place to live. There are a few words but there is no commitment in the Strategic Plan about St. Helier. No commitment for the benefit of the people who live there. So, these 8,000 people will go into the urban area, and I just wonder what the effect of that might be. Who says you can get 6,000 more units into St. Helier? I can just imagine the planner with their red pencil putting the crosses on the gardens, putting the crosses on the little workshops where people tinker - or even where people make a living - putting a cross on any space that can have a house on it. I think that a town with wall-to-wall accommodation ... I was speaking to a Member just outside in the lunch break and she was saying about how there is a fair bit of space in town. Well, there are some spaces in town that are development spaces. But why not use those to improve what we have? Why not use those to get our Island right, to get the housing situation sorted, to raise the standard, not to lower it? There is another implication behind this business of putting 6,000 more units into the town, which is maybe it will be found to be so difficult that it is, to all intents and purposes, impossible. Then we will find a future Council of Ministers down the line a little bit saying: "Do you know, we cannot get them all in. We will have to go to the Constables and ask for a few more fields to be zoned." So that policy will put the countryside areas at threat as well. I can envisage a town that really is a wonderful place to live but it is not going to be done under these policies and, as I said, there is no commitment to do it. There is one other harmful effect of bringing more and more people in. That is the high price of housing. Again, it was on the same little bit of Radio Jersey that I happened to hear and bless his cotton socks - I am not allowed to name names - but a certain presenter was replaying the highlights of the phone-in and this person put his finger exactly on what is happening with the housing market and with more and more people coming in. He said why is it that now in this time of credit crunch house prices are falling all over the world but not in Jersey? What is so different about Jersey he asked himself, and then he read in the paper that the population of Jersey had grown by 900 people last year. Of course, we all know that 700 net inward migration, and the year before was 1,100; so if you keep on bringing people in we know what happens to house prices; up they go. In uncontrolled immigration like we have had in the last 3 years, they go up like a rocket. But the price of housing in Jersey has been going up by 7 per cent a year for years. If you keep stoking the population you will always have a shortage. If you have a shortage, then the price goes up. That affects not just the price of housing. It is a social issue. It is about the social fabric. It is about those who can afford, those who cannot, those who wish, those who get, those who do not; so there is an issue there. It increases division but it also affects all the other prices, and he was just so right to point out that a previous caller had said: "Oh, the prices in Jersey, I go to Southampton, it is always cheaper." Yes, but you have to pay the wages - and I know this as a former employer - you have to pay the wages that allow people to be able to afford where they live, and where they live of course is exorbitantly expensive. So, the price of housing is driving all other prices in this Island. It is not the only factor but it is a factor. We should be bearing that in mind. The cost of living on all residents is affected by this constant population growth. The other thing it affects, of course, is States expenditure. We have to pay for goods and services that include the price of that housing. It is, in fact, bringing more people in, creating inflation, then paying over the odds for everything, is a very strange policy. Now, I

read the Oxera report on the economic background to this whole population debate, and it is very interesting. They hardly mention this aspect at all. They do talk about wages. They say that if we do not allow more people in then that will have an adverse effect on wages. It will enable wages to rise. But they do not draw the opposite conclusion, that if you bring people in then you get housing inflation with all its attendant ills. They manage one sentence - this is on page 37 of the Oxera report: "It has been assumed that sufficient additional new housing is built to meet the demand." "It is assumed." If it is not they are silent about the effects. It is a strange one-eyed view of reality that we have in that report. However, there is one point that should be made about this. It is not everyone who loses. Nearly everyone loses but somebody is gaining, and that is the people who own the properties and the developers, and we have to be very careful about who we vote for when we come to vote for this proposition, because I do believe that it is about all Islanders and the effects on all Islanders of whether the population is ratcheted-up all the time. If you go out on to the street and you say: "What is going on? Why this policy that we do not want?" You will get a one word answer ... well, one of 2 words: money or greed, depending on the complexion of who you are talking to. I think it is a very sad reflection that that is the perception out there. I think we should remove the main driver of this whole carousel which is the constant expansion of the population. Which leads me on to public opinion. Now people are well aware of what is at stake out there and we should not forget that. To be a little bit spiky, there is an election only 2½ years away. But people out there are well aware. Remember the woman who phoned me. At the other end of the age scale a young man wrote to the Scrutiny Panel looking at the population issue: "Dear Senator Ferguson, I was pleased to see you set up a population scrutiny group. As a young Islander I would just like to quickly let you know my views on population." It goes on about traffic jams and the usual stuff and then at the end, the last sentence is: "The Island is no longer, as my gran described it, a beautiful tranquil place, but as each day goes by it is becoming more and more like a dirty, noisy, polluted, over-crowded city." Now that may be a little bit over the top, but I did not write that. That is how a young man feels who took the trouble to write to the Scrutiny Panel, and he is at the other end of the age scale from the woman who phoned me. I asked a sample of one - highly scientific when I bought these glasses to replace the ones I left at home today - and I said to her, and I think I have got it pretty well verbatim: "Do you think we should have 8,000 more people living in the Island or do you think the population should stay the same as it is now?" I do not think that is a leading question, I think that is the 2 alternatives in front of us. She did not think for a second, she said: "Same as it is now." I thought: "Wow, crumbs, that is interesting." Now, of course, that is 3 individuals and I would not rest my case on 3 individuals, so let us have a look at what the result of Imagine Jersey 2035 said about this same issue. Now, I am not talking about the event at the Royal Yacht Hotel, which was a self-selected sample of 130 people discussing the population issue and other issues. I am talking about the report of the survey and the survey, although it was slightly biased towards States workers because they filled it on the intranet, they then reweighted these findings to match the general population. I do not suppose Members will have this, but on pages 61 and 62 there are 2 charts. "What should our priorities be?" Percentage of respondents that chose each priority, and the people in the survey were given 8 priorities, and the top 2 came out as protecting our green areas from new buildings and controlling the population level; both top equal at 50 per cent. The next one 45 per cent, maintaining a healthy economy; 42 per cent, maintaining Jersey's low tax system; 41 per cent, maintaining high levels of public services - which just goes to show how dodgy surveys can be; 36 per cent, protecting the environment and so on, the last 2. But the point is that controlling the population is up there in top place, 50 per cent. On the opposite page there is another chart. I did try to copy these for Members but the computers downstairs would not play for me and drop the charts into a form that I could print them off for you, so I am sorry about that. The respondents were asked to rank 4 options most acceptable and least acceptable to dealing with the problems that we face in respect of the ageing population, and the 4 options were: growing the economy; working longer; the resident population pays more; and allowing more people to live and work in Jersey. It is like an inverse curve; growing the economy is way ahead. It is what people would like to see, with virtually no one

thinking it is the least acceptable and then it goes curving... and then at the other side of the chart; allowing more people to live and work in Jersey, a huge spike - the least acceptable solution. Allowing more people to live and work in Jersey is the least acceptable solution to the people out there. It is not just Imagine Jersey 2035, it goes back to 1995. I read a letter in the paper from one of my constituents and cut it out and then could not find it for this debate, but I remember exactly what he said. He said that this business of population and people not wanting it to grow has been going on for the last 15 years. It has been going on since Pierre Horsfall did his consultation, and ever since the public have been telling us we do not want to see more people here. Now, I wonder why that is? It is a deep feeling and it has not been campaigned for like G.S.T. (Goods and Services Tax) was. It is just there, this feeling. What we have got is wonderful, why spoil it? We have a wonderful landscape. We have a pattern of scattered farms and then we have the villages and then we have the town and people dread seeing the whole lot turned into a suburban sprawl. I flew back to the Island from going to a funeral and I saw stretched out below me Jersey, and I was quite surprised because normally when you fly from east to west, in my experience - I suppose I was remembering previous flights - there is a kind of sense of space. You look down there, there is green, there is brown, there is the odd house here and there. As I looked down I had this shock that you could see the houses had filled up the spaces. There were houses everywhere. Even in the valleys there was the odd house and you thought you cannot put any more in and keep the values that we have. You cannot do it. It was the first time I had really seen that we have reached the limit. I touched on the idea that this business of population goes deeper than the other issues out there. In fact, before this debate I was really quite nervous, more nervous than the incinerator, because there is more at stake. When there was this big discussion about over-14 education and what to do with it and whether Hautlieu should become a 6th form college and all that, I do not know if Members remember that about 10 years ago now. There was a lot of interest, there was a road show, the Parishes turned out, big meetings and so on. Big discussion, everybody fighting their corner. In the end the decision was taken for the system we have now and then it goes away. People are not too fussed about that now and maybe it will resurface in 5 or 10 years' time. But the population is different. We all know it is different. It is there all the time. It is an issue of the heart. It is about the whole feel of the Island and where it is going. I just feel very strongly that there is a discontent and a sadness that will express itself if we get the result of this debate wrong. We cannot afford to fail. We are called on this time to respond to what people out there are saying. It was interesting to hear the Chief Minister in his speech say that we did not listen to people when we took the figure down from 250 to 150. We did not listen. We did it on the basis of the data. Now, that may be true but it is sad to hear that phrase, and he and his Ministers did listen to the 200 comments. Some of them made it into the final Strategic Plan that we are debating but not on the issue of population, and I do have to ask why when it is the touchstone issue, as he himself pointed out. We have looked at the effect on the town, which I think is unacceptable. I think there might very well be a drift back to more housing in the countryside, which I have said would be an absolute shame, as we live in one of the most beautiful places in the world, and I still remember with joy my days as a cycle tour guide, although I am quite enjoying this new role as well. The arguments in favour of bringing in the extra 7,700 people: what are they? What are the Council of Ministers arguments? There are, as far as I can see, 3. They have been changing as time goes on but they are all still there and they are all referred to by people when they are talking about population. The first is the ageing population as an issue in itself and as a cause for bringing more people in. The second is economic growth. This was the old reason back in 2006 and it goes back to Messrs Horsfall and Walker; we have heard this one before and I shall look at that. The third reason which is now, the primary reason we are told, is maintaining the working population and the trendy version of that is we will be short of plumbers. Oh, the plumber has gone. How sad because I thought I might get a laugh there. The plumber for St. John has gone when his line comes up, what a shame. So the 3 reasons then for bringing more people in according to the Council of Ministers, the first being the ageing population. Now, I just want to preface this little discussion by quoting from the I.S.A.S. (Island-wide Strategy for an Ageing Society) report. It seems to have

gone a bit quiet but they did some work in autumn 2003. They did a major survey of older people, people over 60, with a large sample size, 1,250; and here are just 2 of the results of this survey. "Growing old has given me a new lease of life": agree strongly Jersey 20 per cent, U.K. 22 per cent, E.C. (European Community) 12 16 per cent. So Jersey is up there with the U.K., agreeing strongly growing old has given me a new lease of life. Agree slightly: Jersey 30 per cent and so it goes on. So there is a goal there, is there not, to make sure that more people enjoy their old age more. Then we have: "How would you describe your daily routine." The choices were: "I have nothing to do. I have so little to do I often have too much time on my hands. I have plenty of free time. I have a full day but not too much to do. I am very busy, there is hardly enough time in the day." Which do you think most Jersey old folk over 60 went for? It is a sliding scale in order of the way I read it to you. The fewest say: "I have nothing to do." The fewest. A tiny percentage of Jersey people and smaller than the U.K. and the E.C.12 say: "I have nothing to do." A tiny percentage. A tiny few more: "I have so little to do I often have too much time on my hands" it goes up to 5 per cent. Then you have: "I have plenty of free time" and Jersey is way less than the U.K. and the E.C.12, way less on 10 per cent. Then we have: "I have a full day but not too much to do", Jersey is on 38 per cent. More than the U.K., more than the E.C.12. We should be proud of these figures, we really should. "I am very busy, there is really not enough time in the day" Jersey 45 per cent of people over 60 say they do not know how they fit it all in. Is that not really lovely and is that not a commentary on the policies we are being asked to look at? On page 10 we have the willingness to work after retirement. The question is: "At the time you stopped working which of these applied to you?" "I do not want to continue working", 62 per cent: "Do not know", 4 per cent: "I would have liked to continue working full-time", 12 per cent. "I would have liked to have continued working full-time when I stopped working." "I would have liked to have continued working part-time", 22 per cent. So we have here a little matter of the raising of the retirement age and policies like that and encouraging flexible working into old age. What do you need to implement those policies? What is the barrier to older people working? It is age discrimination. That is the main barrier. "You are too old, Johnny, we do not want you." What do you do about that? You have a law called the Anti-Discrimination Law and you put it on the backburner. I have read the prison report that we were all sent a couple of months ago and there you will see what happened to the funding for the Anti-Discrimination Law; it was taken away from that and put into the prison. So, there we have a tool for encouraging and enabling older people to carry on doing what they want to do and we do not put in place the mechanism for doing it. That is odd, is it not, because here we are going on about bringing more people in and yet we cannot bring in the law that will enable more older people to do what they say they want to do, and carry on working.

