

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 2nd FEBRUARY 2016

<b>COMMUNICATIONS BY THE PRESIDING OFFICER .....</b>	<b>10</b>
1. The Deputy Bailiff:.....	10
<b>APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS .....</b>	<b>10</b>
<b>2 Nomination of the Connétable of St. Saviour and the Deputy of St. John as members of the Environment, Housing and Technical Services Scrutiny Panel .....</b>	<b>10</b>
2.1 Deputy D. Johnson of St. Mary:.....	10
2.1.1 Senator P.F.C. Ozouf:.....	10
2.1.2 The Deputy of St. Mary:.....	10
<b>3. Nomination of the Deputy of St. John as a member of the Education and Home Affairs Scrutiny Panel .....</b>	<b>11</b>
3.1 Deputy L.M.C. Doublet of St. Saviour:.....	11
<b>QUESTIONS.....</b>	<b>11</b>
<b>4. Written Questions .....</b>	<b>11</b>
4.1 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CHILDREN AND VULNERABLE ADULTS POLICY GROUP:.....	11
4.2 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE BI-ANNUAL REVIEW OF THE CHILDREN'S SERVICE:.....	12
4.3 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING COST-BENEFIT ANALYSIS OF THE 2015 JERSEY ISLAND GAMES:.....	13
4.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING STUDENTS WHOSE FIRST LANGUAGE WAS NOT ENGLISH:.....	14
4.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE POPULATION AND IMMIGRATION:.....	16

4.6	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF BASE EROSION AND PROFIT SHARING PROPOSALS ON JERSEY'S ECONOMY: .....	16
4.7	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE LIKELY EFFECTS OF A FOURTH INDUSTRIAL REVOLUTION ON THE ISLAND'S ECONOMY: .....	17
<b>Question</b>	.....	<b>17</b>
4.8	DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE EMPLOYMENT OF BARRISTERS:.....	18
4.9	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINMISTER FOR SOCIAL SECURITY REGARDING SINGLE PENSIONER INCOME SUPPORT CLAIMS: ...	19
4.10	DEPUTY G.P.SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING OCCUPATIONAL PENSION SCHEMES: .....	20
4.11	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INSPECTION OF CARE AGENCIES: .....	20
4.12	DEPUTY G.P. SOUTHERN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SINGLE PARENT COMPONENT OF INCOME SUPPORT: .....	21
4.13	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE SUPPLY OF SOCIAL RENTAL HOMES: .....	22
4.14	THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SOCIAL SECURITY, HEALTH INSURANCE AND LONG TERM CARE FUNDS: .....	23
4.15	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INCITEMENT OF RACIAL AND RELIGIOUS HATRED: .....	25
4.16	DEPUTY S.Y. MEZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING HIGH VALUE RESIDENTS: .....	25
4.17	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PAYMENT OF PARISH RATES: .....	26
<b>5.</b>	<b>Oral Questions.....</b>	<b>26</b>
<b>5.1</b>	<b>Deputy J.A. Hilton of St. Helier of the Chief Minister regarding unmarried fathers' increased rights in relation to their children: .....</b>	<b>26</b>
	Senator I.J. Gorst (The Chief Minister): .....	26
	5.1.2 Deputy J.A. Hilton:.....	27
<b>5.2</b>	<b>Senator Z.A. Cameron of the Minister for Health and Social Services regarding human resources policies and procedures in place within the Health and Social Services Department: .....</b>	<b>27</b>
	Senator A.K.F. Green (The Minister for Health and Social Services): .....	27
	5.2.1 Senator Z.A. Cameron: .....	27
	5.2.2 Senator Z.A. Cameron: .....	27
<b>5.3</b>	<b>Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding steps to cut the living standards of the 30 per cent of pensioners in receipt of the States pension alone: .....</b>	<b>28</b>
	Deputy S.J. Pinel of St. Clement (The Minister for Social Security):.....	28
	5.3.1 Deputy G.P. Southern: .....	28
	5.3.2 Deputy S.Y. Mézec of St. Helier:.....	28

5.3.3 Deputy M. Tadier of St. Brelade: .....	28
5.3.4 Deputy M. Tadier: .....	29
5.3.5 Deputy G.P. Southern: .....	29
<b>5.4 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding progress in arranging for the payment of rates by the States for the rate year 2017: .....</b>	<b>30</b>
Senator A.J.H. Maclean (The Minister for Treasury and Resources): .....	30
5.4.1 The Connétable of St. Helier: .....	30
Senator A.J.H. Maclean: .....	30
<b>5.5 Deputy L.M.C. Doublet of the Minister for Social Security regarding designating maternity leave as ‘parental leave’ available to either parent: .....</b>	<b>30</b>
Deputy S.J. Pinel (The Minister for Social Security): .....	30
5.5.1 Deputy L.M.C. Doublet: .....	31
5.5.2 Deputy L.M.C. Doublet: .....	31
5.5.3 Deputy S.Y. Mézec: .....	31
5.5.4 Deputy S.Y. Mézec: .....	31
5.5.5 Deputy M. Tadier: .....	31
5.5.6 Deputy M. Tadier: .....	32
5.5.7 Deputy L.M.C. Doublet: .....	32
<b>5.6 Deputy S.Y. Mézec of the Minister for Health and Social Security regarding the removal of People’s Park from the list of potential sites in advance of the debate on P.3/2016: ...</b>	<b>32</b>
Senator A.K.F. Green (The Minister for Health and Social Security): .....	32
5.6.1 Deputy S.Y. Mézec: .....	32
5.6.2 Deputy M. Tadier: .....	33
5.6.3 Deputy G.P. Southern: .....	33
5.6.4 Deputy G.P. Southern: .....	33
5.6.5 Deputy A.D. Lewis of St. Helier: .....	33
5.6.6 Deputy J.A. Hilton: .....	33
5.6.7 Deputy J.A. Hilton: .....	33
5.6.8 The Connétable of St. Helier: .....	34
5.6.9 Deputy J.A.N. Le Fondré of St. Lawrence: .....	34
5.6.10 Deputy M. Tadier: .....	34
5.6.11 Deputy M. Tadier: .....	34
5.6.12 Deputy S.Y. Mézec: .....	35
<b>5.7 Deputy M. Tadier of the Minister for Housing regarding the advertisement of properties within the private sector restricting occupation by children: .....</b>	<b>35</b>
Deputy A.E. Pryke of Trinity (The Minister for Housing): .....	35
5.7.1 Deputy M. Tadier: .....	35
5.7.2 Deputy G.P. Southern: .....	35
5.7.3 Deputy G.P. Southern: .....	36
5.7.4 Deputy J.A. Martin of St. Helier: .....	36
5.7.5 Deputy J.A. Martin: .....	36
5.7.6 Deputy J.A. Hilton: .....	36
5.7.7 Deputy J.A. Hilton: .....	36

5.7.8 Deputy S.Y. Mézec:.....	37
5.7.9 Deputy M. Tadier:.....	37
5.7.10 Deputy M. Tadier:.....	37
<b>5.8 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding a migration and population policy:.....</b>	<b>37</b>
Senator P.F. Routier (Assistant Chief Minister - rapporteur).....	38
5.8.1 Deputy J.M. Maçon:.....	38
5.8.2 Deputy G.P. Southern:.....	38
5.8.3 Deputy G.P. Southern:.....	38
5.8.4 Deputy T.A. Vallois of St. John:.....	38
5.8.5 Deputy T.A. Vallois:.....	39
5.8.6 Deputy M. Tadier:.....	39
5.8.7 Deputy M. Tadier:.....	39
5.8.8 Deputy C.F. Labey of Grouville:.....	39
5.8.9 The Deputy of Grouville:.....	40
5.8.10 Deputy A.D. Lewis:.....	40
5.8.11 Deputy J.M. Maçon:.....	40
<b>5.9 Deputy R. Labey of St. Helier of the Chief Minister regarding the creation of a £120,000 per annum senior officer post at External Relations: .....</b>	<b>41</b>
Senator I.J. Gorst (The Chief Minister):.....	41
5.9.1 Deputy R. Labey:.....	41
5.9.2 Deputy M. Tadier:.....	41
5.9.3 Deputy M. Tadier:.....	41
5.9.4 Deputy S.M. Wickenden of St. Helier:.....	42
5.9.5 Deputy J.A. Martin:.....	42
5.9.6 Deputy J.A. Martin:.....	43
5.9.7 Deputy R. Labey:.....	43
<b>5.10 Connétable C.H. Taylor of St. John of the Minister for Treasury and Resources regarding the instructions given to Andium Homes following the approval of P.78/2015 ‘La Collette Low Rise: protection of open space’:.....</b>	<b>43</b>
Senator A.J.H. Maclean (The Minister for Treasury and Resources):.....	43
5.10.1 The Connétable of St. John:.....	44
5.10.2 Deputy J.A.N. Le Fondré:.....	44
5.10.3 Deputy J.A.N. Le Fondré:.....	44
5.10.4 Deputy M. Tadier:.....	45
5.10.5 Deputy M. Tadier:.....	45
5.10.6 Deputy J.A. Martin:.....	45
5.10.7 The Connétable of St. John:.....	46
<b>5.11 The Deputy of St. John of the Chief Minister regarding the origin of the annual additional income received by the States of Jersey from the Office of Communications (Ofcom):46</b>	
Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):.....	47
5.11. The Deputy of St. John:.....	47
5.11.1 Deputy S.M. Wickenden:.....	47
5.11.2 Deputy M. Tadier:.....	48

5.11.3	Deputy M. Tadier:.....	48
5.11.4	Deputy J.A. Martin: .....	49
5.11.5	The Deputy of St. John:.....	49
<b>5.12</b>	<b>Senator Z.A. Cameron of the Minister for Treasury and Resources regarding the capacity of the proposed chairman of the States of Jersey Development Company to properly oversee the activities of the company: .....</b>	<b>50</b>
	Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):	50
5.12.1	Senator Z.A. Cameron:.....	50
5.12.2	Deputy J.M. Maçon:.....	51
5.12.3	Deputy J.A. Martin: .....	51
5.12.4	Deputy J.A. Martin: .....	52
5.12.5	Senator Z.A. Cameron:.....	52
<b>5.13</b>	<b>Deputy L.M.C. Doublet of the Minister for Home Affairs regarding the progress made in relation to the 1,001 Days Initiative:.....</b>	<b>52</b>
	Deputy K.L. Moore of St. Peter (The Minister for Home Affairs): .....	52
5.13.1	Deputy L.M.C. Doublet:.....	53
5.13.2	Deputy J.M. Maçon:.....	53
5.13.3	Deputy J.M. Maçon:.....	53
5.13.4	Deputy G.P. Southern: .....	53
5.13.5	Deputy S.Y. Mézec: .....	54
5.13.6	Deputy S.Y. Mézec: .....	54
5.13.7	Deputy L.M.C. Doublet:.....	54
<b>5.14</b>	<b>The Deputy of St. John of the Minister for Education regarding changes to the U.K. curriculum:.....</b>	<b>54</b>
	Deputy R.G. Bryans of St. Helier (The Minister for Education): .....	54
5.14.1	The Deputy of St. John:.....	55
5.14.2	Deputy L.M.C. Doublet:.....	55
5.14.3	Deputy G.P. Southern: .....	55
5.14.4	Deputy G.P. Southern: .....	55
5.14.5	The Deputy of St. John:.....	56
<b>5.15</b>	<b>Deputy J.M. Maçon of the Minister for Education regarding higher education funding proposals: .....</b>	<b>56</b>
	Deputy R.G. Bryans (The Minister for Education): .....	56
5.15.1	Deputy J.M. Maçon:.....	56
<b>5.16</b>	<b>Deputy G.P. Southern of the Minister for Social Security regarding an examination of the working terms and conditions for domestic care workers: .....</b>	<b>56</b>
	Deputy S.J. Pinel (The Minister for Social Security):.....	57
5.16.1	Deputy G.P. Southern: .....	57
5.16.2	Deputy M. Tadier:.....	57
5.16.3	Deputy M. Tadier:.....	57
5.16.4	Deputy G.P. Southern: .....	58

<b>5.17 Deputy J.A. Hilton of the Minister for Health and Social Services regarding participation in a public meeting on 11th February 2016 to discuss People’s Park as a possible new location for the hospital:</b> .....	<b>58</b>
Senator A.K.F. Green (The Minister for Health and Social Services): .....	58
<b>5.18 Deputy M. Tadier of the Minister for Social Security regarding provisions in place to protect workers from exploitation:</b> .....	<b>58</b>
Deputy S.J. Pinel (The Minister for Social Security): .....	58
5.18.1 Deputy M. Tadier: .....	59
5.18.2 Deputy G.P. Southern: .....	59
5.18.3 Deputy G.P. Southern: .....	59
5.18.4 Deputy M. Tadier: .....	60
<b>5.19 Deputy S.Y. Mézec of the Minister for Infrastructure regarding efforts to avoid strike action by unions:</b> .....	<b>60</b>
Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure): .....	60
5.19.1 Deputy S.Y. Mézec: .....	60
5.19.2 Deputy G.P. Southern: .....	61
5.19.3 Deputy G.P. Southern: .....	61
<b>6. Questions to Ministers without notice - The Minister for Infrastructure .....</b>	<b>61</b>
6.1 Deputy G.P. Southern: .....	62
Deputy E.J. Noel (The Minister for Infrastructure): .....	62
6.2 Deputy J.A.N. Le Fondré: .....	62
6.3 Deputy M. Tadier: .....	62
6.3.1 Deputy M. Tadier: .....	63
6.4 Deputy J.A. Hilton: .....	63
6.5 Deputy S.Y. Mézec: .....	64
6.5.1 Deputy S.Y. Mézec: .....	64
6.6 Deputy S.M. Wickenden: .....	64
6.7 Deputy P.D. McLinton of St. Saviour: .....	65
6.7.1 Deputy P.D. McLinton: .....	65
6.8 The Deputy of St. John: .....	65
6.8.1 The Deputy of St. John: .....	65
6.9 Deputy A.D. Lewis: .....	65
<b>7. Questions to Ministers without notice - The Minister for the Environment .....</b>	<b>66</b>
7.1 Deputy J.A. Hilton: .....	66
Deputy S.G. Luce of St. Martin (The Minister for the Environment): .....	66
7.1.1 Deputy J.A. Hilton: .....	66
7.2 Deputy J.M. Maçon: .....	67
7.3 Deputy R. Labey: .....	67
7.3.1 Deputy R. Labey: .....	68
7.4 Deputy G.P. Southern: .....	68
7.4.1 Deputy G.P. Southern: .....	68
7.5 The Deputy of St. John: .....	68
7.6 Deputy M. Tadier: .....	69

7.6.1 Deputy M. Tadier: .....	69
7.7 Deputy A.D. Lewis:.....	70
<b>PUBLIC BUSINESS .....</b>	<b>70</b>
<b>8. Draft Debt Remission (Individuals) (Jersey) Law 201- (P.153/2015).....</b>	<b>70</b>
8.1 Senator P.M. Bailhache (Chairman, Legislation Advisory Panel - rapporteur): .....	71
8.1.1 Deputy S.M. Wickenden:.....	72
8.1.2 The Connétable of St. John:.....	72
8.1.3 Senator P.M. Bailhache: .....	73
8.2 Senator P.M. Bailhache: .....	73
8.3 Senator P.M. Bailhache: .....	73
8.4 Senator P.M. Bailhache: .....	74
8.5 Senator P.M. Bailhache: .....	74
8.5.1 Senator P.F.C. Ozouf:.....	74
8.5.2 Deputy A.D. Lewis:.....	75
8.5.3 Senator P.M. Bailhache: .....	75
<b>COMMUNICATIONS BY THE PRESIDING OFFICER .....</b>	<b>76</b>
<b>9.1 Tribute to the late General Sir Peter Whiteley, G.C.B. (Knight Grand Cross of the Order of the Bath), O.B.E. (Order of the British Empire), D.L. (Deputy Lieutenant).....</b>	<b>77</b>
The Deputy Bailiff:.....	77
<b>LUNCHEON ADJOURNMENT PROPOSED.....</b>	<b>77</b>
<b>LUNCHEON ADJOURNMENT.....</b>	<b>77</b>
<b>STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY .....</b>	<b>77</b>
<b>10. The Minister for Health and Social Services - statement regarding the proposed new hospital .....</b>	<b>78</b>
10.1 Senator A.K.F. Green (The Minister for Health and Social Services): .....	78
10.1.1 Deputy M. Tadier:.....	79
10.1.2 Deputy M. Tadier:.....	80
10.1.3 Senator Z.A. Cameron:.....	80
10.1.4 Deputy J.M. Maçon:.....	81
10.1.5 Deputy J.M. Maçon:.....	81
10.1.6 The Connétable of St. Helier: .....	81
10.1.7 Deputy G.P. Southern: .....	82
10.1.8 Deputy G.P. Southern: .....	82
10.1.9 Deputy R.J. Renouf of St. Ouen: .....	82
10.1.10 Deputy S.M. Wickenden: .....	83
10.1.11 Deputy S.M. Wickenden: .....	83
10.1.12 Deputy J.A. Hilton: .....	83
10.1.13 Deputy G.P. Southern: .....	83
<b>PUBLIC BUSINESS - resumption .....</b>	<b>84</b>
<b>11. Jersey Bank Depositors Compensation Board: appointment of members (P.163/2015).....</b>	<b>84</b>

11.1	Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):.....	84
<b>12</b>	<b>Draft Dogs (Amendment No. 4) (Jersey) Law 201- (P.157/2015).....</b>	<b>85</b>
12.1	Senator P.M. Bailhache (Chairman, Legislation Advisory Panel - rapporteur): .....	85
12.2	Senator P.M. Bailhache: .....	87
12.2.1	Deputy S.M. Wickenden: .....	88
12.2.2	Deputy K.C. Lewis of St. Saviour: .....	88
12.2.3	Deputy M. Tadier:.....	89
12.2.4	Senator P.M. Bailhache:.....	89
12.3	Senator P.M. Bailhache: .....	90
12.3.1	Deputy M. Tadier:.....	91
12.3.2	Senator P.M. Bailhache:.....	91
12.4	Senator P.M. Bailhache: .....	92
12.4.1	Deputy K.C. Lewis: .....	92
12.4.2	Deputy J.M. Maçon:.....	92
12.4.3	Senator P.M. Bailhache:.....	93
	Mr. M.H. Temple Q.C., H.M. Solicitor General:.....	94
12.5	Senator P.M. Bailhache: .....	97
<b>13.</b>	<b>Jersey Police Complaints Authority: re-appointment of Chairman (P.158/2015).....</b>	<b>97</b>
13.1	The Deputy of St. Peter (The Minister for Home Affairs): .....	97
<b>14.</b>	<b>Draft Health and Safety (Management in Construction) (Jersey) Regulations 201- (P.159/2015).....</b>	<b>99</b>
14.1	Deputy S.J. Pinel (The Minister for Social Security):.....	99
14.2	Deputy S.J. Pinel: .....	100
14.2.1	Deputy J.A. Hilton: .....	100
14.2.2	The Deputy of St. Mary:.....	100
14.2.3	Deputy S.J. Pinel:.....	100
14.3	Deputy S.J. Pinel: .....	101
14.3.1	Deputy J.A. Hilton: .....	101
14.3.2	Senator P.F. Routier: .....	101
	The Solicitor General:.....	102
14.3.3	Deputy S.J. Pinel:.....	102
<b>15.</b>	<b>States of Jersey Development Company Limited: appointment of Chairman (P.1/2016) .....</b>	<b>103</b>
15.1	The Connétable of St. Peter (Assistant Minister for Treasury and Resources - rapporteur): 103	
15.1.1	Deputy J.A.N. Le Fondré: .....	104
15.1.2	Deputy S.M. Brée of St. Clement: .....	104
15.1.3	Deputy J.A. Martin: .....	105
15.1.4	Deputy M.R. Higgins: .....	105
15.1.5	Deputy M. Tadier:.....	105
15.1.6	Senator A.J.H. Maclean:.....	106
15.1.7	The Connétable of St. John: .....	107
15.1.8	Deputy S.M. Wickenden: .....	107
15.1.9	Deputy G.P. Southern: .....	107



15.1.10	The Connétable of St. Peter:.....	108
<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS .....</b>		<b>111</b>
16.	The Connétable of St. Clement: .....	111
16.1	The Connétable of St. Helier:.....	111
16.2	Deputy M. Tadier: .....	111
<b>ADJOURNMENT.....</b>		<b>111</b>

[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1. The Deputy Bailiff:**

One item under A. Members may be aware that a former Member of the Assembly, the former Connétable Michael John Touzel of St. John passed away on 17th January at the age of 78 years. He was elected to this Assembly as Connétable of St. John in December of 2000. While his background was in agriculture, he worked for a number of years in the insurance industry before starting his own insurance business working from home. He was a stalwart servant of his Parish and in the late 1960s and 1970s he was Parish Secretary, a roads inspector and then later a rates assessor. In his professional life outside of the Assembly he will be remembered by the agriculture community because he wrote a farmers' policy unique for Jersey farmers and every year he took the trouble personally to contact each farmer to check that the policy was tailored to their specific needs. In 2000 he was elected Connétable and served for a single term, as he was not in the best of health. On retirement he continued to serve his Parish as Procureur for a further 3 years. Although not a frequent contributor to debates in the Assembly he served on the Employment and Social Security Committee and also, unsurprisingly in the light of his interests, on the Agricultural and Fisheries Committee. Our thoughts are, as ever, with his wife, Odette, his son, Ian, and his three grandchildren. I would ask Members to rise for a minute's silence in his memory. **[Silence]** May he rest in peace.

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

### **2 Nomination of the Connétable of St. Saviour and the Deputy of St. John as members of the Environment, Housing and Technical Services Scrutiny Panel**

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

There are nominations for the Environment, Housing and Technical Services Scrutiny Panel. Chairman, I understand that you wish to nominate two members of the panel?

#### **2.1 Deputy D. Johnson of St. Mary:**

Yes, Sir, I nominate the Connétable of St. Saviour and the Deputy of St. John.

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

Are those nominations seconded? **[Seconded]**

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

May I ask a question? How many members has the panel got? Does the panel consist of 3 members? Just I know it is important that panels have a number so that they can either be quorate or not. Is that not correct?

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

If these nominations are successful we will have 3, but there are others who have indicated they might wish to join at a later date.

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

Are there any other nominations to membership of the panel? If there are no other nominations then I declare the Connétable of St. Saviour, the Deputy of St. John have been appointed as members of the Environment, Housing and Technical Services Scrutiny Panel. **[Approbation]**

### **3. Nomination of the Deputy of St. John as a member of the Education and Home Affairs Scrutiny Panel**

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

We now come on to nominations of the Deputy of St. John as a member of the Education and Home Affairs Scrutiny Panel.

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

I would like to increase the size of the panel to 4 and of course if any other Members do ever wish to join the panel please get in touch with us. I am delighted to nominate the Deputy of St. John today.

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

Is that nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations, then the Deputy of St. John is a member of the Education and Home Affairs Scrutiny Panel. **[Approbation]**

[9:45]

## **QUESTIONS**

### **4. Written Questions**

#### **4.1 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CHILDREN AND VULNERABLE ADULTS POLICY GROUP:**

##### **Question**

Given the previous failings of the 'Corporate Parent' to address issues involving children, can the Minister explain how handing the political lead for children to another group, in the form of the Children and Vulnerable Adults Policy Group, fulfils the role and requirements outlined in the Williamson report R.8/2009?

##### **Answer**

In his report, Andrew Williamson recognised 'the perceived confusion about the purpose, effectiveness and overall accountability of the then Children's Executive and Corporate Parent' and recommended that consideration be given to the creation of the post of Minister for Children. However, at the time, he also observed that 'the role of Minister for Children could create some confusion in relation to the responsibilities of other significant Ministries.'

In May 2013, the then Children's Policy Group (which had been established in 2010 to replace the Corporate Parent) reviewed whether or not consideration should be given to the creation of a Children's Minister and invited Andrew Williamson to comment. He stated that: 'Since 2008, considerable progress has been made on a whole range of fronts with regard to improving child protection arrangements and to increasing the effectiveness of policy and decision making structures, not least through the establishment of the Children's Policy Group (CPG). As such, I am now of the view that the potential disbenefits of creating a Minister for Children will most likely outweigh the benefits of so doing. The CPG is a viable and effective alternative to a Minister for Children within Jersey's small Island jurisdiction.'

In June 2015, the Children's Policy Group and the Adults Policy Group merged to form the Children and Vulnerable Adults Policy Group (CAVA). The purpose of CAVA is to provide robust political leadership and co-ordination across, and amongst, States Departments and States-funded services that impact on, benefit, or protect children or vulnerable adults (of working age or post-retirement age). Nonetheless, this does not negate the duty of all States Members to safeguard vulnerable children and adults.

CAVA has made a commitment to consider any recommendations that might arise from the Jersey Care Inquiry in relation to the appropriateness of a Minister for Children.

CAVA responsibilities, which are formally designated to it by the Council of Ministers, include:

- to provide political oversight with regard to safeguarding:
  - formally receive the Serious Case Reviews (SCR) commissioned and undertaken by the Safeguarding Partnership Boards (SPB), in order to:
    - a. consider and adopt relevant recommendations
    - b. working in partnership with the SPB to oversee and monitor delivery of recommendations
    - c. reporting SCR findings and recommendations to Council of Ministers (COM) as appropriate.
  - formally receive the Annual Report and business plan of the SPB prior to presentation to COM and publication.

#### **4.2 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE BI-ANNUAL REVIEW OF THE CHILDREN'S SERVICE:**

##### **Question**

Can the Minister advise whether the bi-annual review of the Children's Service was carried out in 2015, in line with what was agreed in the Williamson Implementation Plan 2009, and if not, why not?

##### **Answer**

After the follow-up inspection of Children's Services in September 2013 by the Scottish Care Inspectorate there was no formal review in 2015. There is review activity planned for 2016.

In 2014, through the work of Scrutiny, the publication of Serious Case Reviews and Rapid Improvement Events, a number of concerns were identified. These were significant and required urgent action across a number of operational areas. This meant that internal resources were prioritised in responding to these concerns and in mitigating risk for vulnerable service users rather than commissioning an external review.