**Deputy I.J. Gorst:**

Perhaps would the Deputy give way? It is a point of clarification, it is not directly the discrimination but to eliminate discrimination in the Employment Law. With relation to the retirement age we, in this Assembly, the Deputy will remember earlier this year, approved that proposition. I grant that it is yet to have Privy Council approval but we are working towards the aim that the Deputy is outlining, not through discrimination but certainly through the Employment Law.

**The Deputy of St. Mary:**

The good Deputy is saying that we are not ... I am not quite clear about this because the Anti-Discrimination Law was to stop people using age as a reason for not treating people the same as somebody else, and it appears to me that that is still not the case. There is no protection and therefore older people are liable to be discriminated against.

**Deputy I.J. Gorst:**

But not from an employment perspective.

**The Deputy of St. Mary:**

Point taken. If that is so, then that is a jolly good thing and the faster we get on with it the better. Now, the second point about the ageing population is the support ratio. The Council of Ministers quite rightly point out, although they do not make too much of it, that the scale of the problem is the same whether we have this inward migration of theirs or not. It is the same scale of problem and it is a problem which will be faced across all jurisdictions. The support ratio at the moment is 4.4. By support ratio I mean the number of people of working age divided by the number of people over working age, i.e. 65. In 2005 it was 4.4, which means that there are 4.4 working age adults for every older person. That will go down to 1.9 on their figures; 1.9 from 4.4. That is a massive drop. Of course it has consequences and they will be challenging. If instead of having plus 150 we go for my steady population scenario, it goes down to 1.75 and that is revised calculations including the 2,600 people. There is a drop from 4.4 to 1.9 or from 4.4 to 1.75; they are both huge drops. The problem is virtually the same. The only way that we can keep the ratio anywhere near 4.4 is by bringing in 625 households a year and I do not think that is on the table at the moment. Even in the glossy brochure that the Chief Minister sent round - and, as I say, I think it is out there in the public domain as well for people to pick up - even in that glossy brochure it is quite clear that the difference made by bringing lots of people in is very small. On their figures 1.2 workers per dependent with nil net, which I am not every suggesting. I am suggesting something higher than that, more population than that, 1.2, and with their plus 150, 1.3, as the dependency ratio. It is really not that different. The idea that bringing in 150 households a year for the next 25 years is going to somehow magically help with the ageing population problem is simply not true. What is the effect on the funding mechanisms? Well, the funding mechanisms are not affected by bringing more people in either. We need separate funds for residential care and we need a separate fund for health costs, and those are going to happen anyway. They should have already been planned. They should have already been seriously worked on. They are probably being worked on. I have learned that for 4 years now the separate fund on residential accommodation has been worked on and I just wonder what is happening. The point is it has nothing to do with bringing more people in. There are technical arguments on who should pay and how it should be done and how it should be arranged and whether older people should pay more, and that is probably holding it up. But the fund and the need for the fund is independent of how many people ... of whether we bring in a few more people. The drop in the ratio is massive. Finally, fewer people of working age to make the contributions under pay-as-you-go. That is a problem but bringing in 8,000 people does not solve it, according to their figures, and the people at Imagine Jersey accepted the logic that they would have to pay more to support older people. If we look at the Strategic Plan in Appendix 2 at the back, page 11, we can see the contribution of increasing the number of people coming in and compare it to the contributions of all the other measures. It is the least important measure. The contribution of bringing an extra 150 heads of household per annum is 10 million by 2035, all the other figures are bigger than that by a factor of 3 or 4. So why are we focusing on the one thing that is the smallest element of the package that we need? We do need money for adapting homes. We will need money for residential care and it will have to be funded, but bringing in more people is not the solution. Finally, the other policies - as I mentioned - the package. Where is the package? The Scrutiny Panel, I am sure, of Corporate Services will have words to say about that as they mention it in their report. How can you bring the smallest element of a package to deal with the ageing population without having done really any serious work on the other elements of the package? It is interesting what the Council of Ministers say about this matter. In their Appendix 2 on page 10 they say: "It is the level of the Island's working population that will ultimately determine the extent to which the other policies will be effective." Simply not true. The increase in the population has no effect on increasing the participation of older people, on increasing the States pension age, on productivity growth. It has no effect. It is simply not true and they say it again 2 pages later. They also say that the other measures are something to do in the longer term, which is very strange, as the other measures are more important. Our job is to have foresight and to look ahead, said the Chief Minister, and I have made a little note to make a tribute to the Chief Minister for his foresight with the pension fund, and in a former life - as Minister for whatever it

was, Chairman of the Committee, I am not sure, or Minister for Social Security - the Chief Minister did increase contributions and that is going to help us now. So that is the way the other matters should have been handled. The second reason for bringing more people in is often said to be economic growth. The more economic activity there is the better. Well, I am sorry, but it just is not true. I am just going to take a few examples of how economic activity is not always a good thing. A plume of soot sometimes comes out of the J.E.C. (Jersey Electricity Company) chimney, and I can see Deputy Le Claire sort of groaning inwardly about this. The plume of soot comes down on the boats, comes down on people's houses, comes down on people's cars, comes down on their washing. All that extra work, all that buying of cleaning materials will show up as economic activity and as part of our G.D.P. (Gross Domestic Product). If this expense was not incurred by those householders and they did not have to go and buy cleaning materials to clean up the soot from the J.E.C. chimney would they be happier? Yes. Is the world a richer place? Yes. Is the world a better place? No. Another example, a certain person's oysters are contaminated, I cannot mention his name but we know who it is, so he buys an expensive setup to decontaminate them before he sells them. Exactly the same 3 questions. Is the world a richer place? Yes. Someone had to make the machine, it was transported, someone had to buy the components to make the machine with, somebody had to mine the metal to make the components, *et cetera*. Is Mr. Le Masurier happier? Oops. No, he is not. Is the world a better place because the oysters are first being contaminated and then being decontaminated? No. So we see that just economic activity is not always a good thing. It would have been better to have had no pollution in the first place. But that means finding out where the pollution comes from, and it probably means changing people's behaviour. That too is economic activity. The planning officer going around finding out where the pollution comes from or somebody from T.T.S., then somebody doing a campaign to make sure that people do not behave this way, they behave another way. But which is better? Stopping the pollution or dealing with its after-effects, and only some of them afterwards? So, indeed, some economic activity is better than other economic activity. There is a scale. Some activity is good and some is bad. If the speed limit review currently being undertaken leads to less people going to A.&E. (Accident and Emergency) then we have less economic activity, less people being patched-up. The world and Jersey is a poorer place. There is a drop in our G.D.P. We have grown a bit less; how terrible. Is the world a better place? Yes. Are people happier? Yes. The States save money, and I will come to that under savings. The States save money. G.D.P. and growth go down. It is clear that economic growth is the wrong goal. It does not measure happiness. It does not measure progress and very often it measures the opposite. Some economic activity is good, some is bad. It is not just me saying this. It is a well established field now of living economics or how to run a sustainable economy or conservation economy. How to pursue other goals? What they should be and how to move in that direction. Growth was the justification of the Council of Ministers 2 years ago. They have now ditched it in favour of maintaining the working population so that we have enough plumbers. But it is absolutely certain that economic growth... we need it. "We need to bring more people in" is still a dominant argument in the back of people's minds, and I hope someone takes up the challenge of pointing out that we can have another form of economy where we do not need to make problems and then spend money solving them. So, maintaining the working population is the third argument. Two reasons for doing this: one is so that we have enough plumbers, and the second is so that the tax take increases. Well, not enough plumbers. This is a Regulation of Undertakings issue. It is not a population issue. It is also a training issue. The first question is: who do we need in the Island? Do we have enough vets or nurses or solar panel installers, I put down there. Can we train these people ourselves? If we can then we do not need to bring anyone in. If we cannot; how important is it do we bring them in? It is not a question when we have 2,500 people coming in and out that we cannot make sure that we have enough plumbers. So it really is not an issue that is relevant to this debate, and where is the commitment to diversification? Presumably we can use R.U.D.L. to make sure that we have a diverse economy. I heard the Constable of St. Clement - who sadly is not with us at the moment - talk on the radio talkback with me and he mentioned the best wealth creators, when he is talking about how he applies R.U.D.L.

because he is on the group that applies the Regulation of Undertakings Law. He talked about the best wealth creators. That was the first criterion he mentioned. There has always been a bias towards the finance industry and away from S.M.E.s (small and medium enterprises). Training? Well, I think this House has now taken the importance of training on board. But it is not a population issue having enough plumbers, it is a matter of balance and manpower planning. The second argument is we need the taxes from these incoming people. First of all, remember what their own figures, the Council of Ministers' figures say: the contribution by 2035 to the tax take will be £10 million, which is a nineteenth of the total sum of the total shortfall. It is a tiny fraction of the problem. I have just shown how inefficient our society is. How we make problems and then sort them out. How we spend money on harmful things. How we do things that are diseconomic, that are not worth doing. We have not even begun to cut our consumption by saving energy and by having an intelligent transport system. Most of the cuts in consumption will be entirely painless and it is the Government's job to make it so.

**Deputy R.G. Le Hérissier:**

I am sorry to interrupt the Deputy in full flow, but I am a little confused. Is he suggesting that it is okay to give licences to people to come in for low skill jobs as opposed to people, for example, who can instigate a high degree of wealth and tax generation?

**The Deputy of St. Mary:**

Sorry, I did not hear the first part of the question about low skilled positions.

**Deputy R.G. Le Hérissier:**

I thought the Deputy was implying that it is unwise to give licences for people coming to fill high wealth jobs as opposed to people coming to fill low skilled jobs.

**The Deputy of St. Mary:**

I am happy to clarify that. The job of R.U.D.L. is to make sure that in every sense the economy is balanced. Now, that will involve bringing in some very high powered people to run difficult things like building complicated things, architects, or whatever. But also we need to have enough plumbers. Now, surely with plumbers we can train them ourselves, and so on. So there are all these balances to be taken into account. But what I am saying is that we do not need to have 150 more households coming in every year in order to solve the problems of manpower planning. All you have is more people doing more of the same. So, the question of R.U.D.L. is a question of manpower, planning and getting the balance right all the way round. But it is not just about more money, more tax take, because I believe we can have an economy that achieves the same goals, delivers the same benefits, the same amount of human welfare for a lot less cash. That brings me nicely to a page called savings. Now, very often we in this House talk about how to save money and I quite agree with that. As I said on the hustings, Greens like to save resources and that is a very good way of saving money. It is relevant to this discussion because we are told that these people coming in will produce taxes so we can fill these various fiscal black holes. But, as we know, we have to go down the road of savings as well, and there are so many to be made. I will just list a few and then others can pitch in as well. Congestion. Now I did some research for the Jersey Cycling Group in 1997, and using U.K. figures, scaling them down and calibrating them to Jersey, congestion costs Jersey £13 million a year back in 1997. That is the delay. That is paying the doctor to sit in the traffic jam. That is paying the builder's merchant's lorry going to a building site to sit in a traffic jam: £13 million in 1997. Pollution, air pollution, cost this Island £7 million in 1997, and I can justify those figures if anybody would like me to, but I doubt they will. Accidents, of course, are a big cost and the more we get them down the better we are. Energy in government buildings which has been raised by Deputy Rondel, what an easy win; £10 million we spend every year on heating and lighting. Unbelievable. Finally, digging up the roads. I was working at Public Services 15 years ago and it was the same conversation as they are having now.

It was why can we not control the utilities? Why does the gas come and dig it up and then the electric and then the telecoms? Why can we not bring it together? I thought nothing more of it and then we heard in Scrutiny that they are now going to bring in a law to make them pull together and not destroy our roads systematically all the time. But why has it taken 15 years? I learnt in Scrutiny that it is not just the trench. It is not just the delay to the traffic, more congestion. It is not just the damage done to that bit of road. It destroys the integrity of the whole surface. So what you are doing is destroying your asset when you dig it up every time. Because we had failed to co-ordinate that for 15 years we have thrown away millions upon millions of pounds of one of our main assets, which is our road network. Easy savings, there are no valid reasons for keeping bringing these people in and I think, I hope, I have explained what the downside is in terms of the impact on the town and the impact on the countryside and the impact on inflation. This amendment is about keeping the population as it is. We need a population pause. The mechanisms are exactly the same with this amendments policy as they are for the Council of Ministers plus 150, exactly the same. If this House changes them in a year's time they will still be exactly the same. We have had red herrings. We have had talk of eeny meeny miny mo, it is you on the boat, Deputy. But of course that is nonsense because there is no eeny meeny miny mo; it is simply controlling the people who are coming in every year anyway. We have had the Aunt Sally of nil net migration with his terrible graphs that all go down and down and down and the Island is going to drop into the sea, but of course no one is suggesting nil net migration with its end population of 70,000 or 60,000 or whatever it is. I am proposing to keep the population steady. We have had 8 years already of population growth. We had them in the last 3 years. They were not included in the figures so let us just take account of them and have a pause for 5 years. It is unacceptable to put 7,700 new people all into town and it is against all our commitments to put them in the countryside. It is an endless, endless treadmill of bringing more people in, watching the house prices go up, and then trying to build some more. The arguments in favour of bringing more people in do not stack up. So I would urge Members to have a good debate and let us see where it goes, but I think that it is a no-brainer. We have to stop somewhere. If we carry on with this we will simply have the same debate again in 10 years' time. A vote for this amendment is a vote to face up to the issue and not to dodge it. Someone spoke to me about a climate of fear. Oh goodness, there is all these: "What are we going to do, we have to bring in some more people." There is another way of looking at it. A climate of confidence, of facing the issue, of strength. Let us just say this is a difficult question. We live in a small and beautiful Island, let us keep it that way, that is what our public expects and demands of us. Thank you.