A series of measures have therefore been taken over the last year in Children's Services. These have included:

- recruiting interim experienced senior managers with experience of improving and transforming services
- progressing a number of new permanent senior appointments to provide strong professional leadership across Children's Services
- restructuring the service to begin to effectively target need and demand
- strengthening management oversight with regular supervision of staff
- identifying a number of 'legacy' cases, which required remedial action, including statutory intervention in the form of increased court work and care orders being sought
- operational restructure and prioritisation of resources to respond to the significant increase in the number of looked after children and children on the child protection register who require a multi-agency child protection plan
- commencing a tender process for a new IT system, which will provide a client index system and business reporting functionality

- a training and development programme for staff.

The States of Jersey has committed to investing £5.5million in 2016 to address the issues identified in the service. The investment will facilitate the recruitment of staff at all levels to increase capacity, develop the fostering service, increase staff in the residential service, provide knowledge and skills training, and fund specialist placements.

A Sustainable Improvement Plan is now in place, with senior officers reporting to, and being held accountable by, the Children's Services Improvement Board chaired by the Chief Minister.

#### **4.3 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING COST-BENEFIT ANALYSIS OF THE 2015 JERSEY ISLAND GAMES:**

##### **Question**

Given that the Economic Development Department now has responsibility for sport, can the Minister advise the Assembly whether his department has conducted, or is in possession of, a detailed cost-benefit analysis on the 2015 Jersey Island Games?

If such a report has not been prepared, will the Minister compile a cost-benefit analysis of the Games to be provided to all States Members, together with a detailed breakdown of the relevant accounts? Alternatively, will the Minister explain why a reported expenditure of some £15 million in respect of the Games does not require a cost-benefit analysis?

##### **Answer**

Responsibility for Sport transferred to the Economic Development Department on 1<sup>st</sup> January 2016. Whilst the Economic Development, Tourism, Sport and Culture department has not conducted a detailed cost benefit analysis of the 2015 NatWest Island Games, I have received a copy of the Report provided by the Organising Committee which demonstrates very clearly that they were an excellent and successful Games. I have circulated the Report to Members and would encourage all to read it but particularly section 22 on pages 17 to 20, which reports on the legacy.

- Over 4000 visitors came to Jersey for the Games and brought in over £3.8 million to the local economy. Visit Jersey targeted those visitors to attract them back in future years
- All those who competed in or attended the NatWest Island Games, stayed in accommodation, ate in restaurants, shopped in our stores and used public transport. In doing so they injected significant amounts of additional expenditure into the local economy producing additional economic benefits and GST receipts that would not have been realised if the Games had not taken place
- Refurbishment of facilities provided opportunities for clients on the Back to Work scheme to work on many of projects to improve and refurbish sport facilities. As a result of the work several gained fulltime employment.
- Over 80 visiting media promoted Jersey and raised its profile to 23 Islands with a total population of 1.2 million. This promotion also reached regions beyond the Islands.

I am not sure where the 'reported expenditure' of £15 million quoted by the Deputy has come from. Draft accounts for the Games have been prepared, which show that the Games have been delivered within the budget of £1.8 million. In addition to the £1.2 million provided to the Organising Committee for the Games themselves the Assembly agreed to provide Capital funding of £4.5 million to support the development and refurbishment of sport facilities identified in the Sport Strategy 'Fit for the Future'.

I have no doubt that the NatWest Island Games provided excellent value for money, showcased the best of Jersey, and left a positive legacy. It was an excellent event that will live long in the memory of many and I congratulate all that were involved in making it such a great week.

#### 4.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING STUDENTS WHOSE FIRST LANGUAGE WAS NOT ENGLISH:

##### Question

Will the Minister advise members, using a table for each of the last five years, the number of pupils in each Jersey primary and secondary school whose first language was not English; the native language of those students; the number of additional staff appointed to teach those students English and the annual cost of supporting those students?

##### Answer

A pupil's first language is defined as 'the language that a child was exposed to during early development and continues to be exposed to in the home or community'. Many children start life with more than one language during early development (which may include English). Where a language other than English is recorded, the child is deemed to have English as an Additional Language (EAL). This is recorded irrespective of the child's proficiency in English.

#### The number of pupils (compulsory schools age or above) in States fee-paying and States non fee-paying schools that have English as an additional language (EAL)

	2010/2011				2011/2012				2012/2013				2013/2014				2014/2015			
	EAL total	Portuguese	Polish	Other	EAL total	Portuguese	Polish	Other	EAL total	Portuguese	Polish	Other	EAL total	Portuguese	Polish	Other	EAL total	Portuguese	Polish	Other
Grainville Secondary School Hautlieu	67	57	x	x	94	76	7	11	130	102	11	17	135	109	10	16	143	121	10	12
Rouge Bouillon Primary School St Clement	23	x	x	16	16	11	x	x	21	13	x	x	34	22	x	x	57	41	5	11
Victoria College Preparatory School	179	140	30	9	196	151	30	15	202	151	27	24	233	165	33	36	248	173	33	42
Haute Vallée Secondary School	18	13	x	x	21	12	x	x	26	15	x	x	28	16	5	18	27	17	x	x
Janvrin Primary School	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	7	x	x	x
Le Rocquier Secondary School	181	156	19	6	192	167	18	7	218	186	20	12	219	186	23	10	225	196	19	10
Bel Royal Primary School	113	96	x	x	140	118	8	14	129	109	8	12	137	113	10	16	146	119	13	14
d'Auvergne Primary School First Tower	64	50	7	7	88	70	10	8	108	87	11	10	104	84	12	12	114	83	16	15
Grands Vaux Primary School	36	32	x	x	44	38	x	x	49	42	x	x	51	43	x	x	48	36	x	x
Grouville Primary School	69	40	18	11	71	39	21	11	76	45	22	9	94	52	32	12	97	54	34	9
	97	70	5	22	106	75	7	24	120	81	11	28	133	90	15	28	130	80	21	14
	37	28	x	x	38	32	x	x	42	36	x	x	50	42	5	8	50	42	x	
	18	14	x	x	25	14	6	5	28	16	6	6	26	14	5	8	28	12	9	

29

x

7

#### **4.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE POPULATION AND IMMIGRATION:**

##### **Question**

Will the Chief Minister explain to members the discrepancy between the new arrivals figure of 6,308 given in response to written question 1240/5(9100), tabled on 1st December 2015, compared to the official interim immigration policy figure for the same period (1st July 2013 to 1st December 2015) of 813?

##### **Answer**

The number of people arriving in Jersey each year will always be greater than net migration, because every year people also leave Jersey. There is a large ebb and flow of people coming to and from the island, reflecting the nature of our industries.

The Statistics Unit will release its official figures for population and net migration in 2015 on the 22<sup>nd</sup> June, 2016.

In the meantime, the Housing and Work Advisory Group continues to apply the Control of Housing and Work Law to deliver targeted migration which achieves the greatest economic and social value, bearing in mind the migration assumptions used to plan our public services.

The statistics released on the 18<sup>th</sup> January, 2016, illustrate how this is being done ([www.gov.je/News/2016/Pages/2015PopulationFigures.aspx](http://www.gov.je/News/2016/Pages/2015PopulationFigures.aspx)). These figures will be updated and published quarterly.

#### **4.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF BASE EROSION AND PROFIT SHARING PROPOSALS ON JERSEY'S ECONOMY:**

##### **Question**

Following publication of the Organisation for Economic Cooperation and Development's Base Erosion and Profit Sharing proposals, can the Chief Minister outline for members the likely affect the measures will have on the Jersey economy and, in particular, the finance industry, given that profit will be reported where the economic activities that generate them are carried out and where value is created?

##### **Answer**

When considering the effect of the BEPS proposals on the Jersey economy and, in particular, the finance industry it should be first recognised that key aspects of the Jersey business model, such as our leading position in private wealth management and in particular the formation and administration of trusts, are not affected by those proposals.

The G20–OECD BEPS Action Plan sets out 15 key elements of international tax rules to help governments protect their tax bases. We are fully supportive of the BEPS programme and we are ensuring that we remain informed on the progress in implementing the actions making up that programme. Early action is being taken by the UK and other OECD and EU member countries to implement Country by Country reporting of profits by Multi-National Enterprises. While there is expected to be limited application of this to Jersey based enterprises, to show our support for this measure the finance industry is being consulted on what action it would be appropriate for us to take before Regulations are drafted and presented to the States for debate.



As Jersey has relatively few Double Tax Agreements (DTAs), the island is not used for profit shifting and transfer pricing in the way and to the extent experienced by other jurisdictions such as Ireland and Luxembourg. However, consideration will be given to what legislation Jersey will need to enact to participate in the BEPS programme as and when it becomes clearer how the relevant actions are to be implemented by the G20, OECD and EU Member States

From what is known to date there are considered to be opportunities for the Island as well as challenges arising from the BEPS programme. This is particularly so in respect of the matter to which the question refers. The proposal that profits should be taxed where the economic activity that generates the profits is carried out and where value is created fits well with our policy of requiring regulated financial institutions, such as the banks, to have a real physical presence and to be of substance. This is reflected in the fact that the finance industry employs almost 13,000 people and this is in contrast to the position in many of the smaller international finance centres. The BEPS proposals can be expected to reinforce our position and as a result we could see more business moving to Jersey.

In other areas where there may be some questioning of whether the BEPS proposals are being met the decision may well be taken to meet the requirements by creating more value in Jersey and this could be of benefit for local employment and the revenue obtained from the taxing of employment incomes.

The BEPS proposals can also be viewed as being in accord with our present approach regarding the taxing rights of other jurisdictions. The standard rate of corporate tax of 0% is based on two key principles. One is the EU Code Group principle of non-discrimination between resident and non-resident owned companies. The other is the principle of tax neutrality combined with transparency. Our role as an international finance centre can be described as one of acting as a financial intermediary, facilitating the investment of funds drawn from the world at large into European financial markets. It is accepted that the return to the investors should be taxed in their home country and the business activity generated by the investment in Europe should be taxed in the jurisdiction where that activity takes place.

Because Jersey does not have DTAs with the countries involved, there is a need to adopt a tax neutral regime to avoid discouraging these investment flows which contribute to jobs and growth in the Member States. We recognise however that for tax to be levied where it is properly due it is necessary for the countries concerned to have information to help them with their tax assessments. It is with this in mind that Jersey has given its full support for the transparency principles central to the current G20, OECD and EU tax initiatives.

BEPS may present challenges for some but there is no reason why the overall effect need be detrimental to the Jersey economy, or the finance industry in particular. Indeed both government and the finance industry can see in the proposals much that is in accord with our present policy framework, are aware of the opportunities than can be presented, and are confident of the continued success of Jersey as an internationally recognised quality finance centre.

#### **4.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE LIKELY EFFECTS OF A FOURTH INDUSTRIAL REVOLUTION ON THE ISLAND'S ECONOMY:**

##### **Question**

Will the Chief Minister advise members what research, if any, has been carried out in the Island into the likely effects of a fourth industrial revolution on the Island's economy and, in particular, employment in white collar and administrative jobs, and, if none, why?

##### **Answer**

The fourth industrial revolution describes the business and societal changes that are affecting global economies. This digital revolution is creating new products, new services and new opportunities; it will dramatically change the way we lead our lives, including how we invest, the way companies raise money and the life-choices we make. However, it may erode existing jobs, as well as create new ones.

It is up to Government to create the best environment in which industry can flourish and be protected. Facilitating innovation, encouraging competition and promoting digital businesses are key strategic priorities for this Government. At the start of this term of office I established a new role for Assistant Chief Minister Senator Ozouf, and he has been focusing on these important issues to maximise our economic potential.

My Department is currently researching and producing a Digital Policy Framework for Jersey, setting out our intentions and providing specific commitments from Government. It is our ambition to significantly and measurably improve the extent to which digital technology contributes to the number and variety of jobs in Jersey, and to ensure that it is of tangible benefit to the community as a whole, including in the provision of public services.

We are also working to ensure that Jersey can sustain its core industries in this evolving world. The effective relationships we have between Government, Industry and our independent regulators, are vital ones that help safeguard jobs, encourage growth and allow us to adapt to a changing world. In 2015 my Department worked closely with the Jersey Financial Services Commission to deliver more than 15 legislative developments in areas like Investment Funds, Financial Crime, Companies Law, with many more being progressed in 2016. Our excellent relationship with Jersey Finance ensures industry is represented and that Jersey is promoted as a favourable, modern and robust environment for financial services.

Furthermore, a recent Innovation Review has recommended several ways to improve our existing practices. Several of these recommendations focus on ensuring Jersey fosters a digitally-literate and skilled workforce, in which all citizens can access and benefit from the latest technology, and which provides a skilled pool of employees for high-value jobs. The action plan for this work is available on gov.je and includes a focus on skills development and entrepreneurship training. I am also pleased to support Digital Jersey, who are promoting clusters of tech-excellence and acting as an accelerator for this digital economy.

We will actively encourage innovative practices in our schools and ensure that all young people in Jersey have access to high-quality digital learning opportunities. Last week we announced that Jersey students can apply to GCHQ's Cyber Insiders Summer School and that the States will help with flight costs for students to attend interviews.

By embracing innovation, harnessing digital opportunities and building our digital skills, Jersey will continue to signpost itself as a location for innovative business, and will ensure that Jersey maintains a place in the global economy for years to come.

#### **4.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE EMPLOYMENT OF BARRISTERS:**

##### **Question**

Will H.M. Attorney General advise members how many U.K. barristers have been employed by the Law Officers' Department either to give advice or take action on its behalf each year since 2005 to 2015, detailing which chambers they were from, their expertise, the cost and in what areas they advised or represented the Island?

##### **Answer**

Financial directions require that expenditure transaction documents are retained for six years. Therefore, it is not possible to provide this information for the years 2005-2010.

The information sought is not held in a form which is easily retrievable to answer the question.

To answer the Deputy's question, limiting it to data from August 2010 to December 2015, there would need to be a manual search of the Department's payments to 3,267 different organisations over this period.

It is estimated that the cost to the public of answering this question will be substantial and this would be disproportionately resource intensive.

The Deputy is therefore requested to reconsider or potentially narrow the question, in order to reduce the significant costs to the public that would be incurred by answering it in its current form.

#### **4.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINMISTER FOR SOCIAL SECURITY REGARDING SINGLE PENSIONER INCOME SUPPORT CLAIMS:**

##### **Question**

Further to the response to written question 9153, tabled on 19th January 2016, will the Minister give a full breakdown of the number of single pensioner Income Support claims by weekly pension income bands, along with a similar breakdown for pensioner couples showing the median (50%) figure in each case?

Will she further provide a breakdown of the weekly income of those 31% of Income Support pensioner claimants who have no income other than a States pension, along with the overall incomes of the 69% who have two or more income sources (second pension, earnings, Long Term Incapacity Allowance)?

Will she also give a breakdown of Income Support claims for the 200 or so new pension claimants who became pensioners in 2005 and indicate whether this profile is expected to change markedly in 2016 when the new disregards are in place?

##### **Answer**

Number of pensioner households claiming Income Support by pension income band as at 31/12/2015

• Weekly Pension Income from all	• Number of Single	• Number of Pensioner
• 0-49	• 45	• Fewer than 10
• 50-99	• 91	• Fewer than 10
• 100-149	• 259	• Fewer than 10
• 150-199	• 457	• 11
• 200-249	• 462	• 20
• 250-299	• 119	• 58
• 300-349	• 58	• 96
• 350-399	• 11	• 45
• 400+	• Fewer than 10	• 49

Single pensioner median pension income from all pensions: £190 per week.

Couple pensioner median pension income from all pensions: £332 per week.

#### **4.10 DEPUTY G.P.SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING OCCUPATIONAL PENSION SCHEMES:**

##### **Question**

Will the Minister inform members what specific measures are under active consideration to incentivise and encourage employers, especially owners of small and medium-sized enterprises, to enrol their employees on occupational pension schemes?

Will she also inform members what proportion of employees, by economic sector, have access to and are enrolled in such pension schemes and what numbers are reliant solely on the States pension along with any targets he may have to improve retirement incomes under such schemes? Can she further indicate how Jersey compares with other jurisdictions in this regard?

##### **Answer**

The MTFP agreed by the States in October last year included the following commitment:

*During the course of this MTFP, the Social Security Department will also work with the Treasury and Resources Department to promote financial independence in old age, and to encourage a higher proportion of workers to take up occupational pensions. For example, this could be achieved through changes in income tax or benefit rules, as well as the promotion of work-based pension schemes aimed at lower earners.*

In preparation for developing policies in this area, a range of questions were included in the Statistics Unit 2015 Jersey Annual Social Survey (see pages 54 – 60). This report includes information on responses to the questions:

<i>I have a good occupational pension</i>	36% agreed at some level; and
<i>I am relying on the States to look after me in retirement</i>	24% agreed at some level.

I am currently planning a major review of the Social Security Fund and its long term sustainability. Alongside that review, I will also be working with the Treasury and Resources Minister on the wider issue of financial independence in old age as noted above.

For example, the 2015 Jersey Annual Social Survey also sought peoples' views on the introduction of new pension schemes. The majority (66%) of residents supported the option that the States should provide a voluntary additional pension scheme for workers who wish to save for their retirement. There was slightly less support (51%) for the option of a compulsory additional scheme being introduced.

Work in this area will draw on further analysis of data available in Jersey and examine the experience of other countries. We will continue to engage with employers and the general public on these issues and from there consider what the appropriate policy options are. Specific measures will be developed once this has been done.

#### **4.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INSPECTION OF CARE AGENCIES:**

##### **Question**

Will the Minister inform members what specific elements, relating to the Employment (Jersey) Law 2003 or otherwise, were being inspected in the 6 inspections of care agencies referred to in written question 9148, tabled on 19th January 2016?

What powers do enforcement/compliance have when conducting such inspections, in particular in relation to the accuracy of the contracts issued in relation to the employment conditions practised? How many of the 22 agencies mentioned in the answer use “zero hours” contracts which fit the guidelines issued by Jersey Advisory Conciliation Service (JACS) on the appropriate use of such contracts?

Does the Minister intend to consider a more proactive approach to regulating this sector, or will reliance continue to be placed on individual complaints to JACS or to Social Security officers?

**Answer**

In the course of the six inspections referred to in the previous written question 9148 dated 19/1/2016 on this subject, the Social Security Department’s Contributions and Enforcement officers inspected the following items, which are routinely inspected in any such inspection:

- 1) Whether written terms of employment that comply with the law have been issued for all employees
- 2) Whether payslips have been issued and contain the required information
- 3) Whether a rate of pay at least equal to the minimum wage is being paid

Enforcement Officers have powers under the Employment (Jersey) Law 2003 to enter premises to inspect and require an explanation of records kept in relation to the Employment Law, and to require the production of any other information required in order to establish whether the law has been complied with. If issues are found with written terms of employment, these issues are highlighted and the Officer advises the employer to take advice from the Jersey Advisory and Conciliation Service (JACS).

Enforcement officers do not keep records of the types of employment contracts that each employer issues. Of the 9,469 client queries received by JACS during 2015, no client queries or complaints were received relating to use or inappropriate use of zero-hours contracts in relation to domestic care agency work.

The Health and Social Services Department’s Approved Provider Framework ensures that all approved providers are subject to quality assurance inspections. There is no evidence at this time to justify introducing specific regulation of the employment practices of domestic care agencies. No relevant issues have been raised with JACS or with Enforcement officers. As stated in answer to written question 9148, if the Deputy is aware of individual cases where employees are not receiving their entitlements under the Employment Law, he should advise the affected individuals to seek advice from the Jersey Advisory and Conciliation Service, or to contact the Social Security Department.

**4.12 DEPUTY G.P. SOUTHERN OF THE MINISTER FOR SOCIAL SECURITY  
REGARDING THE SINGLE PARENT COMPONENT OF INCOME SUPPORT:**

**Question**

What estimate, if any, does the Minister have for the impact of her decision to remove the single parent component of Income Support from all single parent households over the coming 3 years on the median income for these households in nominal or real terms over the period, and if none, why?

**Answer**

Analysis of Income Support claims shows that 1 in 2 single parent Income Support claims last less than 20 months, with 1 in 3 of all single parent claims lasting less than one year.

This need for relatively short term financial support is to be expected because the situation of single parent households can change in several ways. Many parents will no longer need Income Support, for example,

when a parent returns to full-time work as their child gets older. In other cases, the make-up of the household will change as the single parent moves into a new long-term relationship. In these cases the single parent component of an additional £40 per week has always been removed as part of the change in circumstances of the claimant.

Only a minority of current single parent households will remain as single parent households over the next three years and they will see the additional single parent component of £40 a week being gradually phased out over this period. This will put them in line with the support available to households that include two parents, supporting the principle of improving fairness within the Income Support system, as approved by the States last year. The diagram included as part of the response to question 9156, submitted at the previous sitting on 19/1/2016, illustrates this comparison. If there is no other change in the household situation during that time, the median income across this sub-set of ongoing single parent households would fall by £40 pw. However, other changes are likely to have an effect on household income and/or benefit entitlement over the same period for this particular group of claimants.

Since the start of Income Support, many improvements have been made to increase the amount of benefit available to single parents and encourage them to move towards financial independence. For example:

- **A higher earnings disregard** – This has increased from 6% in 2008 to the current level of 23% - a significant improvement that makes working more worthwhile, because benefit is reduced more slowly as earnings increase;
- **Back to Work services** - A major investment in employment support is reducing the number of claimants who cannot find work. Targeted support for parents has recently been introduced helping with the transition back into work.
- **A higher maintenance income disregard**: now providing an additional incentive for single parents to agree on maintenance payments with ex-partners where possible.

At the same time as phasing out the single parent component of Income Support, the States also agreed to increase the maintenance income disregard that benefits about half of the single parents who claim Income Support. This measure means that the single parent will keep a higher proportion of the maintenance payment that they receive for their child. The previous allowance of 10% has been increased in line with the allowance for earned income and is now also set at 23%.

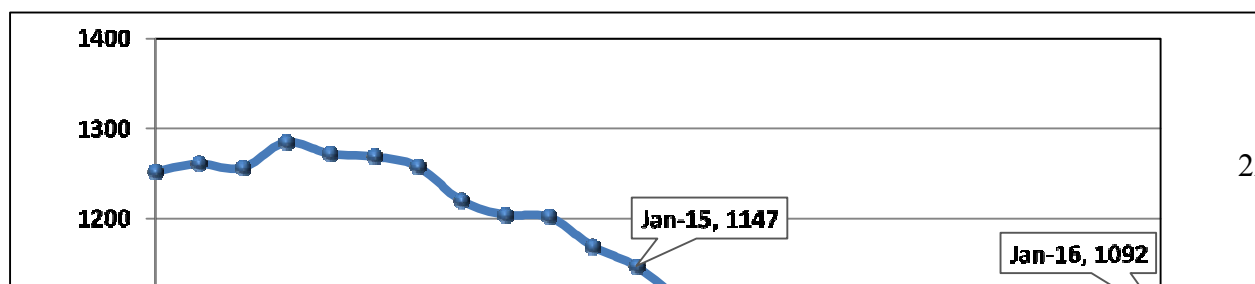
#### 4.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE SUPPLY OF SOCIAL RENTAL HOMES:

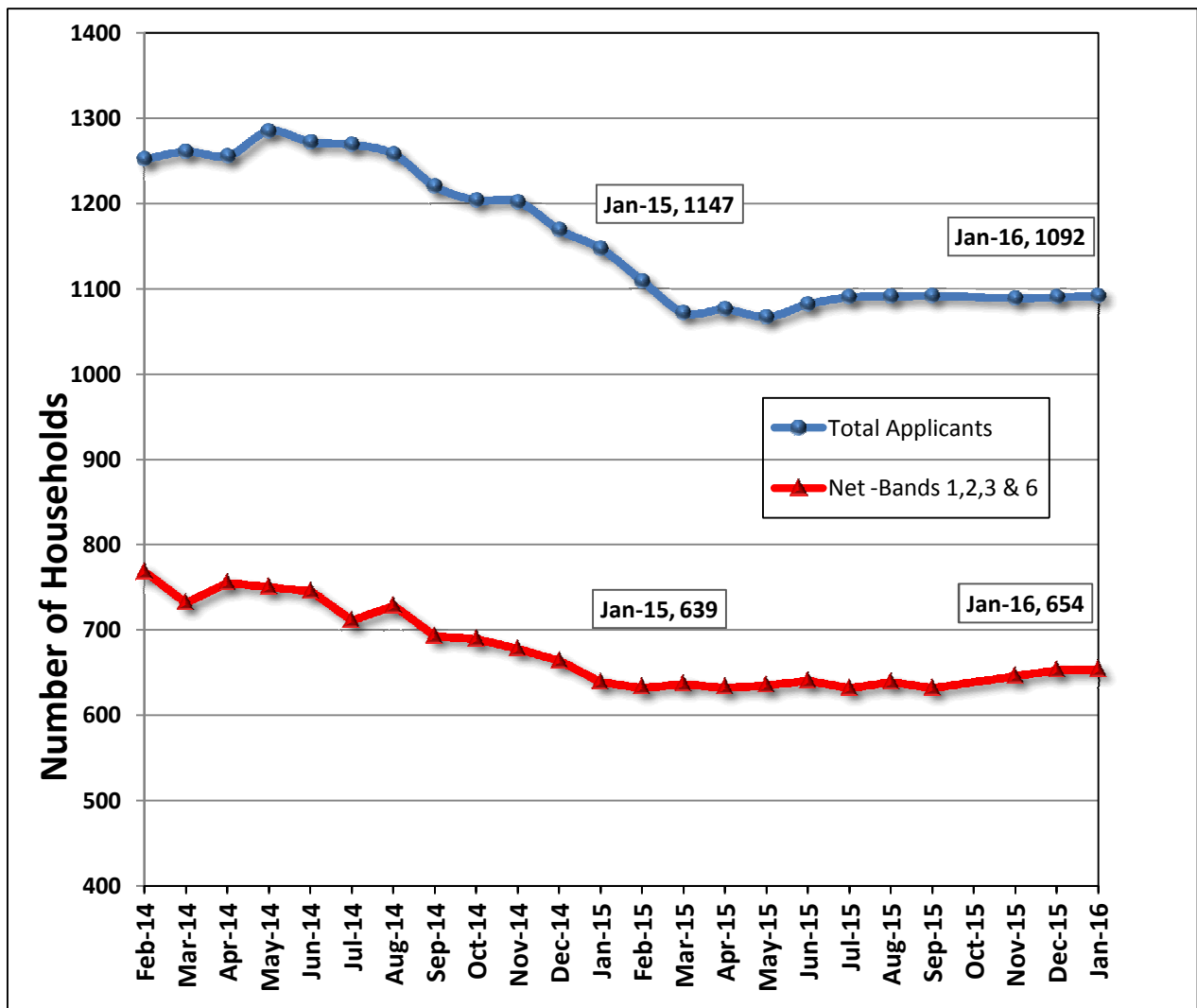
##### Question

What action, if any, does the Minister propose to take to tackle the supply of social rental homes (not affordable homes) in the short and medium term, in the light of the figures given in answer to written question 9169, tabled on 19th January 2016, which showed significant increases in the waiting lists across all categories?