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

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

#### **5.2.2 Senator T.A. Le Sueur:**

It is difficult to know where to begin in answering this amendment, except there is one matter in which the Deputy and I can agree and that is that the determination of a population policy is a challenging one. I hope it is also agreed it is quite a complex one, but one which we should not ignore, even if it is quite difficult to resolve. I think, first and foremost, I can say that I am happy to agree with him that we should not set policies. We should not allow the population to carry on increasing year by year *ad infinitum*. Indeed, I would say we must not allow that to happen. I believe, certainly, that the proposals of the Council of Ministers do not allow that to happen. I am pleased to hear that he agrees with me that the converse is equally true. So we must not allow it to rise above a certain level, so we must not allow it to drop either. I think certainly he has clarified in his speech this afternoon just what he means within the wording of his proposition because I think to the extent that he is talking about, keeping the number of people at a steady level, that is a principle on which I think we have got a lot of agreement and it is perhaps quite simple in the short term to do that, but I wonder just how we can deliver that in the long term. Now, certainly I am pleased that he reiterates that a policy of nil net migration is not one which the Island could support.

It is not one that he supports. What he asking for is a short term fix for the next 3 years to counterbalance the increase we have had over the last few years, or that is how I interpret what he has been saying. I think I will probably skip a lot of what I was going to say about statistics because I suspect by the end of the last hour or so we are getting a bit statisticated-out, except to remind people of this problem in the ageing society about what he rightly calls the number of working people - the support ratio - between those and people who are above retirement age. As long as we agree that that is a serious issue and one we have to solve, I think that is really at the heart of a lot of the proposals of the Council of Ministers and where I think maybe there is more agreement than some might think because clearly an Island in 30 or 40 years' time with far fewer people working compared with those above retirement age is going to be quite a different Island from the Island we currently have. I think what we have to do is to see how we can address that problem. The Deputy seems to think that what we should do now is pause and take breath and use the Regulation of Undertakings Law in the next few years to ensure that no new jobs are created and, in fact, I think he is saying that we should use that law to reduce the number of jobs by 230 a year for the next 3 years just to try to get the balance back right again. If I am wrong, no doubt he will correct me.

**The Deputy of St. Mary:**

Yes, I would like to clarify that. It is a matter of balancing the births minus deaths and as that ratio changes, and the births decline, the deaths rise, then of course you turn the tap the other way. It is simply a matter of balancing the difference between deaths and births with the number of people who you do not ... with controlling the net inward migration.

**Senator T.A. Le Sueur:**

Exactly, but as the number of births has exceeded the number of deaths consistently over the last 20 years by an average of 230 I have got no reason to doubt that over the next few years people continue to exceed the number of deaths by a similar sort of number, and that therefore if we are going to keep the population at its present level we will have to find a way of reducing 230 people to compensate. The only way to do that, as far as I can see, is to reduce the balance between those coming into the Island and those going out. As he says, there is a few thousand of those going both ways so it is not a great deal of a problem, is it? Well, yes it is, because what you have got to do is identify which jobs are no longer going to be available. That is something which is going to tax the minds of anyone trying to apply the Regulation of Undertakings Law and, furthermore, can I remind Members that at the present time, the Regulation of Undertakings licenses are granted for a 3-year period. So when you give an employer a licence, at the present time they can have that certainty to plan for the next couple of years. If we are going to change that then we are going to have to start ...

**Deputy G.P. Southern:**

If the speaker would not mind, I believe you are misleading the House accidentally in that, I believe, around 60 per cent or more of (j) cats. nowadays are permanent (j) cats. rather than 3-year (j) cats, so we are permanently letting (j) cats.

**Senator T.A. Le Sueur:**

Sorry, I was not referring to (j) cats, I was referring to licences generally given under the Regulation of Undertakings, and they are given for a far wider range of activities than simply (j) cats. But I think, getting back to the point I was making, it is not as easy as that, simply to decide which jobs might or might not need to be changed. Certainly there is a question of whether one tries to reduce the number of economically desirable jobs or the number of socially desirable jobs or just where one draws that line. But the line, nonetheless, has to be drawn if we are going to apply that policy. Now, certainly what we have seen over the past 2 or 3 years is a significant growth in the number of people coming into the Island. What we are seeing over a 10-year period

is an economic cycle and if the Deputy had chosen his figures from, we will say, 2001 to 2004 he would have seen very little movement at all because we go in cycles. So it is really very much a question of which point in the cycle we choose. What we have to - and I will be the first to - accept is the fact that we probably achieved the Deputy's proposal over the next 2 or 3 years by natural means anyway because of the state of the economy. We are quite likely to see an economic downturn, building workers and the like leaving the Island because there are a lack of opportunities, and we will achieve the policy in the short term by normal cyclical effects. But I said at the start of my speech this morning that I wanted to look at the longer term view, and what is appropriate, what may be achieved by chance over the next few years due to the economic cyclical effects, is not the same thing as going to be done over a long term policy effect. What we have to do is look at the long term policy. I think what the Deputy is proposing to do, what he would like to see, is the Regulation of Undertakings Law used as a tap that you could turn on and turn off, when at the current time he would like to turn the tap off for a while but as the population balance changes and more people die than are born then he would like to turn the tap back on. Life does not work that way. We cannot suddenly turn a tap on when we wanted to and find that another dozen people wanted to come to the Island or another dozen bank staff wanted to come to the Island. People want to plan and have certainty. We need teachers this year. We need teachers next year. We need teaches in 10 years' time. We cannot say we will do without them for a while. The same with any other activity. People need certainty. Businesses need certainty and that requires ... we have policies which give people greater certainty. The policy where in some years we turn the tap off and some years we turn the tap on is not a policy which I believe is in the interest of the Island. Indeed, if one wants evidence of that one only has to cast one's mind back about 10 years to when someone made the rather unfortunate statement about the Island being closed for business and we took years to recover from that particular comment. We are going to see a similar situation if we are not careful here or there, if we try to adopt the stop/go policies. What I believe we need, what the Council of Ministers is proposing, is to have a consistent policy year on year. A consistent sustainable policy year on year, and it is the long term approach, long term objectives that I am looking at, not the short term fixes. My long term objectives are probably very similar to those of other Members of the States. I will just say that my long term objectives would be to have an Island which maintains green and open spaces. We want to have an Island to which our children and grandchildren can look forward. We want to make sure there are jobs for the local people, and we want to make sure there are enough able-bodied persons able to look after the likes of myself when I reach old age, if I have not already done so. The Deputy thinks I already have. I think those are objectives we can all sign-up to and if they are objectives we all sign up to how can we best deliver them? More particularly, does the amendment of the Deputy of St. Mary deliver them? My answer would be they might in the short term, they do not deliver them in the long term. The balance between too many and too few people is quite a fragile one and it needs careful planning and careful balance. I think it is important that in trying to set our policies for the longer term we take that balance very much in hand. I think if we were to say for a few years no new jobs - effectively the Island is closed for business - what guarantee would we have in a few years' time people wanted to come back to the Island. Are we going to encourage businesses to set up in Jersey, to stay in Jersey, if they do not know from one year to another or from one 3-year period to another, whether they are going to get a green light or a red light. If we try to apply that Regulation of Undertakings Law how could we usefully do that? I think the answer is, as I have said, that there is no one solution to this problem. The solution is a combination of various things. Yes, to encourage people to work longer. Yes, to encourage people to have higher skills and re-enter the workplace. Yes, to pay more taxes and, yes, a little bit of inward migration. I was interested when the Deputy reminded me of the survey when people said that their preferred solution to dealing with the issue was to grow the economy. Yet, the whole thrust of his proposition was that this was not going to grow the economy, what we had done by growing the economy was create more problems than we solved. The fact is that there is no simple solution. Certainly there is no one solution. What is important for us is that when we try to resolve a population policy, although as he

says it is very much what people believe in their heart is a fundamental situation and fundamental issue; what we have to do is not only to apply our hearts, we also have to apply our heads. The fact that the population is going to change in nature over a period of time is undoubtedly true. Whether one adds on the 2,600 at each end, as the Deputy would prefer us to do, does not affect the long term policies. It is that of a changing, ageing population. I think what I would like to say, apart from maybe questioning some of the Deputy's statistical interpretations - which I am not competent to do either, but I would get the Statistics Adviser to do that - is that this is not a proposition from the Council of Ministers designed to solve a problem by economic tools or by net migration alone. It is part of a solution. If the Council of Ministers appear to have focused particularly on one part of the solution we also set out quite clearly in our papers the whole of that solution. The whole of the solution is contained in the priorities and it is that balance of those solutions over the longer term which is going to be the key to addressing the challenge facing all of us in respect of an ageing society. An ageing society; not just the costs of treating people who are living longer, but the whole balance of that society. That is why trying to find simplistic solutions to this problem is not the right way to do it. We have to look at a holistic solution. I believe that the Council of Minister's proposals are holistic. I believe that the amendment here is a nice short term fix and is not a long term fix.

### **5.2.3 Deputy P.V.F. Le Claire:**

The beginning speech by the Chief Minister for the States Strategic Plan was welcomingly inclusive, brief and in delivering it he encouraged us all to participate in a blueprint and a skeleton that would allow us to bring some amendments that had been accepted by the Council of Ministers where possible and others that could not be accepted for various reasons. I think the opening speech of this debate by the Chief Minister was very good. Before we continue into the States Strategic Plan, which has 10 or 11 amendments on amendments on amendments - and I am as guilty as others - I would just say that if every speech takes an hour and 15 minutes to deliver the opening portion of we are going to be here for so long the population issue will have solved itself. **[Laughter]** I share the passion of these issues with the Deputy of St. Mary; I may not share the academic intellect for them. I have been in here challenging the population issue since 1999 and they have got nowhere and they will not get anywhere either because they are not to be solved. The reality is, is that, taking the words from the Chief Minister, we cannot have a stop/go approach to business. We cannot say that we are closed for business. We must have a consistent policy. It is obvious that the consistent policy for the business community in a finance jurisdiction is one of green light and one of 'we are open for business.' At a particular time such as this in a global recession, we would be quite mad to encourage applying the brakes at this stage of the game. In the last couple of debates ... some people have been scratching their heads: "How come Paul is saying this now when normally he is banging-on about the value of work permits, controlling developments, la la la la la la la la." The reason I do it is because of the fact that it is going to affect the quality of life. No matter how clever we all feel we can be with Regulation of Undertakings and Development and the other things that we have at our disposal, laws and regulations, housing legislation, *et cetera*, what we really need to focus on is whether or not these mechanisms are able to deliver a better quality of life because I personally do not care if there are 70,000 people in Jersey or 120,000 people in Jersey. As long as the quality of life delivers a high quality of life for health, education, housing and leisure. If you are delivering a high quality of life then you must be living in a good space. The reality is the Deputy's opening speech said that we have engineered a policy for shortage and yet he went on to say when he flew over the Island that he looked out of his window and saw that we had reached the limit. I live in town and most of my family has always lived in town. We live and we look out of our windows into other people's windows, and we see as far as their front room or their curtains allow us to see, for the most part, and when we go out of the town into the beautiful countryside; we marvel at it with wonder and beauty and admiration. Unfortunately the population policies, which there have not been any of, have allowed - to our detriment - the despoliation of some of these open spaces which people in town have been able to