##### Answer

The current waiting list for social rental homes has not significantly changed in the last 2 years as indicated by the following housing gateway data, which demonstrates that both the overall waiting list and net waiting list (bands 1,2,3 & 6 - those in most urgent need) have remained steady at around 1,100 and 650 households respectfully.





#### 4.14 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SOCIAL SECURITY, HEALTH INSURANCE AND LONG TERM CARE FUNDS:

##### Question

Further to Ministerial Decision MD-S-2016-0001 made on the 6th January 2016, could the Minister provide a full breakdown of the costs that make up the withdrawal of £8,140,000 from the Social Security Fund, Health Insurance Fund and Long Term Care Fund for 2016?

Should there be an overpayment to the Social Security Department from these funds, will the excess funding be returned to the particular fund at the end of year? If not, why not?

How can the sums of £5,180,000 (Social Security Fund), £1,540,000 (Health Insurance Fund) and £1,420,000 (Long Term Care Fund) reflect the operational and management costs of running the department when it is based on predictions?

##### Answer

The detailed report supporting MD-S-2016-0001 is available on [www.gov.je](http://www.gov.je) at

[http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&docid=0cb245488fda47a489270dcbced41a05\\_MDs2013#report](http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&docid=0cb245488fda47a489270dcbced41a05_MDs2013#report)

As set out in that report, the level of management charge has been calculated based on the total administrative costs expected to be required to run both the tax funded areas and the funds. The management charge has been calculated by operational managers predicting the split of their staff's work during the period of the MTFP and using these splits to apportion the budgeted costs of each operational and administrative area between each of the funds and the tax funded areas

• 2016 Management fee	• Staff	• Non-Staff	• Total
• Social Security	• 2,	• 2,270	• 5,
• Health Insurance	• 59	• 950	• 1,
• Long Term Care	• 75	• 670	• 1,
• <b>Total</b>	• <b>4,</b>	• <b>3,890</b>	• <b>8,</b>

The funds will continue to pay for benefits directly and certain costs where they are incurred under the legislation relating to the fund in question or are specific expenditure of the funds rather than administration. These costs include audit, actuarial and investment management fees, the contribution from the HIF cost of the Primary Care Governance Team and JQIF payments, which are not included in the figures above.

The move to a management charge ensures that the funds pay a suitable amount for the administrative work in running these funds, whilst greatly simplifying the administrative burden on the department. Using expected costs is a key way in which this is achieved as it prevents the need to spend time continuously re-evaluating the levels of actual expenditure and split, and which is only likely to result in small changes in the overall charge. However, if there are substantial changes to the operations of the department in the future, the charge will be reviewed to ensure it remains an accurate reflect of the costs incurred in running each area of the department.

The department is committed to improving efficiencies across all its operations, and so has agreed to reduce the management charge by 2% for each year of the MTFP. As the management charge has been fixed,



**4.15 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INCITEMENT OF RACIAL AND RELIGIOUS HATRED:**

**Question**

What thought, if any, has the Minister or her predecessors given to introducing a new criminal offence for inciting racial or religious hatred? Would she be prepared to consider bringing forward legislation to introduce a new offence based on the one which currently exists in the U.K.?

**Answer**

I have asked officers to take steps to develop such legislation. Given that my current legislative priority is amending and updating the law on sexual offences, it is anticipated that this legislation will be progressed once that project is complete.

When developing Jersey's criminal law invariably consideration is given to models used in other jurisdictions and particularly elsewhere in the British Isles. Relevant UK offences might therefore provide a useful model for Jersey legislation.

In the interim it is worth noting that:

- Activity which might be charged as inciting racial hatred under the specific legislation which exists in England and Wales may still constitute an offence in Jersey, both contrary to customary law and under existing legislation.
- In their sentencing policy, the Jersey courts have made it clear that if an offence appears to the court to be racially motivated then that is regarded as a significant aggravating feature.
- On 1<sup>st</sup> April 2015 the States of Jersey Police introduced a new 'Hate Crime Policy' which places an increased emphasis on all crimes reported to the organisation that have any element, which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's (actual or perceived) race, religion, sexual orientation, disability, or against a person who is (or perceived to be) transgender. The policy ensures that dedicated supervisory oversight is immediately provided to all such reports, that the prosecution of any hate-crime is fast-tracked and that the 'hate' aspect of the offence is clearly highlighted in all police reports to the prosecution team. The Community Policing Chief Inspector is required to review all such crimes and to report accordingly to the SOJP Equality and Diversity Group, chaired by the Deputy Chief Officer.

**4.16 DEPUTY S.Y. MEZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING HIGH VALUE RESIDENTS:**

**Question**

Further to the Minister for Treasury and Resources answer to written question 9161, tabled on 19th January 2016, can the Chief Minister advise members if an individual's social contribution to the Island be considered a factor as to whether a person is allowed to maintain their status as a High Value Resident? What grounds are there for the re-consideration of a High Value Resident's tax status? Would negative behaviour, such as the incitement of racial hatred or boycotting of local businesses, be included?

**Answer**

As outlined by the Minister for Treasury and Resources in answer to written question 9161, tabled on 19th January 2016, a High Value Resident (HVR), awarded Entitled status under Regulation 2(1) (e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, is expected to make an annual minimum income tax contribution of £125,000, as well as paying £5,000 for their registration card.

Each time their registration card is presented (e.g. when moving home or employment) the Population Office will verify whether the Entitled status remains valid, with particular reference to tax contribution.

Wider social considerations are examined at the time of granting 2(1) (e) status, by undertaking background checks, working with a range of agencies, including Jersey Financial Services Commission, and considering any reputational impacts on the Island.

Once a person has moved to the Island, relocating themselves and generally their families, having established a home and life in the Island, it is difficult to see a circumstance, other than in extremis, where the status would not be maintained. Such an extreme scenario could include material harm to Islanders, but would not take into account how or where a resident chooses to spend their money.

#### **4.17 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PAYMENT OF PARISH RATES:**

##### **Question**

Further to the Minister's answer to written question 9160, tabled on 19th January 2016, in which an estimate could not be provided in relation to how much potential tax income is lost by allowing the payment of Parish Rates on properties which are rented out to be offset against that rental income, would the Minister endeavour to investigate what this figure may be, or alternatively, would he consider allowing individual home owners and tenants to also claim payment of Parish Rates as an expense to be deducted from their tax contribution?

##### **Answer**

The Taxes Office would have to divert what would be significant resources into estimating this figure at this time. With the forthcoming re-design of the personal-tax system (in preparation for online filing and assessment of taxes), the Taxes Office will consider whether the benefits of being able to extract such information in future outweigh the additional compliance costs for islanders in requiring more information to be declared.

It is normal practice that the "occupier" element of the Parish rates is borne by the occupier of property as consumer of the services for which Parish rates pay. Where a Landlord pays the "owner" element of the Parish rate and is not the occupier, it is longstanding law and practice to treat that as a business expense in the course of the business of renting property. Some landlords, in some circumstances, will be able to offset "owner" and "occupier" Parish rates against taxable profit.

The Minister will consider the case for disallowing these offsets in future. It would not make sense in Jersey's present fiscal situation to legislate for a general deduction for all taxpayers and there is no case to do so where domestic occupation of property is concerned.

#### **5. Oral Questions.**

##### **5.1 Deputy J.A. Hilton of St. Helier of the Chief Minister regarding unmarried fathers' increased rights in relation to their children:**

What steps, if any, will the Chief Minister be taking to ensure that unmarried fathers have increased rights in relation to their children and that, when named on a birth certificate, they automatically have parental responsibility?

##### **Senator I.J. Gorst (The Chief Minister):**

Following the States in principle agreement last year the intention was to bring forward this change in early 2017 as part of the package of changes required in relation to same sex marriage. I have, however, instructed officers to bring forward the necessary changes as soon as possible. In the first instance, this will relate specifically to unmarried men who are the stated father of the child. These changes are straightforward. More complex changes relating to fathers and/or mothers who are non-biological parents will follow in 2017 as previously planned.

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

I would like to thank the Chief Minister for that answer. Just to confirm: that those amendments will be brought forward to the law in 2016?

### **Senator I.J. Gorst:**

As I said, I have instructed officers to bring forward those changes sooner than 2017. I am informed as of yesterday that the law drafting instruction has been prepared and I will approve that. Then the law drafting will be undertaken, but I understand that that process should take no more than just over a month, so within 2 months we should have that ready for lodging with the Assembly.

### **5.2 Senator Z.A. Cameron of the Minister for Health and Social Services regarding human resources policies and procedures in place within the Health and Social Services Department:**

Could the Minister explain what human resources policies and procedures are in place to ensure the safe recruitment and retention of competent and skilled staff in the Health and Social Services Department?

### **Senator A.K.F. Green (The Minister for Health and Social Services):**

I can confirm that in line with other States departments Health and Social Services uses the States of Jersey recruitment and selection policy, which is compliant with Jersey legislation and relevant good practice guidelines. The requirements of the Jersey Police Disclosure and Barring Service is also part of the process, and also we complied with the guidance of the Jersey Appointments Commission and the Safeguarding Board. H.S.S.D. (Health and Social Services Department) have put additional measures in place relating to specific professional groups, for example, our process for senior medical staff has been peer reviewed and commended.

### **5.2.1 Senator Z.A. Cameron:**

Is the Minister aware of the circumstances surrounding the sudden departure at the hospital of a senior consultant surgeon and if not, why not?

### **Senator A.K.F. Green:**

I cannot discuss individual cases, as well the Senator knows.

### **5.2.2 Senator Z.A. Cameron:**

Is the Minister happy with the current policies and procedures and advices he receives from the H.R. (Human Resources) Department, bearing in mind concerns expressed in the Veritas report into staff recruitment at the hospital and other concerns expressed by many others in a variety of States departments regarding the States of Jersey's disciplinary procedure? That his department is indeed recruiting and retaining the most conscientious skilled staff possible?

### **Senator A.K.F. Green:**

I am happy that our processes ensure that we attract good staff, that we have appropriate interview and selection and vetting processes. I am never happy that we got it right every time because although we work within the processes of course we must review whether, in light of current information either from ourselves or from other hospitals or other countries, whether our processes are right. So it must be under constant review. But I am happy that we are working in a professional business-like manner attracting staff of the appropriate calibre.

**5.3 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding steps to cut the living standards of the 30 per cent of pensioners in receipt of the States pension alone:**

Can the Minister explain why she has taken steps to cut the living standards of the 30 per cent of pensioners in receipt of the States pension alone and who rely on income support?

**Deputy S.J. Pinel of St. Clement (The Minister for Social Security):**

This is the latest in a long line of similar questions submitted by the Deputy and it is disappointing that his wording suggests a lack of understanding on the decisions taken by the States. The States have endorsed benefit changes to reduce the total benefit budget by nearly £10 million in 2019 to help to support growth in key areas such as health services. In particular, new income support claims from pensioners, from 2016 onwards, will receive a percentage allowance against their pension income rather than a fixed value allowance. This improves the fairness of the income support system and provides a financial incentive for low income workers to make provision for their old age. All existing old-age pensioner claims will continue to receive their existing allowance and there has been no change or cut in this area. It is not correct to imply that pensioners who currently rely on income support have been singled out for additional cuts. They have not.

**5.3.1 Deputy G.P. Southern:**

There is no inference that they have been singled out, nonetheless they are receiving, if they join the scheme in this year... the very poorest of our pensioners who have to rely on income support are having a reduced disregard compared to last year's. So there are between 60 and 70 perhaps pensioners asked to live off under £200 a week and who claim income support in order to survive and they have been ...

**The Deputy Bailiff:**

Could you ask a question please, Deputy?

**Deputy G.P. Southern:**

They have been made. The Minister knows that they have been made of the order of £20 a week worse off than they would have been previously without her changes. Can she explain why she wants to do this to our pensioners?

**Deputy S.J. Pinel:**

As I said in my previous answer, this is to establish fairness across the board with pensioners. Those pensioners who have made preparation for their old age so far have the same disregard as those who have made no preparation for their old-age pension whatsoever. This seems to be blatantly unfair and this is a method of correcting that. It will only affect new pensioners coming into the scheme and about 60 of these 200 coming into the scheme will be fully reliant on a combination of their social security pension and their income support benefits. The remaining 140 will have more income on top of the social security pension.

**5.3.2 Deputy S.Y. Mézec of St. Helier:**

A quick question. On what planet is the definition of the word "fairness" to make the worst-off pensioners even more worse off? On what planet is that the definition of the word "fairness"?

**Deputy S.J. Pinel:**

As I have said several times, this is to make the whole situation fairer to those who have made a big contribution to thinking about planning for their old age compared with those who have not.

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

Does the Minister not accept that by pushing the most vulnerable individuals in society who have very little already and no disposable income to save, taking what they have to live on each week in making that less, does not incentivise those individuals to save even before they reach pension age?

**Deputy S.J. Pinel:**

The Social Security Department are going to work ... or will be working, as it said in the Medium Term Financial Plan, with the Minister for Treasury and Resources to further encourage workplace pensions. The new pensioners coming into the scheme will of course have the benefit of the cold weather bonus and of course the 65-plus health scheme.

**5.3.4 Deputy M. Tadier:**

Does the Minister not accept that neither the financial crisis nor the £145 million projected deficit is the fault of those at the lower end, those middle and lower income earners, and that she and her Council of Ministers really need to start targeting their efficiency savings and their extra income at those who can afford it and not making the poorest in our society pay for their mistakes over the last few years?

**Deputy S.J. Pinel:**

As the Deputy well knows, a social security review has already started and will continue throughout this year, which will look at all contributions into the scheme and the level at which they are paid and the capping of that.

**5.3.5 Deputy G.P. Southern:**

It amuses me what definitions of fairness we have got around here. Can I just clarify with the Minister the fact that on the written answer she has given to my question on pensioners, the new single pensioner household median total income before income support is £200 a week. Median, meaning half our new pensioners having less than £200 and half having more. She intends to reward those with more by giving them more in the disregard and to take away from those with least by moving the disregard. That she is making half of our new pensioners worse off than they would otherwise have been by her mean-minded, mean-spirited decision to take away money from these people.

**The Deputy Bailiff:**

Deputy, was that a question at all? Could you tell us what the question was in a single sentence?

**Deputy G.P. Southern:**

Does she agree with that?

**Deputy S.J. Pinel:**

I am sorry, I am not quite sure what I am supposed to be agreeing with.

**Deputy G.P. Southern:**

Is the Minister aware that ...

**The Deputy Bailiff:**

No, I am sorry, Deputy.

**Deputy G.P. Southern:**

She just said she did not understand the question.

**The Deputy Bailiff:**

No, sorry. A question must be succinct. That is in accordance with Standing Orders. If a lot of information is deployed in advance of a “Does the Minister agree?” then that question is technically out of order. The Minister has had difficulty answering it; that is the end of it.

**Deputy G.P. Southern:**

May I succinctly put what the question was?

**The Deputy Bailiff:**

No, that is the end of this question. Thank you.

**Deputy G.P. Southern:**

Thank you, Sir.

**5.4 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding progress in arranging for the payment of rates by the States for the rate year 2017:**

Would the Minister advise what progress, if any, has been made in arranging for the payment of rates by the States for the rate year 2017?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

Work has already been undertaken by the rates assessors in conjunction with Jersey Property Holdings to assess the rateable quarters of all properties in the States property portfolio. This work has determined that the potential cost to the States of paying Parish rates would be approximately £900,000 a year. Members will remember in the Medium Term Financial Plan that £1 million was set aside for the purpose. In the Medium Term Financial Plan debate this Assembly agreed that the States should start paying Parish rates from 2017, provided that a mechanism can be found to fund the resulting costs. As such, an officer work group is charged with reviewing the potential options for raising the additional revenue and is scheduled to brief relevant Ministers in March so that the required decisions can be made alongside the lodging of the Medium Term Financial Plan addition in June.

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

Could I thank the Minister for his answer and ask that the Committee of Constables will be kept fully briefed about the progress towards finding this source of extra income, so that they can make the necessary plans with their rates assessment committees?

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

Yes, of course. I would take this opportunity to also thank the rates assessors for all the work that they do, not just in connection with this but for the Island as a whole. They do a considerable amount of work and I think that should be marked. Thank you.

[10:00]

**5.5 Deputy L.M.C. Doublet of the Minister for Social Security regarding designating maternity leave as ‘parental leave’ available to either parent:**

Given the Assembly’s commitment to the 1,001 Days initiative, will the Minister be exploring an extension to maternity leave as part of the planned review of family-friendly legislation, and furthermore will she consider designating at least a significant portion of maternity leave as ‘parental leave’ available to either parent?

**Deputy S.J. Pinel (The Minister for Social Security):**

I have said that I will direct the Employment Forum to review family friendly legislation later this year. This is confirmed in my department's business plan for 2016. The forum will make recommendations to me following a period of public consultation and I will base my decisions on these recommendations. I have said on previous occasions that I would like to see a longer period of maternity leave, however we will develop the proposed scope of the Forum's review later this year. If Members have any suggestions they are welcome to contact me.

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

I thank the Minister for her answer. Could I have some indication on her view on shared parental leave and does she think it should be up to the family to decide beyond perhaps a recommended minimum for the mother? Should it be up to the family to decide whether it is the father or the mother, which parent takes the parental leave?

**Deputy S.J. Pinel:**

As the Deputy will know, I have said several times in this Assembly, that we need to re-evaluate the family friendly law to investigate all of those possibilities mentioned by the Deputy. It is too early to put any recommendations to the Employment Forum at this stage, it is only February, and they will not start their review until October, which is one year after the family friendly law came into being.

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

Sorry, that did not answer my question. I asked for the Minister's view on whether the shared parental leave should be available just on an in principle.

**Deputy S.J. Pinel:**

I will ask the Employment Forum to look at that as well as the extension of the maternity leave. I will ask them to do that, I cannot say that they will come back with what is my particular view.

**5.5.3 Deputy S.Y. Mézec:**

Given that there is virtually no chance whatsoever of the Employment Forum coming to any other conclusion that the fact that we have only 2 weeks' paid statutory maternity leave is a paltry amount, would she agree that it is best to be starting to make the preparations to increasing the length of statutory maternity leave from right now?

**Deputy S.J. Pinel:**

The Employment Forum have a lot to do and they will be starting on the minimum wage review in April, which takes up all of their time, and they will start this review, as I have said, a year after the legislation came into being.

**5.5.4 Deputy S.Y. Mézec:**

Given that the Minister herself has said she wants to see the length of maternity leave increased, does she not think it is worth beginning to dedicate time within her department to looking at this right now rather than waiting potentially months and months and months for the Employment Forum to reach what we know will be their conclusion about this current situation is unsatisfactory?

**Deputy S.J. Pinel:**

I have no idea what the conclusion of the Employment Forum would be so I cannot see how the Deputy could know either.

**5.5.5 Deputy M. Tadier:**

Perhaps to try and get some idea of the policy basis from which the Minister is working, does she accept that during the first 1,001 days it is important for a child, where they have 2 parents, to see both of those parents and not just one of those parents?

**Deputy S.J. Pinel:**

Yes, of course I accept that.

**5.5.6 Deputy M. Tadier:**

Therefore, does she accept also then that it must be completely discriminatory if the paltry leave that we have at the moment but albeit that leave is only given to one parent and that the other parent, who happens in this case to be of the male gender, cannot access that benefit?

**Deputy S.J. Pinel:**

We have obviously considered many other jurisdictions in bringing forward this legislation in the first place and it is quite clear that in most of those jurisdictions if parental leave is paid to the father in an obligatory fashion, it is often taken. If it is just left to the families themselves, the couple themselves to sort it out, then generally speaking the father does not take the parental leave. So all those things will have to be looked at before the Employment Forum come up with a recommendation.

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

While I do understand that Ministers use different groups to advise them on decisions, it is the Minister that sets the policy. I would just press the Minister once more. Can she just give me her personal view on does she think that shared parental leave should be an option for families and that it should be the family who best decides who the primary carer of the child is, not the Government?

**Deputy S.J. Pinel:**

I think I already answered that. I do personally feel that of course both parents should have time to be with their child involving leave. The debate is whether it is paid for or not.

**5.6 Deputy S.Y. Mézec of the Minister for Health and Social Security regarding the removal of People's Park from the list of potential sites in advance of the debate on P.3/2016:**

Will the Minister agree to remove People's Park from the list of potential sites in advance of the debate on P.3/2016?

**Senator A.K.F. Green (The Minister for Health and Social Security):**

No, Ministers will not remove the People's Park from the list of shortlisted sites in advance of P.3. Ministers share my view that the importance of this decision means that the site should not be removed from consideration before States Members and the people of Jersey are clear as to the merits or demerits of the different locations.

**5.6.1 Deputy S.Y. Mézec:**

Speaking of merits and demerits, does he not consider it to be an absolutely fatal demerit, the fact that the public are so against this, and does he not consider it to be the more prudent thing to do, which is frankly to stop wasting all of our time right now on an option which is the least viable one?

**Senator A.K.F. Green:**

That is a view that the Deputy may have. This is a matter now for the States and for the public. I intend to go to extensive public engagement and consultation. I am keen that we get on and



provide the hospital Jersey wants but I want to hear the views of the public based on the merits and demerits of every site that we have shortlisted. That is foresight.

**5.6.2 Deputy M. Tadier:**

Will the Minister confirm whether he has the unanimous support of all of his Council of Minister colleagues that People's Park should remain on the list of options?

**Senator A.K.F. Green:**

I believe that to be the case.

**5.6.3 Deputy G.P. Southern:**

Is it not the case that there is a split among Ministers over the merit and demerit of this particular site and that he will press to lift collective responsibility from this Ministerial Decision?

**Senator A.K.F. Green:**

As with all these things, this is an important issue and, just as the States Members will have different views, the public will have different views and there has certainly been robust discussion at the Council of Ministers. But it is quite clear that I have the support of Ministers in leaving this site on the shortlist.

**5.6.4 Deputy G.P. Southern:**

Will the Minister press the Chief Minister to lift collective responsibility on this issue of conscience?

**Senator A.K.F. Green:**

That is a matter for the Chief Minister.

**5.6.5 Deputy A.D. Lewis of St. Helier:**

Did the Minister say how much credence was given to public opinion when he drew up his criteria for selecting the sites?

**Senator A.K.F. Green:**

Members will have seen, and I am being a bit cautious because I want to take Members through the journey that I have been through properly, and I have to be concise today. As Members will see at the presentation, we have weighted all the different considerations including the possibility that some sites might be more popular than others.

**5.6.6 Deputy J.A. Hilton:**

Can the Minister confirm that he will be informing States Members at the lunchtime briefing of the Council of Ministers' choice as regard to the site for the new hospital?

**Senator A.K.F. Green:**

The Council of Ministers do not have a choice at this present time. They have now listed 4 sites that they wish to consult, first of all to give out information on, so that people can make informed choice about the sort of hospital they would like to have and then consult on which one of those locations best fits public opinion.

**5.6.7 Deputy J.A. Hilton:**

Is the Minister confirming that the Council of Ministers will not be putting forward their preferred site today and that they are just putting forward the 4 sites? I think that is what the Minister just said.

**Senator A.K.F. Green:**

I think I clearly said we are about to enter a period of engagement to give out information and then formal consultation on 4 sites.

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

Would the Minister undertake to make his P.R. (public relations) strategy, his communication strategy, a little more helpful to Members and indeed to the public in the future? Is it acceptable that Members have had little more than 24 hours' notice of a very important briefing? Many of us will have other commitments at lunchtime. Will he undertake to reply to my email of 13th January, which I still have not had a reply to?

**Senator A.K.F. Green:**

Was that the email asking me not to mention certain things the Constable had asked me not to mention? I cannot remember.

**The Connétable of St. Helier:**

If I could just clarify. I emailed the Minister for Health and the Chief Minister on 13 January to ask when they would be giving us the result we asked for last year.

**Senator A.K.F. Green:**

The final bit of information that we required came through on Wednesday last week. We met as a Council on Friday to discuss the way ahead. We need a hospital. We have taken far, far too long. It is no fault of Members but we have taken far too long to get to this stage. Jersey desperately - as I will share with Members later on today - need to get on with this. As for my P.R. strategy, I will not go to the public or to Members until I have all the information. I got that information on Wednesday last week.

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

Picking up a remark the Minister just made. Can the Minister really just confirm that no one site has been selected and this is just basically a consultation exercise?

**Senator A.K.F. Green:**

That is correct. That is the third time now that I have said that. The media speculation as to which site the Council of Ministers might or might not prefer is just that: speculation.

**5.6.10 Deputy M. Tadier:**

I thought that we established last time that the Minister had said that the People's Park site was his preferred option, at least if not the Council of Ministers; has he now done a U-turn on that decision?

**Senator A.K.F. Green:**

I think when we look at Hansard it will say that I said it was a strong contender.

**5.6.11 Deputy M. Tadier:**

And are the other options not as strong a contender then for the hospital site?

**Senator A.K.F. Green:**

That depends what you want in your hospital. There are options, and that is what I want to consult the Assembly and the public about.

**The Deputy Bailiff:**

I have a couple of Members who wish to ask questions. Can I remind Members that the Minister will be making a statement and there will be 15 minutes of questions following that statement later this morning? So I propose now to move to a final supplementary from Deputy Mézec.

**5.6.12 Deputy S.Y. Mézec:**

I have to say that I think the public will be dismayed to hear that the Minister is intent on wasting even more of their money on a consultation that we know what the result will be. I have to say when the Minister answered the question saying he had the unanimous support of the other Ministers I think I saw some nervous faces when he said that. Could I ask him: in the interests of transparency, would he be prepared to push for the publication of the minutes from the Council of Ministers' meeting to confirm that this is and was the case?

**Senator A.K.F. Green:**

The minutes are normally released anyway. I do not see a problem with minutes being released in due course. Sorry, I have just been reminded our meeting on Friday was not a formal meeting and therefore there is not a minute.

**5.7 Deputy M. Tadier of the Minister for Housing regarding the advertisement of properties within the private sector restricting occupation by children:**

Does the Minister intend to review the present position whereby properties in the private sector can be advertised as “no children”, and what action, if any, does she intend to take to remedy this?