go and enjoy. In particular Ramsar sites where we could go and dig shellfish and eat them if we wanted to, if we could catch them, enjoy swimming in the sea; all of those things for the main part have been called into question right the way along from St. Aubin's beach to Gorey Castle. A huge expanse of open space with the people living in the vast majority of this Island. We talk about a complex and a challenging issue. The Chief Minister has quite rightly said we should not and we must not put the message out to the wider world that this Island is closed for business. What I would say is what causes the beef for people in Jersey, from my background anyway - and I appreciate most Members have got different backgrounds - my understanding of the situation from my background is that we can never get off or on to the bottom rung, when it comes to housing opportunities, work opportunities because there are always people drifting in ahead of the queue. We are waiting in the queue, we are waiting in the queue and waiting in the queue and there always seems to be just a couple more everyday ahead of us, with better education, more finances, more work opportunity, and it is those that are creating a divisive society and it is those things that are creating an ebb and flow of people into Jersey and out of Jersey, and the vast majority of people that have left over the last few years have not been a normal cycle at all. There has been a huge influx into the new U.E.10 countries accession in 2005 in May, who will qualify this year for the 5 year residency and there has been a migration of people from Jersey, probably in line with historic context, because of the fact that they felt that the house prices have gone way beyond their ability to afford them. But it is not only the house prices; I mean the ability to buy a house. "I was looking at a house in the country the other day", was my line last week to a friend and he said: "Oh really, whereabouts, St. Mary's?" I said: "No, not this country." I was looking at a house in another country because the ability to purchase a house in this Island is far beyond the reach of the ordinary. So while it is wrong to say the Island is closed for business that is absolutely right, it is not closed for business. But it is closed for certain people who have aspirations and they might be better off thinking elsewhere. Senator Le Sueur asked these questions: "Do we want to have a long term objective that we have green and open spaces?" Well, not if we are going to deliver adequate housing. We have already seen in the last few months... we have had to, under the plea from Housing, for the elderly who needed residences, and from the Constables who have had to rezone land in the countryside, and only more of that can occur. Senator Le Sueur then went on to say: "Children must look forward to living in Jersey." Well, do they? Do they look forward to it in an Island whose financial future from a financial jurisdiction's perspective is looking shaky - settling but shaky - in the global upheaval of downturn and in a world with ever more pressures from the outside. We then heard him ask: "Do we want jobs from local people?" If you marry my speech up with the Chief Minister's speech from *Hansard* later on in weeks to come you will see I am answering specifically the questions that he posed. "Do we want to see jobs for local people?" Well, I saw the front page of the *Jersey Evening Post* today: "Jobless lining up at Highlands." Do we want enough able persons to look after old people? Well, I had a friend whose daughter went to school in Jersey, qualified as a nurse to work in the hospital in the operating theatre; could not get a job because of the employment policies. Could not get a job in the States of Jersey. They did not want to hire her because they could not fire her after 5 years and she was forced to then go to Australia where she now works in an operating theatre in an Emergency Ward in Australia. I have mentioned this a few times. Her options were (1) bedpan alley or (2) a career in another country, so now she is not in Jersey, she is not with her mother and father, and we have educated her and her only opportunity was to leave. Senator Le Sueur said there is no one solution and it is absolutely right. I am sorry, I get as emotional as anybody about this issue. But I do not think these propositions, to come along and suddenly halt the number, stop the number, increase the number, cap the number; forget about the number would be my recommendation to Members and start to think about the individual, and look at the individual rather than the number because it does not matter how many thousands there are. If we have one person that is on low income support that cannot find work, that is one too many. We must introduce policies that bring people up into employment. Give them better education and better opportunity. I have said for years work permits would have done that. When I brought them along, much like the Deputy of St. Mary and

my first year in politics, it was put out that work permits were in some way against human rights. Absolute rubbish, but nevertheless used. The Attorney General's advice misinterpreted by the Chief Officer, put before Members, the bait was killed and I went off and was elected as a Senator because I ran on a population ticket, and the population issue in 2000 that elected me fourth in the Island - got slightly more votes that day than I did for the Health job the other day [Laughter] - I ran specifically and solely on work permits because work permits in every other place in the world where there is finance industry, and where the finance industry is are well-known mechanisms and well-understood mechanisms to ensure that the local people have opportunity to not only move upwards within their companies but to move sideways into other companies and then to progress upwards in other opportunities. They take into account family members and they take into account the needs and the changing mechanisms. But what we have had... and this is where I am going to upset both sides of the House, I do not particularly care to be honest. But here we are; I am going to upset the Deputy of St. Mary because I am not going to support him. But I am also going to upset the Council of Ministers because I am going to say: "Sorry, you have had too long." The Deputy of St. Mary or Senator Syvret or somebody needs to bring back a proposition to put population firmly on the agenda. I do not believe it should be tagged on to the States Strategic Plan. We had written questions today. I asked the Chief Minister what was happening in relation to the revelation of the Constable of St. Clement's last session: "When are you going to bring in all this work?" It has been completed. The Constable of St. Clement said the work is done, they have had it. Same old story; 2005 we were told I.D. (identification) cards could have been produced within 2 weeks. Senator Le Main and I were there. It has never come in. In his answers today the Chief Minister talks about the 3 different proposals and the 3 different phases. Phase one was to create the Population Office and the Migration Advisory Group to deal with things such as Regulation of Undertakings, (j) categories and the significant property classifications. Then, in phase 2 it talked about introducing proposals for a name and address register and a registration card and how when that had all been done and properly consulted upon it would come forward possibly for debate at the end of this year or perhaps next year. Now that is the same story I have been hearing since 1999 and, in fact, if you look at the second phase, which was lodged on 12th December 2007, by the Chief Minister: "Managing migration and new mechanisms part one: the population register in Jersey names and address index" you will see on page 4 it states quite categorically: "In June 2005 the States approved new mechanisms and policies to monitor and regulate migration in a fair and transparent manner." They introduced, approved new mechanisms and policies, in June 2005. In December 2007, the date of the consultation, which was to last until 15th February 2008... that was when this document was meant to finish consultation. It was issued in December 2007. Now we are being told this morning that we are going to have another one in January or February or December, and once that has all gone out to consultation then we will bring forward proposals to do something about it. It will be the end of the Strategic Plan. It will be delivered at the end of the Strategic Plan. There is no intention whatsoever I am firmly of the belief. I am sorry I am going to upset Ministers. I am firmly of the belief. There is no intention whatsoever to introduce a fair and comprehensive and manageable population policy because that is a work permit system. Anything else is a collection of other things that are put together that nobody understands, that are never presented and are not comparable to any other mechanism in the world elsewhere, and people will stand up and praise the Regulation of Undertakings and Development Law for what great things it has done. But the paucity of information about how many people live in Jersey is evident, if you look into it. I congratulate the Deputy of St. Mary for having identified the numbers and I congratulate Scrutiny for pointing out that the statistics that have been used to put this into place have been taken from 2005. It is just clear evidence that there is no will to introduce it. Understandably, and that is the caveat. Understandably because they are trying to take care of the economy. The signs must have open for business.

#### **5.2.4 Senator B.E. Shenton:**

Three years ago I sat through Senator Walker's speech on the very first Strategic Plan and listened to how it was a long term document and aspirational with long term goals and, of course, it had gems in it like the travel and transport policy that was going to be delivered and the migration policy that was going to be delivered, and now 3 years later we have got a new Strategic Plan, looking at long term goals and so on, and in 3 years' time we will have yet another long term Strategic Plan and so on. It is not a long term Strategic Plan at all. It is a plan for this term of parliament for these next 3 years. This speech is quite short because my own feeling is that because we are going through a bit of an economic downturn and because a lot of our labour is quite transitory and can move away from the Island if there are no jobs - because I do not think there will be many jobs created and there will be quite a few jobs lost over the next 3 years - I think the population of the Island will go down over the next 3 years out of natural causes. So I would like the Deputy to explain how his actual amendment works where we will have to maintain the overall population of the Island when it is naturally declining and whether he is looking for us to force people to come to live in Jersey over the next 3 years.

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

I must say I am not quite sure whether the Deputy has totally agreed with the panel report despite the fact of being on the panel. During our hearings some of his fellow Greens suggested that there is a scale. At one end there is a totally self-sufficient Island with nil net inward migration: we count them out and we count them in. There was one small snag to this scenario. If we are going to be totally self-sufficient we would need about 25,000 people working on the land which sounds to me somewhat like the Cambodian solution with shades of 1984 and, frankly, I do not know that I or many Members of the House are really up to planting potatoes.

#### **The Deputy of St. Mary:**

Can I make a point of clarification? As I was on the panel and heard Dr. Forskit say those things, I think it is rather ... I just want to ask the Senator whether she is trying to suggest that I agree with the views of everyone who comes and talks to the panel?

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

I was not quite sure that the Deputy was agreeing with the report of the panel, but that is for the Deputy to confirm or deny. I am merely making an observation and asking the question. However, we have got this scale. The other end of the scale is unbridled immigration and a free-for-all in building all over the Island - the Manhattan solution - which is totally unacceptable. It seems to me that what we are trying to do is to establish where we should be on that sort of scale. Apropos immigration into the Island, the Constable of St. Helier... I dread to see him here he can probably confirm this. He appeared to be quite relaxed about accommodating the extra under the 150-a-year in town accommodation while preserving the atmosphere of town. Now, the Council of Ministers have suggested that a balanced policy is required to deal with the inevitable change in demographics. Yes, we have to decide on the balance. To paraphrase our report, the trade-off for Jersey is deciding what level of population growth is acceptable to ensure that the Island retains its special identity while providing the support for economic development that will meet the challenges posed by its ageing demographic structure. Or, to put it less concisely perhaps, there are certain trade-offs. There is an inevitable change in demographics; economic development is critical to support this - some inward migration is necessary to support the economic development and we need to maintain the special identity. We need to start talking about the problem of an ageing population, as the Deputy did in fact say, and we need to consider the best way to take advantage of the number of older and wiser members of the community who are by no means ready to relax into knitting and gardening. Me too. As far as scrutinising the report with the proposition, our problem with the information in the report was that as the Deputy said, it was based on a retirement age of 65 and used the 2005 base level of population. We want to see a balanced approach with different variables used, like an increased retirement age and factor that into the calculations. As has been

said, the inevitable demographic change will affect everyone worldwide. One of the important factors has been put to us as the dependency ratio. In actual fact, work done for the Institute of Directors in the U.K. has demonstrated that changing the retirement age slightly can stabilise the future dependency ratio at current levels, and this work has not been done. We have not seen it. But it is necessary to bring this into a full population policy which should come back to the House. This is the time to specify numbers in the context of an overall formal policy. As the report of my panel suggests, we need a comprehensive policy together, at the same time, with implementation of the migration legislation. Sadly, I think that quantifying the numbers in the policy at this stage has not exactly been helpful for this particular debate. The Strategic Plan is a high level document and quantification brings it into the realm of the Business Plan. However, despite these criticisms, I will agree with the Council of Ministers in rejecting this amendment, and I look forward to the Council bringing a proper policy to the House.

#### **5.2.6 Deputy J.B. Fox of St. Helier:**

The expression ‘no one thing is a solution’ has already been mentioned by the Chief Minister but it goes throughout whatever we do. The Strategic Plan as outlined today is very important and that is what it is. It is a Strategic Plan. It is not a Business Plan. It is not something dealing with the detail. Likewise the amendment that has just been brought to us to maintain an overall population of the Island at its present level is just that what it says it is. It is a statement but it is very difficult to commit to a statement like that without looking at the various details. Just to give you some flavour without going into details; Guernsey, for argument’s sake, with its size and its population, Jersey would have the equivalent, I am told, of 120,000 people. It shows that the density in 2 comparable Islands, not 20 miles apart, are completely different, but they have a different formula at the same time. On the other hand; Singapore, which is looking to its future says it needs another 6 million people and have already, in their highly densely populated area, starting to build 46-storey blocks of flats in order to achieve it, which is not a bad idea. As you know I have just come from my son’s wedding in Mauritius and, speaking to the people in Mauritius, they are all very happy people and they know that they are not very wealthy and they know they are not very rich, but what they all have is a roof over their head. It might be a tin shack but they own it. If you look at their buildings, they put extra support columns so that they can add to their dwellings and they can go to a maximum of 3 storeys and you also see that when they can afford half a dozen blocks they will start the wall to make another storey or to infill one that they have already done, but at the end of the day their family will have a home that is there’s, and it is there’s and it improves as you go along. All right there are certain paint companies might go bankrupt initially but eventually they get round to painting them and they become nice homes. But more to the point they are hurricane proof, or they are equivalent. It is the same here. We would all like to own our own homes and, yes, they are very expensive. But would we start off with what other people have to start off with? The answer is no; we have all sorts of regulations to try and keep this Island a very pleasant place but we live in a different environment. In Mauritius they are so far away they do not get affected by E.U. Conventions except for when the population ... which is very well educated; they have a university there, they have colleges, they have all sorts. But as one young man that was dittoed by several others, as soon as we get a university education we all want to be the supervisors, we all want to be the managers, and we all want to be the owners: but they are not. They end up by doing other jobs, which they see as enhancing their skills and continue getting the physical and the economic skills that would benefit not only themselves but their Island. There is only one thing, of course, and that is because they are part of the Commonwealth they can come to the U.K. and gain more experience there. But they cannot go into Europe as one man also distinctly put it: “My father can get a Visa because he is older, but I cannot. I am limited to where I can go to work, *et cetera*. What I do is I concentrate on what is available locally and I improve as I go on.” Now, in this Island we are at a time which we recognise is going to be hard for many people and for the Island as a whole, and we hopefully will be taking the steps to minimise the downturns that are expected. But one of the things that we can do which we all recognise is that we can improve our skills and

education. Education, education, education: it was once said by a previous Prime Minister, and he is quite right. Without a good education we do not have good law and order, we therefore do not have a good quality of life. Likewise we do not have a good health service and we do not have good health and, again, a good quality of life. So it is important that we do concentrate... which is what the strategic aim is, as was said by the Chief Minister this morning. Our strategic aim is to look at the shortfalls we have, the challenges for the future and to identify those, and that will all come out in subsequent business plans. But one thing we must make sure is that our young people have the skills base in order to be able to support and have the opportunities in the Island, the older generations that need to have the changing skills requirements also need that support. This is where I think that this Strategic Plan is good but this amendment, I am afraid, is a statement. It is good-intentioned, it is a well-intentioned statement, but it is not a Business Plan we are looking at and therefore I cannot support it.