**Deputy A.E. Pryke of Trinity (The Minister for Housing):**

I am happy to look at this concern further as part of a wider review of issues affecting the rental sector planned for later this year. Generally I think we should avoid telling landlords who they should take as a tenant although they should act reasonably when a property is appropriately sized for children and the tenants sign-up to their legal obligation. The Rent Safe landlord accreditation scheme, which is aiming to be launched later this month, will include a standard to ensure that landlords treat all tenants fairly, including where they have responsibility for children. It is important that we embed this type of good practice across the whole private rental sector.

**5.7.1 Deputy M. Tadier:**

Does the aversion to legislation in order to affect good and proper behaviour, especially when it comes to basic human rights such as housing, extend to general policy when it comes to her department or the Council of Ministers? For example, would we say that we should not legislate all restaurants and tell them that they can turn away whoever they want to their restaurant? Or is it the case that the Minister needs to bring in legislation to say what you can and cannot do when it comes to the basic provision of a human need?

**The Deputy of Trinity:**

As I said, it will be part of a wider review as part of the housing strategy later this year. But I think at the end of the day we should not avoid telling landlords who they should take as a tenant and I would like to think that the voluntary accreditation scheme would pick up issues like that.

[10:15]

But we need the evidence before we can say let us look at law.

**5.7.2 Deputy G.P. Southern:**

Does the Minister not consider that any statement, like Deputy Tadier has just illustrated, is straightforwardly discrimination on the grounds of age?

**The Deputy of Trinity:**

Landlords should not discriminate on the grounds of sex, race or age. As I have said, when the accreditation comes in this will be picked up.

**5.7.3 Deputy G.P. Southern:**

Is this not surely a matter for law rather than a voluntary agreement among landlords?

**The Deputy of Trinity:**

As I have said, unless there is a lot of evidence saying that parents of the children have been turned away, I am not going to be putting a law in place if there is not the evidence to say that there is a problem. One thing we should be doing is building more homes. If there are more homes there would be much more choice.

**5.7.4 Deputy J.A. Martin of St. Helier:**

Yes, but the private sector ... the more homes that the States are building do not always affect these children. My question to the Minister is: in the review or consultation that is being carried out at the moment, is there a straightforward question to ask why many landlords advertise no children. It is beyond me, but is there a question in the review?

**The Deputy of Trinity:**

As I said before, the review is starting later on this year and I will take Deputy Martin's point. But also she mentioned about social housing, we need more social housing. Yes, we do but we also need more housing in the private sector. Hopefully in the years to come when more businesses move to the Waterfront, the property that is left and the north of town can be regenerated to provide more homes, which we desperately need.

**5.7.5 Deputy J.A. Martin:**

There was a supplementary. Will the review cover the unqualified sector because the no children policy is even higher in this sector?

**The Deputy of Trinity:**

Yes, sir, the review was taken as part of issues in the rental sector planned for later this year.

**5.7.6 Deputy J.A. Hilton:**

I have recently been involved in trying to assist a constituent with family to find accommodation in the unqualified sector. Is the Minister aware of the chronic shortage of unqualified accommodation for families and the situation where children are being refused is making a bad situation a whole lot worse for families?

**The Deputy of Trinity:**

Yes, because Deputy Hilton has appraised me of it. As I said, we need to do this as part of the review later on. It is an aim in the housing strategy. It is all very well but we need to build more homes. If we can build more homes there will be more choice. It is as simple as that. Also we need to make sure that not only more homes but more amenity space too and targeting migration.

**5.7.7 Deputy J.A. Hilton:**

Does the Minister agree with me that what we need is a sustainable immigration policy and that would go some way to assisting?

**The Deputy of Trinity:**

We know that we need to bring out a population policy, and that is the work that Senator Routier is doing this year. But we need people to come in here for economic growth. It is as simple as that but we have to tackle all these problems, and that is what we shall be doing this year.

#### **5.7.8 Deputy S.Y. Mézec:**

I have been helping some constituents recently with an issue they have been having with their tenancy contract, and I have been amazed at how much less regulation there is compared to the ones that I had to deal with when I was a tenant in the U.K. (United Kingdom). Given that housing costs is the single biggest contributor to relative low income poverty levels in the Island, would she undertake to looking at our entire tenancy laws and modernising them and trying to get them up to the standard that tenants in the United Kingdom get?

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

Yes, as part of the housing strategy the Residential Tenancy Law, which came into being in 2013, which had rising responsibilities for landlords and tenants as part of the housing strategy, that will be part of the review taking place next year.

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

If the Minister wants evidence that there are serious issues when it comes to Housing in Jersey, not just to do with children being accepted but also to do with basic rights, she and her officers need look no further than social media this week where a post for a 1½ bedroom property in St. Helier asking £1,200 a month for that property, then finished with the line: “No smokers, no children, no pets” but thankfully they did allow adult humans to inhabit their property. Does the Minister accept that in an Island where we rely on the private sector to house social tenants because we do not have enough social housing, that it is imperative that we have a level playing field so that people are not discriminated in from one section to the other? The Minister will know that in social housing you cannot refuse children and it is completely ridiculous if we have 2 and 3-bedroom homes which say: “No pets, no children, no sharers”, *et cetera*?

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

There are quite a few points in there. Yes, that is the whole point of the review, and that is one big aim with the accreditation scheme, looking at that where landlords have to, if they want to be accredited, come up to the mark with meeting certain criteria. One of those criteria is they have a responsibility for children. Social housing as well as in the private sector, we need to build more houses. Alongside that, we need to make sure that they are delivered to the right standard.

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

It is not whether they want to be accredited or whether they want to be landlords. If they want to be landlords then they have to abide by the same legislation, the same overarching regulation that the public sector do.

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

That would have been a final supplementary on your final supplementary so I disallow it.

### **5.8 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding a migration and population policy:**

When will the Council of Ministers be producing its migration and population policy and how will it ensure that it meets the timetable it sets?

#### **Senator I.J. Gorst (The Chief Minister):**

Could I ask Senator Routier to answer this please?

**Senator P.F. Routier (Assistant Chief Minister - rapporteur)**

Population and migration are important. They affect almost everything we do. The ability of businesses to prosper, the state of our public finances, the environment and - as we have heard just now - housing. Our population is ageing placing more demand on services, especially our health service, we need a strong economy to afford this. This is why population policy is not just a number, it is part of a long-term plan. We outlined this last November to Members and we will be providing the same briefing to a range of stakeholders later this month and we will be launching a public consultation in March. We will then report back to the Assembly in September and I would like us to have a debate before the end of this year. We can achieve this if we all work together, but I need to be clear that there are not going to be any easy answers.

**5.8.1 Deputy J.M. Maçon:**

In the last term the Senator will be aware I put a very similar question to the Council of Ministers resulting in a 6-month to a year's delay on the initial timetable that was outlined. What confidence can the Senator give to me that that will not occur again?

**Senator P.F. Routier:**

Members will be aware that the Council of Ministers have been dealing with some major issues over the last few months and we are now ... over the last year in fact, with the Medium Term Financial Plan and the Strategic Plan and all of those things that go along with that. We now have the bandwidth within the department to progress this and we will be ensuring that we have this as one of our top priorities.

**5.8.2 Deputy G.P. Southern:**

I am impressed with the management speak: "We now have the bandwidth to progress this." But the Minister mentioned that he had a long-term plan. Would he indicate to Members what that long-term plan might contain and whether it requires a population of 100,000, 110,000, 120,000 or even greater?

**Senator P.F. Routier:**

Unfortunately I do not think the Deputy was able to be at the presentation we gave to Members last year. There were a number of presentations which I do not think the Deputy was at all of them. But that obviously identified that our Island has many things we need to consider. There is the environment, the community and our economy, and we have to look at all of those issues in the round to see how each of those areas will be affected, and then as part of that we would then be able to develop a sustainable population policy.

**5.8.3 Deputy G.P. Southern:**

Does the Minister accept that numbers like 120,000 or 130,000 will inevitably damage the environment?

**Senator P.F. Routier:**

That is the sort of discussion we want to have with everybody about what sort of Island they want to live in, whether they want to protect our environment above the economy or whether they want to ... it is a balance we have to strike. Obviously if we do have a really high number of population that will affect the environment. We have to balance those things out. But, as I said, it is no easy task.

**5.8.4 Deputy T.A. Vallois of St. John:**

Could the Assistant Minister confirm that a number of people in or out of the Island confirmed for a policy is pointless considering that we do not count people out?

**Senator P.F. Routier:**

The way we gauge the number of people who are in our Island is obviously something which the Statistics Unit do on an annual basis. They do that through looking at the social security returns and the I.T.I.S. (income tax instalment system) returns, and they have to make a judgment about that. You are right, there is no actual counting of people leaving the Island as they leave the ports, but certainly the way we do make a judgment, and the Statistics Unit are very confident that what they provide us on a regular basis gives us a true enough picture for us to calculate what services we need on our Island.

**5.8.5 Deputy T.A. Vallois:**

Surely the Assistant Minister would agree that numbers are meaningless if people are feeling squeezed within an Island of this size and they feel that there are more and more people, more and more cars on the road, and more and more pressure on the public service, especially with an ageing population?

**Senator P.F. Routier:**

That is a view which is held by some people certainly. But there are varying views across our community. If you speak to other people they might consider that we need more people in our community to have a prosperous economy. It is not a one size fits all, I am afraid. We need to take everybody's views across our Island community to try and get a balance that suits us all. It is no easy task to suit everybody's needs but we have to get a balance for our community.

**5.8.6 Deputy M. Tadier:**

Can the Minister give us an idea of how accurate the current names and address register is?

**Senator P.F. Routier:**

The last feedback I had about the names and address register is that it is now settling to a good level but it has taken a long time for it to build up to ensure that we have good accurate information within it, but I am told now that it is becoming more reliable and the Statistics Unit will be able to, in the future, rely on it as a good source of information.

**5.8.7 Deputy M. Tadier:**

Just to fish for more detail on how well populated, I guess, you could say the population register is. Is it full, is it half-full or do we not know how many people that live in Jersey are on that names and address register?

**Senator P.F. Routier:**

When the names and address register was populated it got to ... because it is made up of various bits of information, some from Social Security, some from Tax, and also the people who have gone and got their cards. At one stage the names did include a lot of people who had not been cleaned out from the Social Security so there is a cleaning process of the names and address register, which needs to happen. But it is getting more and more robust as months go by.

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

Would the Assistant Minister not agree that this is a very inefficient, woolly way of measuring the population? It was suggested to him some years ago by the Migration Scrutiny Panel a far more robust way of measuring people at least leaving the Island.

[10:30]

Surely he appreciates this is fundamental to every decision this Assembly makes, including the size of a hospital. Can he not confirm when he will be bringing forward a robust mechanism of measuring our population?

**Senator P.F. Routier:**

The measuring of our population is something which is carried out by the Statistics Unit on a regular basis. It is better now than what it used to be. We used to just have a 10-yearly census. But now we have a more regular basis which the Stats Unit will be able to give us more information on a regular basis. But I do appreciate this is a vitally important matter for our community, but we need to understand what sort of Island our community wants to live in, and that is the piece of work that is going to carry on during this year. We will be coming back with a long-term plan towards the end of the year and hopefully debate it and be able to come to some consensus. Part of that will be a population and migration policy.

**5.8.9 The Deputy of Grouville:**

In the meantime can he bring in the suggested mechanisms of putting a far more robust way of measuring the population that was suggested to him 5 years ago by the Migration Scrutiny Panel?

**Senator P.F. Routier:**

I do not believe at this stage it would be an appropriate thing to do, but we are certainly working to the best of our abilities with the tools that this Assembly has given us. The Control of Housing and Work Law is working because we have seen from the figures that have been produced at the last sitting the amount of refusals that are being made. Some people are complaining about that. It is trying to get the economy buoyant. We are trying to ensure that we do not have too many people come to the Island, but we have to get the right people. We must have targeted migration because what we do know is there is going to be a lot less people. If we had no people coming to the Island there would be less people in the community to support our ageing population.

**The Deputy Bailiff:**

Another question, Deputy Lewis, and then we will come on to the final.

**5.8.10 Deputy A.D. Lewis:**

Would the Assistant Minister agree that we should also be considering guarding against the real possibility of depopulation in the future which is a scourge of many other small island states? We should be alive to that and in your consultation process we should be very much considering that as a possibility in the future, which is a serious concern to many, many small island states.

**Senator P.F. Routier:**

The Deputy is right that we need to be concerned about that. Certainly during the consultation that is one of the matters we will obviously be taking into consideration. It is the balance that we need to strike.

**5.8.11 Deputy J.M. Maçon:**

Does the Assistant Minister like me suspect that after this review all that will occur is pretty much the same target except with a grand total to be increased?

**Senator P.F. Routier:**



I cannot confirm that one way or the other because really I want to have this discussion with States Members and the community to find out where we would get to towards the end of this year with an informed debate.

**5.9 Deputy R. Labey of St. Helier of the Chief Minister regarding the creation of a £120,000 per annum senior officer post at External Relations:**

Will the Chief Minister explain to the Assembly why he is considering the creation of a new £120,000 per annum senior officer post at External Relations?

**Senator I.J. Gorst (The Chief Minister):**

The existing chief officer post has been vacant since the transfer of function led to the merger of Home Affairs and certain aspects of my department to form the Department for Community and Constitutional Affairs. The vacant chief officer post is being replaced with a head of service post. The post holder will also support other Ministers and departments whose responsibilities include external facing work.