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

I would just like to congratulate people who have spoken sincerely in the sense that I think many of the arguments brought forward have been fairly sophisticated. We have not been polarised between this is one option and this is the other, and I think certainly Members who have spoken in between, even though I am saddened that they will not be supporting the amendment, have certainly brought these issues to light. The first point I want to make is that I feel that there is a red herring being thrown around about “closed for business.” I do not think that has ever been suggested that what the Deputy of St. Mary is bringing forward is in any way to send out the message that Jersey is closed for business. He has already reiterated the fact that he is not suggesting that we have nil inward net migration either. He is merely saying that we should leave it as it is. Presumably we are not closed for business at the moment, and presumably the existing policies we have are sufficient to make sure that we attract people to the Island, and I believe he is merely saying that it should stay the same. That is the first point I would like to make. The second point is really just to hone in on the saying: “We have to learn to walk before we can run” and the reason I bring this as a saying to attention is that I believe that at the moment we have a problem with housing, for example, and we have a problem with population which we cannot currently manage. It is quite clear that we do not have sufficient housing in the Island to even start to house the people sufficiently. We know that there are perhaps 8,000 or 10,000 unqualified people, some of whom do not live in satisfactory accommodation; we have spiralling house prices, particularly in the rental sector. I know as a young person who has been trying to look for some rental accommodation over the past 6 months that it is very difficult to come by and prices seem to go up almost by the week. We are looking at prices now where one unit for rental accommodation can be anything between £800 and £1,000 and that is for something which is fairly basic. In the meantime, the wages are not going up at all so housing is really becoming an issue. We are talking about increasing the population when we have got these kinds of problems that we cannot even solve. First of all, I would like to quote from the population policy. Members may not have had a chance to read it yet because I believe it was only circulated yesterday. But I will merely quote from one part of it which is on page 11, in which it says: “It is apparent that there is already concern at the level of Jersey’s population and the level of inward migration. This was evident in a number of submissions made to us both in writing and at public hearings.” Again, we have evidence here that there is already strong public concern that the population, as it stands, is already high enough and that the infrastructure that we have is not currently meeting the needs of the population. I would also like to say that I am not beholden in any way to one particular figure or the other. There is no reason... there is no magic about the figure that the Deputy of St. Mary is offering about the current figure, even though we do not really know what it is. Equally there is nothing mystical about the figure of 99,000 or 100,000, apart from the fact that it is a nice round number. It does seem to me that in the absence of any clear cut population policy, it is highlighted in the report under population policy, it is more to do with the fact that there are not any population controls. So, in one sense, this debate is a little bit of a ... it should not be taking place, if you like, because it is all

fairly meaningless in that respect. We do not necessarily have the mechanisms if we wanted to, to set a current figure or to set at a higher figure. Nonetheless, the reason I would be supporting this - and I will be supporting it - is because I believe it is the default position, and in the absence of any clear methodology or ideology as to why we should be increasing the population... and the reason basically I do not believe that we can sustain this population, so I will be supporting what I see as the default position. I want to draw on a couple of parts in the Strategic Plan, which I find slightly problematic. The first one is - I am working from the draft version, by the way, not the one which has got the amendments incorporated in it - so if we look on page 4, for those of you who want to follow, but I will be reading it out, we are told that: "Inward migration is necessary to keep Jersey special." My initial reaction was what does this even mean? Of course, special is a subjective word and it is quite possible that we all have different definitions of what that means. But it seems to me that we are being presented with a tautology here. We are being told that in order to keep Jersey special we need to introduce a mechanism - a device - that by its very nature will make Jersey less special. So what we are saying, we want to bring in another 8,000 or 10,000 people. We want to increase the population by that amount. We want to increase buildings necessarily in order to do that, and the buildings are presumably going to be put in St. Helier as well. Now, it is interesting when the Deputy of St. Mary talked about flying over Jersey on the plane and he said that he almost did not recognise Jersey when approaching it from the east because there have been so many buildings that have sprung up and it is not the Jersey that he knew. Of course we had some Senators shaking their heads saying: "Oh, certainly that is not true, Jersey is still a lovely green place." Well, obviously it depends on your perspective. If you are looking at the Island from your residence of Homestead or Radier Manor then presumably it is going to be looking very different to you than if you are living somewhere in St. Helier No. 2 or 3 in States housing or social rented accommodation. I think that is the first point that I would make. The next point is really just ... I think that the underlying problem here is that the Council of Ministers in bringing in increasing the population ostensibly to deal with the ageing population - which we already heard from various experts simply will not work - is that they are trying to abdicate their responsibility as a government and of the State. The whole Strategic Plan is effectively flawed insofar as it is basically an outmoded Thatcher-ite document which seems to, as I have said, want to diminish the role of the States and put the burden of responsibility on to individuals which, to a certain extent, is quite right but it does not take into account the fact that many individuals do not have the skills to be able to do that themselves and that Government does have a valid function. I see this as a red herring on the part of the Council of Ministers because they can increase the population, try and bring in increased tax yields from that, but it is not challenging the underlying problems that we have. So, I would support certainly the sentiment of this amendment. I will be voting for it and I would ask Members to robustly do the same.

### **5.2.8 Deputy J.A. Martin:**

It is very interesting to listen to the Deputy of St. Mary and the response from the Chief Minister. As Assistant Ministers and Ministers we did meet yesterday afternoon and had a little discussion. I was totally upfront and probably was not very popular on the population part of the debate, and I said I was not sure if I was going to support the Council, being my stance has always been that I am not convinced the amount that is right we have here. I am not convinced it has ever been counted properly and I am still not convinced why, as Deputy Le Claire has said, we have not got these things in place. Then I thought, while the Deputy of St. Mary was talking, he has done all his research, I have got all these documents in my locker and then I go and I am deciding I am probably going to support this amendment and I listened to the Chief Minister's reply. I want to know what I am supporting because in the preparation for Jersey 2035 Summary of Findings of the Officer Working Group, which I was then on the Migration Scrutiny Panel and it did stick in my head. I thought: "These figures sound familiar", they certainly were not 150 plus per household. No, what we get is 250 heads of household produces you a population in 2035 of around 99,000 people. I will read what it says, and this is the Council of Minister's document, not mine: "Officers

Working Group summary from 2035 Imagine Jersey. Up to 8,200 homes required, much of which could come from sites already identified for housing and from within the existing built-up area. Dependent on development type, nought to 40 acres - say it quickly - of new land over and above that already identified for housing equivalent of nought to one Maufant. That is their scenario of 99,000 people. So, say it, why have they put it down to 150 plus, because we already found out we have got over 2,000 people than we knew. Do we know we have not got more than that? This is where I really have a difficulty today. So then I go: "Well, that document is a bit old" and I go: "I know I have got another document in my locker and it is called the Island Plan, July 2008, update of the Island Plan." On the housing, on page 109 it tells me the realistic aspirations for Housing Needs Survey: "Identified potential shortfalls of about 1,400 and 7,000 2 to 3-bed units of accommodation respectively over the period of 2008 and 2012. Approximately half of this total remaining shortfall of some 2,100 units is addressed in the population model approached by the ongoing reduction of average household size leaving a residual total additional front-end shortfall identified by the Housing Survey Needs of 1,000 units." We have already 1,000 units identified in the draft Island Plan. But then I get more confused on the next page because they do a population scenario. Their plus 1,500 tells me that we only need 4,300 homes. That is with the 1,000 shortfall. So, again, total confusion and at the one plus 325 homes they tell me we need 6,000. Somewhere around plus 650 we need 10,000. It says Housing supply: "At this time it is anticipated that the supply of required new homes in the qualified sector over the next 10 years will come from a range of sources, similarly, to those identified in the current Island Plan but noticeably not from rezoning of any greenfield sites." Well, I do not know where they are going to get the new Maufant because the figures are 99,000 and it is in their document. We need a new Maufant if we go for what the Strategic Plan ... no matter how you dress it up, 150 plus or 325 plus, it is the end figure and it is the shortage already. But when I turn over, and this is where I get really, really concerned about sites on the Island Plan, land already rezoned for category (a) housing and for poor Deputy Norman, who is not here, it is his greenhouse site at the back of Samarés, which he is trying to protect with his life, but that is earmarked. It says that can provide 200 homes. Lifelong dwellings, 300; which we already passed, and that was greenfields. West of Albert, well, up to 2013, 600; 2018, 400; and that will be 1,000 homes on West of Albert. Well, last time I looked West of Albert possibly I thought it was going to be all offices, but we do not know what is going on there. Town capacity 2,000; brownfields sites 1,000; Windfall outside of town 1,500; and less out worn sites - and I will go on and explain what that means, it is very confusing - minus 300; which means they are so worn out we have to knock them down and then we take them off the figure that we started with, and then we might be able to build on them after, depending on where they are. Simply explained. Then I got today's Strategic Plan in the appendix as the Deputy was ... and I am like: "Now which figures are we talking about?" because we now have an updated figure. The Council of Ministers have seen the light and they realise that the population of Jersey, the average Joe in the street thinks: "No, I do not want 100,000 people living here. I do not want another X amount of houses squashed into town." So they come up with a number and it says: "The proposal for inward migration of 150 heads of households could be accommodated by the existing la la la [again] and we would need approximately 6,150 homes." Not one of these documents add up. All I can say in their first document at 99,000 we need another Maufant Village. We need 8,200. Now I asked the Constable of St. Helier, how many ratepayers' homes roughly in St. Helier? He thinks around 15,000, maybe a bit more with businesses. So you are talking putting in St. Helier over half of what we have already got there, and you are going to tell me that we are going to have some sort of quality of life? Not in my Parish, thank you. **[Aside]** I live in St. Saviour, which is probably... **[Laughter]** and that will be where the fallout is. I am a Deputy of St. Helier, my heart is in the middle, but I have already given my condolences to the Constable of St. Clement. I am talking the quality of life in the built-up St. Saviour, St. Clement and especially St. Helier. I had the document... well, I think me and Deputy Le Claire, we are from the same district, he had part 1 and I had part 1 of the responses, the summary of managing migration. It was published in June 2008 and, again, the Constable of St. Clement has told us that we are forward. It is not rocket science.

All they have got to do is get everyone to register their name and address. That is the first part. You know they will not do it and you know why they will not do it is because once you start counting you will not like the number you find at the other end because everyone must register to either work or live in Jersey. So you are catching everyone. Why would anyone have an objection? Now, there is a problem, and I know the problem is they have not solved the person living in the backroom of somebody's house who they might not want to know about. The landlord might not have told the taxman. There is a problem there and you could even probably say it is another 1,000 people, you start looking in the backrooms of St. Helier and that, but I want to know about these people. I want this to come out. I really cannot understand, as it was said, tagging this on today is really confusing but when I see published within 18 months to 2 years of each other, 3 completely different sets of figures, all of them ... except for the ... no, they are all. All the Ministers, the Island Plan, the review, the Officers Working Group Review of 2000 and then the figures quoted today in the Strategic Plan, not one of them are the same, except for the amount of population which does mean quite clearly we will need to cram in - if they have got the figures right - half again of the people in St. Helier. There is quite some interesting reading, life on dwellings, town capacity 2000. I like this one, I really like this one for 600. It is moving the ports. "Conservative estimates indicate that approximately 600 to 800 dwelling units could be developed if the existing port was moved to La Collette. The figure has not been used in the supply table as it as seen as a longer term option outside the 10 year lifespan of the revised plan." Unfortunately we need that 600 to accommodate the 8,200 we need at around a population of 99,000. You are going to go: "It is strategic and it is 3 years." The Chief Minister - we had this debate yesterday - thinks it is a 25-year plan and I said: "Well, if it is why are we having one 3 years after the last one and one in 3 year's time" and we may get Deputy Wimberley as Chief Minister. Now would he have a different outlook? Would it be supported? I do not know. The Deputy was also shouted down when he produced some results from the Imagine Jersey 2035. "Did you want economic growth or did you not want the population to increase?" Well, of course they said: "We want economic growth and we do not want the population" but if anybody studied that document, and it has been well criticised, none of these were new ... you could not do one without the other but they put them to the people there as if you could. You can have economic growth but do you want to ...?" "No, no, we do not want to do that." Very cleverly, how the statistics then were turned around were most people said out of all the worst options they would have economic growth without population. The Council of Ministers, to be fair, are saying this cannot be done and I probably say that is probably right. But go out and ask the actual question of the actual population. The Deputy of St. Mary said it. Why have you not gone out in a survey? I mean we did it, do we want to put the clocks an hour forward or back? Did we have a referendum on what did we want? One straightforward question of the quality of life in Jersey: "Do we want our population at 100,000?" It is a simple question. No, we have not done it. What really, really bothers me again about this document, and I will read it just so you can get it through to everybody because it is totally misleading; managing migration new mechanisms. New mechanisms. Listen, if we had the population today or if we have 100,000, we have no new mechanisms, and there is none under the new policy. We will just move a bit around. We will have entitled, registered and licensed people. Now entitled is your ordinary Jersey-born person or (a) to (h); registered is the unqualified; and licensed will be a licence given to an employer to employ whoever they like. Now, if you think this is going to control who comes into the Island because they can give a licence to the lady who cleans the loos or whatever. She might be the most important person, but she can have the licence and she can live in qualified accommodation. I know this from the ... I studied this right from 2005 from when it was Shadow Scrutiny and it still sticks in the back of my head that I could not see it working then and I even find now, when we are looking for what it says: "Managing migration new mechanisms" that is not going to do it. Giving licences for 3 years to an employer and tell them you can have anybody, it does not matter if they came off the boat. It does not matter if it was yesterday. It does not matter if they have been in the Island for 15 years. It does not matter what the qualifications they have got. That is what you can do. It will not work. So, with that I think I

have made up my mind. I think though the Chief Minister is smiling at me, I did say yesterday, I would listen to the debate but I probably would not be changing my mind and not supporting the Deputy of St. Mary. But it is not supporting the Deputy of St. Mary. I cannot vote on this rubbish that is being produced. So many sets of figures, so much put your finger in the air and see which way the wind is blowing and how many houses we need, and how many greenfield sites Planning are going to come back to. St. Helier always loses. But do not sit there, please - and I always say this because I always look at the Constables - and tell me, come back and say ... when you do stand up or if you vote for this: "Oh, but you know, it is lovely in Trinity and it is lovely ..." I still have not gone out to St. Ouen and seen that beautiful bit of land we want to ... Plémont headland preserved for probably £20 million, maybe I am pulling out the figure. I have not been out there. [Aside] I probably have. I have probably put some ... but I was again among the majority who thought: "Where are we going here?" We are talking about people living in little boxes in town. We are talking about a 900 - and we are planning - a 900-space car park. We have virtually no space for our children to our play and off we go again. Well, I am sorry, I am not voting for the Deputy of St. Mary, I am voting against what is in the Strategic Plan on population because there is nothing sustainable in there. It does not add up and all the back-up documents that the Council have produced in the last 2 years are not anywhere consistent. In fact the one that is right, and that is why they have lowered it, we need at 99,000 a new Maufant Village and you tell me where we are going to put that because I think it will look lovely stuck in the middle of Trinity or St. Mary. I will vote for that anytime.

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

I hesitate to rise to my feet after that sterling performance, but nonetheless I rise to my feet anyway to, once again, praise the Deputy of St. Mary for a most refreshing and informed introduction to this debate. It is nice to find somebody prepared to lead the way and be brave. In terms of deciding, if I need to, to make up my mind on the day, and many people do, I had simply to listen to the quality of the speech given by the Deputy of St. Mary and the quality of the response given by the Chief Minister. Quite frankly, in my mind, it would have been made up almost instantly after that. The Chief Minister gave it a good go but really, again, once more, I am not sure that his heart was really in it. What we have to remember is how we got here. Also, the fact that we are politicians and politicians deal with the pragmatic and the expedient. I have been here, this is my eighth year in this House now and I think - I just did a quick count - there are only 10 or 11 who were here before me. I am quite long-lived in political terms already in this House. We are very much, as politicians, based on short term. Some of us lucky and we get 6 years a go. Some of us get 3 years. But it is very much short term. What I think we have got here proposed by the Council of Ministers is something that is very much at the expedience end of policy formation. We are told that the Council of Minister's plans are the long term vision, are the long term plan, and that is contrasted with the Deputy of St. Mary's plan, which is described as short term. Strike me down, I cannot see the difference between what is described as long term and what is described as short term. This long term plan contains in it: "Oh, and we will review it in 3 years' time anyway" so where is the long term planning? It is non-existent. Conveniently, expediently, it comes with a figure that we are told is achievable in a time of recession. The hint is always there, in 3 years' time we will be reviewing it post-recession as we go forward in a post-recessionary world. Well, I wonder what sort of figures we might put on immigration then. I suspect we shall see figures very much like we have just seen in the past 3 year out-of-control, go for growth, boom years. How convenient that will be. We will be 3 years on. The current Chief Minister will be out of his post, as possibly some of his Ministers might be, and effectively no long term decision will have been made. We are presented here with a short term expedient plan. We are presented here with a non population control plan. This is merely setting the real hard decisions away. At least Deputy Wimberley says: "What I am asking for here, on the back of boom years, with population growth growing rampant" is a pause. A pause to consider. That is the honest approach. He says that what we should be doing is trying to hold the population at its present level because certainly listening to

the people out there that with their heart and what their heads say is where we should be. I think that is a very accurate reflection. Certainly much better than the so-called consultation that we have been having over population certainly since the beginning of last year with the Imagine Jersey 2035 situation. I think what we need, and what the Chief Minister and his Council of Ministers needs, is to ensure that he has informed consent. I do not believe that the Chief Minister or his Council of Ministers have come anywhere near achieving informed consent and, indeed, the consultation has been an exercise in what is called opinion management, to give it a technical term; to give it a more jocular term, it is an exercise in spin. Indeed, I think I caught some of the phrases that were spinning in the Chief Minister's response. What we have had as part of this process is a range of options offered in Imagine Jersey 2035 from nought net zero immigration to 650 heads of household. The function of that? To frighten the life out of people at both extremes. Doom is net nil. A different sort of doom at 650. Surprise, surprise, what happened was that the consensus was achieved of going for the middle figure of 250, which was supposed to produce a population of around 100,000. Now, that has been tweaked and that has been pulled down to 200. It has now been pulled down to 150, but the net result is still a population of 100,000. As Deputy Martin so animatedly pointed out, that is a Maufant. Where are we putting it? As the Deputy of St. Mary has pointed out, we are putting it in town. Build them cheap, stack them high. We will pile some more people in town, we will save greenfields. But where has that come from? Where is the logic behind 150? Where is the logic behind 100,000 total growth, total population? It is supposed to be, and in Imagine Jersey 2035 it was independency ratios; 4.4 down to 1.9 or around 2. Dependency ratio; that was the key thing. That has transmogrified into this is the way to keep the working population stable. Have a look at those figures. Go back to them. With the migration figures proposed in that sort of range we get very minor adjustments to the dependency ratio. It goes from 1.9 to 2, 2.1, 2.2. We are not talking about happy days. We do not go back to 4.4. It is a major structural change in our society. It is proven that importing the solution does not work. I am a living example of importing the solution does not work. I have been here since 1974, initially as a teacher and now for my sins as a politician, and still they are telling me there is a boat in the morning. No, no, I have not heard that for a while. But here I am, 58, soon to turn 59, yes, all look surprised. So young looking. **[Laughter]** But nonetheless I am part of the ageing population and I am going to be part of the so-called, although we should not call it, problem. What happened was in the 1960s and 1970s we imported people and that is why we have got a problem now, and it is bigger than it might otherwise have been because we imported lots of people like me. So, it will not work. It will not work. It does not produce a long term solution to the ageing population and a demographic change, and we know that it does not work. In terms of informed consent, and the Chief Minister now stating very clearly that immigration is not the only solution, it is part of the solution. Well, Members were not maybe aware that I have a proposition on this particular aspect of it, my own. Despite that, I am supporting - fully in support - of Deputy Wimberley's proposition because what, as part of the Migration and Population Scrutiny Panel we have been working on, me personally for the last ... since 2005, is these other solutions. Imagine Jersey 2035, they were, quite frankly, skint. We had oodles and oodles of material on all the immigration scenarios inviting people in: "Ooh, what about this, what about that?" We had a tiny little bit about ... well, people will work longer; will they? I know what the vote of Imagine Jersey 2035 said. It said: "Other people could work longer, thanks very much, mostly we are retired and we will not be going back to work, I do not think. Other people can work longer." So a little tiny tweak on productivity. We can increase productivity, can we? We know how easy, and it is relatively easy in Jersey to increase productivity, all you do, very simply - it is the easiest way to solve it - is to take a middle manager, let us say in the finance sector, who works for the States doing the financial bits that he does, building up expertise and you transfer him out of there. You offer him £15,000 more and you put him in the finance sector. His contribution to the G.D.P. of the Island goes up enormously because that is where the profits are. The productivity of the workforce goes up. It goes up by putting more people in finance. Then we also had a very small amount of information on tax and contribution changes. So, 4 possible options. One loaded up with information about the options, 3

virtually ignored. No information given. So informed consent, whatever the output, informed consent was not achieved. Instead opinion was managed. Why I say, in particular, and pick out this productivity argument for increased productivity, and its dependence on putting more people into the finance sector, is that both of the models that are proposed - the let us keep population at 91,000, thereabouts, let us move the population to 100,000 - both have the same problems. How to manage the economy and how to manage the population in a balanced way. Difficult decisions are required to be made. The crunch comes round on the issue of diversity. We glibly say time and time and time and time again... the Council of Ministers repeats we can have diversity and growth. I got the answer again this morning, a written answer: "Notwithstanding this, both growth and diversity can also be achieved through productivity improvements across the workforce and do not rely on inward migration alone." Oh dear, oh dear, yes they can. What is the easiest way to increase productivity? Stick some more people in the finance sector. That is the way it works. What the answer is, and I ask this question directly to the Chief Minister in Scrutiny, and I will tell you what his answer was. I asked him: "What happens under your 150 heads of household when the economy takes off and the finance sector starts booming again and you get requests from R.B.S. (Royal Bank of Scotland) for an extra 30 non-locally qualified and another request from HBOS for 40 non-locally qualified? What are you going to do to achieve your 150?" Whether that is 150 or Deputy Wimberley's alternative, you have to make hard decisions. You have to say somewhere else, and the Minister said it, we will simply cut down on the licences in other sectors. Now, Oxera told us that way back in 2002. If you wish to grow your finance sector you cannot grow across the board, you will have to reduce your tourism, your agriculture and your other parts of the economy. That is as inevitable as night follows day. Oxera told us that. This Council of Ministers and its predecessor has continued to repeat *ad nauseam* that we can do this when it is a straightforward untruth. It does not work, it cannot be done, and yet here we have another Strategic Plan which says: "We can do both" but the problem with the Deputy of St. Mary's solution is his is more difficult to do. In a time of recession 150 heads of household will be a piece of cake, which is why they want to review it after 3 years and we are back into boom times. Then we will see what happens. At least Deputy Wimberley says: "I know there are difficult decisions to make. I am not pretending that there are not." But it is certainly possible to go with the current population and to maintain it. It is a different and perhaps a harder set of decisions that need to be made and he has alluded to some of them. Let us stop making the mistakes, let us stop polluting, then we do not have to clean up the pollution. There are alternatives. It is perfectly viable to achieve that aim just as it is perfectly viable to achieve the 150 heads of household which for the next couple of years in all probability will be a piece of cake, and we shall see thereafter. So, no, I have not been impressed by really much of what has been proposed so far in this debate. Particularly this claim that the Council of Ministers have the longer term view; they do not. They are simply putting off hard decisions that should and could be made now by this House with a sense of relative comfort, 100,000 when we are all gone sounds pretty comfortable. Would you want 100,000 here tomorrow? We certainly would not. A Maufant estate has been now dragged into the equation, into the debate. Where does that go? It goes in St. Helier, absolutely. The fact is that the long term cycle in Jersey over the last 50 years has been net population growth of around 600 a year. To pretend that we can achieve 150, and that is far more manageable and do-able without a lot of compromise compared to a stable population - one that we have now - is simply not true. Further, to suggest that there is any difference between 150 proposed by the Council of Ministers and the constant present population model proposed by the Deputy of St. Mary is to say: "Well, we cannot just turn the tap on and off." What the heck are we doing with 150? We will be turning the tap on and off. We will be squeezing it here and squeezing it here, letting it go there, just in identical fashion but with a different aim. That is the reality of this debate. Do we want to be brave and do we want to state that aim and do we want to maintain the population at around the current level? If we do then we can and we should be voting for this amendment. I urge all Members to.

#### **5.2.10 Deputy T.M. Pitman:**

It is safer standing up, I think. Deputy Southern is getting a bit animated in his old age. Passionate, I am corrected. Fully endorsing what Deputy Le Claire said, seems like several hours ago, about the need to resist hour and a quarter speeches, I will keep mine to just minutes, and that is not because I do not have strong opinions on the issue but because, firstly - and I accept I might have to grow a beard here - I agree with almost everything the Deputy of St. Mary says. He also explained it far, far better than me, I think, so why say it again. Similarly, Deputy Southern, an excellent speech I think from my colleague there. I will tie his hands together next time. What I would like to speak about very briefly is the area that I think underlies where the Deputy of St. Mary is coming from. That is, if I can use the medical analogy, that the Council of Ministers' policy is not a cure for the problem, it is not even a course of drugs designed to alleviate all the symptoms. It is just political sticking plaster. The problem with plasters is that eventually they come off. Just as Senator Shenton has suggested; this is political sticking plaster aimed to get past the next election or 2; that is certainly the way I look at it and people I speak to. The problem with that? While it might well help a number of Ministers see out their careers still wrapped in the Emperor's New Clothes of wise elder statesman, the policy will just be storing up problems for future generations, and that is not something I can sign up to. This, in my view, is neither far-sighted politics nor is it fair. Deputy Le Claire also stated his view that the issue of population should have been a wholly separate debate and I have to say I agree with him - he is not here - but I agree with him 100 per cent. The issues that are underlying this surely merit - if real answers are going to come out of this - to be thrashed out and thrashed out in full. Because I have not got all the answers. I am quite happy to say that and it is quite clear listening to the Chief Minister that the Council of Ministers do not have all the answers and nor does the House as a whole. Let us be honest. Many of the figures we have heard, as Deputy Martin pointed out, just do not add up. The key to this all, I think - to touch on something else Deputy Le Claire mentioned - is the need to start seeing the Island's people as individuals. Does any one of us here truly believe that with the vast majority of the mooted population increase and the obviously necessary building department that will be set for St. Helier, that the quality of life of those residents is not going to plummet. I do not believe anyone in this Chamber can believe anything otherwise. Do we also not believe that social problems will rocket, because they will. Absolutely. I say that with my background in my former career and I think it is surely obvious to any one of us, whatever our political persuasion. I will be supporting the amendment because, if nothing else, if it is passed by some miracle - and I sincerely hope it is - it might force us, as a government, to get to grips with the real issues. I would naturally urge all Members to do the same; especially those Ministers who secured their elections by platforms of population control but now conveniently seem to be moving the goalposts somewhat. I can tell them 99,500 population is not control in anyone's books out there on the street. Just to finish on one little issue: how much store should we put by things like Imagine Jersey and answers. I did the Imagine Jersey for Youth and I can tell you that potential questions of possible ways forward like progressive taxation. A young man from Victoria College, he was not allowed to ask that question. He thought that had some real possibilities for alleviating some of our problems. He was not allowed to ask that question. He was told he could write it on a piece of scrap paper. That is how flawed that seminar was.

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

Deputy Southern said that it would be brave to support this amendment. I am not sure he is right. I think that supporting this amendment is probably quite easy. If you ask most people in a community of our size: "Now you are in, do you want any more to come in?" Most of them are going to say no. I think one of the things we are struggling to do, and the Council of Ministers are trying to do, is to explain to the Island of Jersey why it is that we may need more people to come in to the already crowded room. I am also troubled by some of the arguments that have been used by proponents of this amendment. We have been asked to pause in our population rise. We have been asked to draw a line in the sand. I am saying: "Where?" Where does the line go? Who is left on the wrong side of the line? What happens if they decided to come back to Jersey? To come back

home. Are they going to be told that they cannot because we have gone above the ceiling? How many are there anyway? A while ago I brought a proposal to reinstate the census that was scratched by the previous Council of Ministers and that was defeated albeit narrowly. I brought that proposal not because I particularly wanted to go for a ceiling - some artificial figure plucked out of the air - but because I thought we need to know what we are planning for. As many speakers have said in this debate so far, there is a lack of hard data. That, of course, is partly because we are dealing with a subject which defies that kind of research. Population is a dynamic process. People come and people go. Many of the comments I am going to make, albeit in a briefer form, I made to the Scrutiny Panel last month when I appeared before them. But, as I say, I believe it is quite easy to support this amendment. I do not think many of our constituents will be cross with us if we do. I would go so far as to say that it is... and I am not for a minute suggesting that the Deputy of St. Mary is populist, but I think there are populist sentiments being expressed in this debate, and I have heard some today. I want to go back to a couple of comments, particularly insofar as they refer to St. Helier because there has been some real nonsense spoken today about the Parish of St. Helier and I believe it is my job to challenge that nonsense. I would say so, not because the Parish requires more rates income from more people living there, as has been suggested to me by a couple of Members outside the Chamber, as we all know increased numbers of parishioners require increased services and I suspect they will use up a lot of the increased rates income and, in any case, it is my personal pledge to see if I can bring down the rates in St. Helier to the bottom of the list where they should be. But what have we heard today about St. Helier? We have heard that we are going to put half the population again in town; that is another 7,500 households. That is quite a shroud to wave. We have been told that all the people are going to be accommodated in little boxes and, not only that, but according to Deputy Southern, we will build them cheap. This kind of shroud waving which I have heard before from the J.D.A. - and I have to say it does seem to be a particular line they take about urban housing - really flies in the face of the messages that have been coming, I have to say, from the Council of Ministers for the last 3 years. The Deputy of St. Mary said in his opening speech that there is no commitment in the Strategic Plan to St. Helier and, in a way, he is right because the previous Strategic Plan made a much better job of it and gave a whole section to the importance of the town, but I refer Members to the comments by the Council of Ministers on page 3 to his amendment where they say: "Detailed analysis of housing demand and supply has identified that sufficient capacity exists within a range of urban areas within and outside St. Helier, brownfield sites and opportunities for regeneration to meet the predicted housing demand. Not all this capacity is within the town area, but it is clear that an emphasis on quality urban living will be an important feature of future housing supply." I think that is a pretty important point to highlight: quality urban living. I have not heard many Members talk about quality urban living today. Indeed, if we look at the plan itself under section 13, as I say, St. Helier does not get a complete section to itself as it did 3 years ago, but it does say on page 27: "St. Helier is the heart of Jersey's community and we must continue to regenerate and develop it, including the development and integration of the Waterfront and port areas. We must do this to meet the needs of the future and support economic growth, avoiding further greenfield development will mean creating attractive new homes in our existing built-up areas. The phrase is "attractive new homes" not build them cheap, little boxes. I draw Members attention to the fact that under the current Minister for Planning and Environment the minimum room sizes of apartments has gone up and will continue to go up. We have been arguing every time we have met, and the Minister for Planning and Environment absolutely agrees, not only must we give people larger rooms, we must give them higher ceilings because that also contributes to the quality of life in an apartment. We must give them hallways and studies and balconies and roof gardens and all the extra space that urban living requires if you are not going to live in "another Maufant" which some Members seem to think is the only solution to the Island's housing problem. To build as they did when they built Maufant. I have nothing against Maufant, but it is not the way to address housing problems today. Deputy Martin complained that she has not been to Plémont yet and I would be delighted to take Deputy Martin to Plémont for tea and a swim.

**Deputy J.A. Martin:**

Hopefully when they have built the new Maufant there I will come along.

**The Connétable of St. Helier:**

I must say that I think it is a very important point, and I have made this speech countless times in this Assembly, but there are 2 reasons why we need to focus development in the town. One is to safeguard and protect the area outside the built-up areas, indeed to protect places like Plémont and Trinity and St. Mary and, indeed, rural St. Helier. There is still quite a lot of that left. That is why we must focus on the brownfield sites in St. Helier which you can see every day of the week. I invite Members next time they drive up Don Road to look at where there used to be a building in Don Crescent and there is now a surface car park. Is that a good use of space? How many decent, attractive units with high ceilings could we build on that surface car park, for example? That is just one. I think what upsets me - and this upsets me about the Council of Ministers - is that they want to have their cake and eat it so they say: "Well, yes, we will focus development in the urban area but because it suits us to and we have got the Constables on board we are now going to develop a whole lot of greenfield sites, including a wonderful irreplaceable field in Trinity which is going under concrete. My argument for concentrating housing in St. Helier is that you do not bring a proposition to the States with the collusion of the Constables to say: "Let us build so-called over-55 accommodation in the countryside." In fact that you do not build another Maufant. But that is one reason why we need to build in the urban areas, to safeguard the beautiful Jersey that we all like and I must look out of a different side of the airplane when I fly in but I see an awful lot of wonderful Jersey. **[Approbation]** Now the other reason we must focus development in town, and I completely disagree with the people who have been saying ... the Deputy of St. Mary said the other day on the radio that the town is overcrowded. I simply do not agree. There are fewer people living in town now than there were in the Victorian age. Maybe that is not a point to emphasise but the fact is that town needs people, and it is interesting today we had a question which we did not get to about how unsafe town is from Deputy Lewis of St. Saviour. Again, it is very easy to focus on the negative and to say that town is unsafe in the evenings; indeed I have had personal experience of my family that has rather knocked my confidence in the ability of people to walk around town unmolested at night. But that is partly because town is so empty at night. It has given over to the needs of the evening economy. When we attract families to live in town, town will become safer and more **[Approbation]** ... There will be more police on the beat. We have got to work on that. Hopefully there will be less antisocial behaviour and we may well have ... we do, I think, have to find effective strategies for tackling the minority of people who make the quality of life, who destroy the quality of life for the majority, and you only have to go out in town on a Saturday afternoon to hear that minority at work. They are making incredible noise. I have had lots of complaints recently about antisocial behaviour and noise. At night they indulge in vicious thug attacks, and we all know that is unacceptable. That does not make town a bad place to live and it does not make it unsafe. It simply means that the policy of encouraging families to live in town must continue. Again, the Council of Ministers cannot have their cake and eat it. If they are going to ask us to have more units in town, and Members may think I am about to say they should pay rates on their properties, which is another point entirely, if they are going to ask us to focus development in the urban area they must allow us to develop greater open spaces. It is really quite unacceptable - and I know the Minister for Planning and Environment, I have been nice to him so far today, but he will not thank me for saying this - but the current north St. Helier master plan is looking to see some building on the town park site, and I must say to the Council of Ministers that is unacceptable. We need our open spaces in town and I would urge the Council of Ministers to rethink that particular proposal because more people in town, they must have the space and if Members who were out at lunchtime will have seen Parade Gardens and other open spaces, the Royal Square, flocked with people enjoying the sunshine today. I will not go on much longer, I think I have made my point. I think that not only is this amendment unachievable, as the Council of Ministers point out in their comments. There is no mechanism for doing what the Deputy is

asking us to do, but I think it would be harmful, and I certainly want to see more families coming to live in town, to help us make town a better place for people who currently live there. I do not believe that putting an arbitrary ceiling on the population is the way forward and I urge Members to oppose the amendment.

**Deputy T.M. Pitman:**

Could I ask for a bit of clarification from the Constable? Was the Constable saying that he was confident that all accommodation size would be increasing? It is just that I was speaking to one of those involved with the development of Le Squez and told me the reason they were knocking those houses down was because they were too big.

**The Connétable of St. Helier:**

As far as I am aware, certainly the Minister for Planning and Environment and the Planning Applications Panel are pursuing a policy of increasing room sizes in flatted accommodation in town.

**5.2.12 The Deputy of St. Ouen:**

Much has been said about the Council of Ministers and their particular view on the issue of population control. We have heard suggestions that we do not listen and yet I would suggest that this particular Council of Ministers not only has listened but encouraged a whole load of individuals to comment on not just limiting population growth, but in fact the whole Strategic Plan. We have looked and considered, as I said, all the comments being made. Not only by States Members and panels but equally many private individuals and other organisations. To be honest, the comments that Deputy Wimberley is making are relatively foreign to me. I have not seen the comments coming in that says: "Freeze. Stop the growth in population." I have heard the words, which indeed I think he, himself, used. People want the population controlled. That is a commitment I believe that this States has given when it signed up to the migration policy. This is the same commitment that has been included in the Strategic Plan. The population controlled. The Corporate Services themselves recognise in their latest report, in the executive summary, that: "The issues of Jersey's population inward migration to the Island are highly significant and merit debate." Absolutely. "In addition to concerns expressed by many at the potential drain on the Island's resources, infrastructure and environment there are the demographic challenges of an ageing society that need to be addressed." That need to be addressed. I have heard nothing from anyone that has spoken in favour of the Deputy of St. Mary's amendment that deals with how we are going to deal with the demographic challenges if we freeze or limit the population at the current level. Nothing. Totally and utterly silent. That is the problem, because all the communication and consultation has been taken out, both recently and before, and we have heard a lot about Imagine Jersey. I know it was not perfect and I know the consultation was considered by many to be poor. However, the consistent comments coming out were there is no one real answer. It is a combination of things. The combination of things are that you have to try and find a balance between your population levels and providing the resources and services required by our local community. I just ask Members to turn to the back of their Strategic Plan. I think it is page 36, and it is called: "Developing Long Term Resource Initiatives", and these are some of the issues that the Council of Ministers have raised and identified as some of these long term issues and challenges that need to be faced by ourselves as the Government of this Island. Indeed, it talks of 5 key areas over the lifetime of the plan that need to be addressed. They require significant and substantial funding streams over time. It says: "Although the total funding package will not be required during the lifetime of this plan it is important that the principle is agreed." So where we are we starting? We are starting from in part, and only part, of the proposal includes let us control the population at a lesser level than was previously agreed. Why are we doing it? Because we want to address the ageing population and long term care of the community. It says here one of the areas is that provision of social security pensions, and this is the other issue. Everybody that has spoken up and

stood up in support of this amendment, which I can understand and the reasons for doing so, equally stand up and promote quite rightly the need for additional income support, additional support for old age pensioners. Unfortunately this plan recognises that we cannot have it all. It recognises that we do need to balance the different issues. This still means, even with controlling the population growth to 150 heads of household, that we have serious - and I repeat serious - funding issues to deal with. An increase of 150 heads of household in population per year is not the free ticket; it is part of a more difficult problem that we collectively are going to have to solve. It is going to mean increased taxes. There is no doubt. It is going to mean people working longer. Again, no doubt. But it is and we have to keep focused on the big picture, and that is what I would ask States Members to consider as they consider this amendment and others.

#### **5.2.13 Deputy A.E. Jeune:**

Population is a serious issue for a small Island with a good quality of life which wishes to maintain that quality of life. I agree with Deputy Martin that we do not know what the population is currently. We must get an enhanced population register up and running and unless persons are on that register they cannot access services and benefits as appropriate, paid for by the State - that is the taxpayers basically. We cannot control the number of elderly, and many of our over-75s offer much to the society we have and we do not have government control of our birth rate. I have to say setting the number of heads of households at this time I do not sit comfortably with, and on 3-year licences Deputy Martin made very valid points. So, getting to grips with a well thought out and debated population policy as suggested by Senator Ferguson, I believe is the correct way forward. Although I can see the passion that the Deputy of St. Mary has on population issues, I do not consider at this stage that I can support this amendment to maintain the population.

#### **5.2.14 The Deputy of Trinity:**

As we have all been aware, the pressing need for my department is going to be the one on the ageing population. We should all be very pleased, I think, that we are all going to be living longer. One can accept that, which is down to good health, but also our great expectations which is quite right. We expect to have good medical intervention, but that all comes at a cost. It must be stated here too that even though we are an ageing society that it is very important and very positive part to play that we must at all time not become a burden on our society, that this group - which will be us in a few years' time - will have a positive part to play. Our challenge in health is to make sure that the appropriate services are in place therefore health provision and health spending will be important in future years. It is a matter of fact that more is spent per person on an older person than a younger person. For example, an average 87 year-old requires 8 times more expenditure than an average 27 year-old with more hospital admissions and a high risk of desirability. This is one of our challenges. But we still need to care for our people of working age but the costs on the whole are predominantly associated with the beginning and end of life. At birth it is medical intervention through childhood accidents, immunisation programmes, health activity and cost associated in child early years. With over 3,000 staff in Health and Social Services, there will also be a need to ensure that we have staff in place but also importantly that we have the right mix of staff. I will be the first to encourage local recruitment to train our nurses who will be guaranteed not just a job at the end of it, but a career. But being similar to a small local district hospital, we need to provide most services. Some of which we could not train locally. But any training does not take a year, 2 years, but it takes 4 years. So we need to do some long term planning. It would be very easy to think, let us have a pause for 3, 4 years, but unfortunately we are all growing older and that just would not work. I cannot put a stop to people getting old - which would be nice if I could - but it just will not work, so this policy, this proposition for us at Health would just not work.

#### **5.2.15 The Deputy of St. John:**

Population control is obviously an emotive subject but over the years I have been taking notes that Parishes look after their elderly if they cannot afford to do it themselves, and in latter years we have

come to the centre and Social Security now look after that, but the money comes through an increased Parish rate. An element of the rate goes to look after these people. That being the case I would like to know from the Chief Minister, in fact, if they are looking at recouping some of this money from the governments of non natives, given the non natives are in excess of 50 per cent of the population nowadays. Should it not be the case, given we have lost the health agreement with the U.K., if we ask them because anybody who moves into the Island for longer than 5 years, in fact, becomes a liability to this Island. Do the authorities claim the expense of keeping somebody in care from the Government of the U.K. or from Portugal or from other countries that people have moved over ...

**Deputy M. Tadier:**

Can I interject; notwithstanding the racist undertones of the current speaker, I feel that he is going off the subject.

**The Deputy of St. John:**

No, I am not and I will not give way so I will continue and I hope I am not interrupted again. This is population control, it has to be paid for. At the end of the day if it has got to be paid for the people of Jersey currently - the taxpayers - whatever nationality they may be, who are paying taxes, are picking up the tab. We have lost our health agreement and therefore I believe that with any new agreement that is put place, with any country where people move into our Island, whether it is 150 a year that move in or 250 a year or only 5, any health agreement that in future is put in place, an element of that agreement should be that if that person or family that move into the Island are only paying taxes on Island for 10 years and then they become to retirement age, and have to go into care, that country picks up an element of the care bill, because our care bill is that some of the biggest in the Island, and it is getting bigger by the year and by 2035 it is going to be a huge bill, and therefore I believe that it is a time now to be speaking to the countries whose residents have moved to Jersey and become local people within the context of the word, but these countries have a duty to pick up the bill as we would if we have people in care homes off-Island. There should be reciprocal agreements put in place with these other countries. I hope that the Council of Ministers will, in fact, pick that up and look at if that is possible to happen.

**5.2.16 Deputy A.K.F. Green of St. Helier:**

Today I have heard the arguments from the Chief Minister and from the Deputy of St. Mary and I have to say I have difficulty with both. I would have preferred to have seen a proper population debate with accurate detailed information. We are talking about controlling the population on one hand and allowing it to grow by 150 heads on the other, and if we were to be honest, we have absolutely no idea of how many people live in this Island today. I might be one of the few that believes it is nearer 100,000 than the figure given, and we have only got to see when you look at Broadlands fire how many people came out of that building; far more than we ever anticipated were living in there. Population control is about quality of life and I think we attempt to control the population in the wrong way. We are talking about 150 head of households so I presume what we are going to be controlling is about 150 (j) cats. or professional people. Meanwhile, at the bottom end any Tom, Dick and Harry can come into this Island. The only qualification they need to allow free movement is to be an E.E.C. (European Economic Community) resident. As long as they live in appalling accommodation we will take them in. We have no control over that, so I think we control the wrong end. They come here to fuel the black economy and, as I say, live in appalling conditions. I would ask the Council of Ministers that when they are getting down to detail to really look at work permits or something similar to control who does come to the Island. We are not putting a sign up Jersey is closed for business. What we should be putting a sign up is Jersey is open for business and good quality of life for all the people that we welcome and live in this Island. Guernsey was quoted as a good example of high density earlier. Guernsey get many things right that we get wrong, but that is one thing they have not got right. You drive round Guernsey, try and

find a green field that you can see easily. Actually the only way you will see a green field is to go through somebody's front door and look out through their back window. That is not what I want for Jersey. I cannot support on balance. I cannot support the amendment, but it is with a heavy heart that I cannot support it. It is because I believe the amendment would not achieve what we need to achieve.

#### **5.2.17 Deputy R.C. Duhamel of St. Saviour:**

I had considered using my right to address the House in French but I would probably limit it to 2 words, and that is *déjà vu*. Strategic planning population ceiling P.110/1999, and I would like to read it: "The States commenced consideration of a proposition of Deputy James Thomas Johns of St. Helier requesting them to refer to their Act dated 28th September 1995 [this is 1999] in which they approved strategic policies to the year 2000 and beyond, and which included an objective that the resident population be the same as or less than the current level and to agree to adopt the objective of maintaining the Island's resident population at the level current in September 1995 as their overriding strategic objective to which all policy objectives of committees would be subordinated until the States decided otherwise." We have been there before and not just once, many times. Indeed some of us have taken the stance that the Deputy of St. Mary is taking today, so he is not breaking new ground and, in fact, if I can just read a couple of lines from the *Jersey Evening Post* article about myself: "Jersey's population should be capped at 89,000 to maintain the quality of life for Islanders, says Deputy Rob Duhamel." That was 13th June 2006. [Aside] No, I did not [Laughter] but perhaps I should have. The point I am making is we have been there before. A number of Members have touched on what I think is the more substantive argument, which is population control and dynamics, and all the rest of it, should really be discussed separately to the issues that we are putting forward within the Strategic Plan. Deputy Le Claire and the Constable of St. Helier and, indeed, Deputy Green, have gone further and picked up on this quality of life issue. It is not a case of as in Dickens with David Copperfield and Mr. Micawber that if you have your annual income of £20.06 and your annual expenditure is less then you are okay and everybody is happy, but if you come in underneath that and you have got overspending then everybody is going to be miserable. It is a multi-dimensional problem and I think it is wrong of Members - and I include myself in 2006 - to come to the House and try to suggest or to persuade other Members that it is as easy as putting a number on a piece of paper and all our problems will go away. They will not. It is not 91,853 or whatever it is, and if we go above that we have broken the bank and we have to hold our heads in shame, or if we go underneath it then we can turn the taps on. It is much, much more about quality. It is colour, it is about adding things into the Strategic Plan which will improve people's lives in a way that we can all sign up to. It is a qualitative argument. The Deputy of St. Mary did mention - and I thought this was quite good, within his first sentence or 2 - that it was all about a quality issue and a quality of life, but then unfortunately he then went into a long ramble for another hour and 5 minutes, I am not going to do the same, about other issues which generally did not mention the quality issues that are at the heart of the problem. So I think that is broadly what I wanted to say. I think this is not the time to be tying ourselves down to one particular number or another. I think it is the time though for us to be properly assessing within the Strategic Plan the issues that will enhance people's lives and make them better, whether they be living in the town or whether they be living in the countryside or anywhere else. It is a shame that Members perhaps have, in order to put their name on the map - and I hope this is not the case - come forward with late amendments which have not really done justice to the debate and, indeed, could be seen to be a sign of disrespect for the amount of work that our officers have undertaken over a long period of time in putting together a robust and coherent argument to make their case. I think it is wrong for Members to think that they can - on the back of a fag packet, so to speak - come forward at a very last moment and then seek to influence the House with a flimsy argument. It is complicated, it is very deep, but I think quality is the main issue. Unfortunately, although on other occasions I perhaps would have supported the

move for a single number, I think we have to box a little bit more clever in this respect, and I do not think I feel I can support the amendment.

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

The adjournment is proposed, are Members content to adjourn and reconvene? Just before the adjournment I would notify Members of 3 further propositions this afternoon. The States of Jersey Complaints Panel: appointment of members lodged by the Privileges and Procedures Committee, P.92; the Draft Income Support (Amendment No. 4) (Jersey) Regulations 200-, P.93, lodged by the Minister for Social Security, and just advise Members it is not a new proposition but P.83 - the Public Finances (Jersey) Law 2005: funding requests under Article 11(8) - has been recirculated. The first version inadvertently had in it a paragraph that has been lodged as a separate proposition in its own right. There are also comments circulated today by the Chief Minister on the proposition of Deputy Trevor Pitman concerning States employees standing for election. Those matters are all presented or lodged. The Assembly now adjourns and will reconvene at 9.30 a.m. tomorrow morning.

**ADJOURNMENT**