**5.9.1 Deputy R. Labey:**

Does it have to be such a high salary? Could they not have gone fishing to find this role with smaller bait?

**Senator I.J. Gorst:**

By tradition we put as little bait on our fishing rods as we have to, considering our heritage. But it is an important role. The work of the External Relations Ministry is extremely critical and I think in this Assembly we would all accept that in the coming months and years it is going to be even more so.

**5.9.2 Deputy M. Tadier:**

I thought the whole point of having mergers here in different departments was to eliminate the need for certain posts. That is certainly what the workers on the ground are being told when they at very short notice face voluntary or, in fact, compulsory redundancy. Does the Minister accept that not only is this a slap in the face for those aforementioned workers, but that the policy is not being consistently applied throughout the different ranks of the Civil Service?

**Senator I.J. Gorst:**

If it was a simple replacement of chief officer with chief officer that might be an argument. But all departments are looking to see where they can make savings; where they can reduce headcount. In the Ministry they have reduced headcount and they will continue to work carefully to manage their budget in conjunction with other areas that do external work. This is a department that has gone from being created not very many years ago to doing really great work on behalf of Jersey. We set up the Brussels office, the London office; we have reinvigorated the office in France. They do that with very, very few people. When I travel to those offices and I see other offices of similar size and even smaller entities in London and in Brussels, I see that we work in a very lean and cost-effective way. If we look at some of the things that that office has done we see that they have been extremely successful, and the replacement with a head of service I believe is going to continue to deliver that succession in an area which is extremely important to all of our futures.

**5.9.3 Deputy M. Tadier:**

What the Minister has just said about that particular department being lean, *et cetera*, doing great work, could equally apply to many of the other sectors like Transport and Technical Services Department who I think do wonderful work on the ground, and it is certainly valued by the

population. Yet they face savage cuts and a privatisation programme. Was a privatisation programme perhaps for External Relations or for senior civil servants never considered? Perhaps outsource it to a provider such as G4S or some consultants who we could perhaps expect to pay the minimum wage to. I am not sure that I identify the question, I am afraid.

**Senator I.J. Gorst:**

I am not sure I did. I understand that there might be concerns, but this is a department which has managed its headcount and will continue to do so; is working far more closely in a joined-up approach. It now sits alongside those areas of other departments that it supports on a daily, weekly and monthly basis, and they will be working more closely together to make sure that they are getting the best value for money right across those sections. I have no reason to doubt that they will continue to do that

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

I go back into my broken record moment again: succession planning, succession planning, succession planning. Was there any succession planning for this post and if so, is the person being put forward as a replacement?

**Senator I.J. Gorst:**

In the first instance of course what we are doing is looking across the organisation and across the offices of the Ministry together with the Civil Service except that it is an open competition. When I come to this Assembly on other occasions I get accused of not being open and transparent. I have no reason to doubt that there are not people existing within our organisation that will not have a really good chance of being appointed to this post.

**Deputy S.M. Wickenden:**

Was there a succession plan?

**Senator I.J. Gorst:**

That is what succession planning is. Succession planning is not necessarily picking a person and saying this person is the anointed one. It is making sure there are people across an organisation that can move into senior places when those become available.

**5.9.5 Deputy J.A. Martin:**

Can I go back to Deputy Tadier's question and get a straight answer please? We were told joining departments and ministries, *et cetera*, would be a great saving. Who is looking down on these chief officers and saving us any money? Who is joining across departments that are doing similar work? We are looking at this at P.A.C. (Public Accounts Committee) and we need some more joined-up thinking. But who is deciding on the very top jobs? Who is looking down on the top people?

**Senator I.J. Gorst:**

The Council of Ministers, together with officers, think about structural redesign and making changes right across the organisation. As I said, that is why we have brought together on one floor - and this is one of the reasons that we are delivering an office modernisation programme - because when you bring together people and they work together, there are a number of things that flow out of that. One is better value for money; one is synergy of operation; and ultimately one can see where posts can be managed in a better way. This is the start of that process in regard to those departments. But be in no doubt, if we do not appropriately resource those outward facing departments, if we do not deliver economic growth which is an important and some would argue primary remit of why we have the External Relations Ministry, then the flexibility that we need, the protection of the income line that we need, will not be delivered.

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

He never answered my question. He is talking about the External Ministry and he is now talking about the modernisation strategy. What I am asking the Minister is: if you put all the chief officers in one place are we going to save any posts?

### **Senator I.J. Gorst:**

The difficulty I have in answering that question is going into the public domain and giving information whereby members of the public and Members of this Assembly can point to individuals and say: "Oh, your job is at risk as an individual" and that is a difficult area. But I have no doubt that over the course of this reform and redesign we will have fewer departments, we will have fewer chief officers, we will have fewer managers. If you look at the voluntary redundancy scheme you already see that people are being taken out of the department, leaving States employment right through the levels of the organisation. But that does not mean to say in this extremely important area this replacement post should not be filled.

### **5.9.7 Deputy R. Labey:**

The Chief Minister's own former adviser on these issues who left to go to the zoo was quoted in the press just this week as saying that the States needed to focus on administrative jobs, not just manual worker positions. We are clearly not doing that. Many people would regard the creation of this post and other fat cat posts as an obscenity. It is not only insensitive timing but a broken promise, is it not?

### **Senator I.J. Gorst:**

The first thing is the questioner has tried to use a word which this is not. This is a replacement of a post and we are organising right across the organisation. I do not think the Deputy for a minute is suggesting that this is not an important area that we should not put appropriate resource into, and that we need to get right. If we had not had the Ministry of External Relations it is not an overstatement to say that we may still be on a French blacklist and that would be detrimental to all of our economic interests. As the U.K. faces its deal, which we will see is about to be announced in the next 15 minutes, that the U.K. Prime Minister has been negotiating with the European Union on, and then we see the Council meeting at the end of February and if there is a deal there we will see a referendum in the United Kingdom. Never before has our relationship with the United Kingdom and with members of the E.U. (European Union) Member States been so important to us. If we do not resource that, if we do not have the right people to continue to get that right and build on it, then I do not believe any Member of this Assembly would like to find us in that position. It is going to be through building that relationship, having the right resource, having the right people that we navigate the waters ahead of us to Jersey's best advantage. I am committed to doing that. I believe that we can do it and that I believe in his heart of hearts so does the questioner.

### **5.10 Connétable C.H. Taylor of St. John of the Minister for Treasury and Resources regarding the instructions given to Andium Homes following the approval of P.78/2015 'La Collette Low Rise: protection of open space':**

Following the adoption by the States of P.78/2015 - La Collette Low Rise: protection of open space - can the Minister confirm how and when he instructed Andium Homes of the decision of this Assembly and whether he did so in writing?

[10:45]

### **Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

P.78/2015 was, and I quote: “To request the Minister for Planning and Environment to ensure that any redevelopment of La Collette Low Rise upholds and maintains the protected open space status.” This was therefore a planning issue to be considered by the Minister for the Environment and managed in the appropriate way through that planning process. Andium were, of course, aware of the States request to the Minister for the Environment. However this was not a matter requiring the shareholder to take any direct action.

**5.10.1 The Connétable of St. John:**

During the P.46/2015 debate the Chief Minister stated: “This Assembly is the ultimate decision maker.” If that is the case, who has overruled this Assembly? Was it you, the Minister, failing to instruct Andium accordingly or was it the Board of Directors of Andium Homes?

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

It was neither. As I have stated: the request from this Assembly was to the Minister for the Environment. That was very clear, to consider the matters relating to open space of that particular development. There was not a role for the shareholder, for the board of Andium in relation to this matter. They were operating within the objectives of the company and within the law.

**5.10.2 Deputy J.A.N. Le Fondré:**

Given that the land identified in the proposition is very clearly owned by a company for which the Minister is responsible, why did he not even consider communicating the will of the Assembly to that company? Is it not just yet another example of weak thinking and silo mentality?

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

Absolutely not. In fact, Andium I know were listening to the debate when it was undertaken, not surprisingly. They have the responsibility for the land which is public land. They have the responsibility for ensuring they improve the housing stock on the Island for the benefit of Islanders. They have the responsibility for building much needed housing that this Island and Islanders need. Of course they were interested. They had spent several hundred thousand pounds progressing this particular development, which much needs to be improved, and they were concerned that that particular project was going to be delayed or indeed threatened by a decision. So of course they were aware.

**5.10.3 Deputy J.A.N. Le Fondré:**

So it was not the Minister’s problem, a decision by this Assembly?

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

As the Deputy says, the Minister’s problem is ensuring that the company operates within the terms of the M.O.U. (Memorandum of Understanding) that is in place and that it carries out its objectives that are set out. Those objectives, as I have just stated, are to ensure that there is proper housing stock of a proper quality. We have more than 800 on a waiting list at the moment for housing. It is essential that Andium are allowed to get on with their work. As long as they are doing it in an appropriate way and they are following the law, then there is not an involvement in this matter for the Minister.

**Deputy R. Labey:**

Regardless of a decision by this House.

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

This Assembly made a decision which was to direct the Minister for the Environment. This particular Minister for Treasury and Resources has responsibility with relation to the company and

I can say, as I said in my opening remarks, that there was no direct action such as writing letters to the company that was appropriate for the Minister for Treasury and Resources to undertake. What the Minister for Treasury and Resources has done, as the Deputy will know, both Deputies Labey, Martin and Wickenden recently met with me and the Assistant Minister to consider matters in relation to this particular development and we will of course be as helpful as we can. My Assistant Minister is already, and has been prior to that meeting, in dialogue with Andium about its objectives and ways in which the concerns of the relevant Deputies can be taken into consideration. So indeed we are being helpful, I hope.

**5.10.4 Deputy M. Tadier:**

Could the Minister talk about collective responsibility in this context if the Assembly asks one Minister, in that case the Minister for the Environment, to take some action? Surely it should be understood that it is the will of the Assembly and that Ministers communicate, and that where it falls under the Treasury and Resources remit it should be he to carry forth the will of the Assembly through the Council of Ministers.

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

This was relating to a live planning application. A planning application that was submitted in May and the Planning Department was going through due process. The Assembly made a decision which was to request the Minister for Planning and Environment, as it was at that time, to consider the issue in relation to open space. I have no doubt that the Minister did that, and indeed officers of the Planning and Environment Department, as it was then, also took consideration of that matter, and indeed the panel that ultimately made the decision to approve the application, will have also taken into consideration the views that were raised; and that is the right and appropriate way.

**5.10.5 Deputy M. Tadier:**

Does the Minister not accept that were it still the old Housing Department this kind of eventuality would be completely unthinkable and indeed objectionable for so many reasons, and that is simply the fact that now Andium is a separate incorporation, it is still ultimately owned by the States and is there to represent the public interest? Does the Minister not see that issue as being very worrying?

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

The Deputy is absolutely right. The company is there to represent the public interest in terms of providing suitable housing, right and good quality housing, and I have to say the quality of the housing at La Collette is unacceptable at the moment. It is not at the standard that we would like to see. That particular development needs to be improved. In fact, the plans that were submitted were going to increase the number of units by 88: 88 much needed new units of accommodation for Islanders. That is following the objectives laid down as far as Andium are concerned, and provided, as I have said, they follow through on the terms within both the M.O.U. and also their Strategic Business Plan in relation to the matters that I have already mentioned, then the responsibility for the Minister for Treasury and Resources is fully taken care of. That is all I can say on the matter.

**5.10.6 Deputy J.A. Martin:**

I think this goes back to where the Constable of St. John started from. This House set up Andium as a wholly States-owned company with the protection, we thought, that we had the Minister for Treasury and Resources looking out for the people, yes, but the decision that were made in this House. What does this Minister for Treasury and Resources think that after this House decided to keep this as an open green space, Andium ignored it completely and went to Planning with the same plan?

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

The important fact is for both the company and myself, with oversight as guarantor for the company, to have consideration for the whole Island, not just one particular development. There is a strict division between responsibilities. This was a matter that was put to the Minister for Planning and Environment, as I have pointed out - the Minister for the Environment - to consider as part of the process which led eventually to the application being approved. It went through due process. No law was broken and indeed the views expressed by this Assembly with the decision were matters that both the Minister and the panel and officers would have taken very clearly and closely into consideration as they went through that process. I think that is the appropriate course.

**5.10.7 The Connétable of St. John:**

In responding to my last question the Minister stated that Andium Homes have responsibility and he went through responsibility for this, this, this and he listed 4 things. The primary responsibility is to the public of this Island who own the land. You have been elected to represent the owners which is this Assembly.

**The Deputy Bailiff:**

Minister, speak through the Chair, please.

**The Connétable of St. John:**

Through the Chair. This Assembly made a decision. This decision has been defied. Either you as shareholder representative ...

**The Deputy Bailiff:**

Either the Minister.

**The Connétable of St. John:**

Either the Minister, sorry, it is my writing. **[Laughter]** I will put my glasses on. Either the Minister has failed this Assembly or the Board of Directors of Andium Homes have ignored the wishes of this Assembly. Which is it?

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

I hope I have already covered that point. It is neither of the aforementioned, as the Constable suggests, have failed either this Assembly or the company or Islanders, more importantly. They are carrying out the objectives clearly laid out for the company to first of all improve the housing stock and provide more and new much needed housing for Islanders. As I have said, we have over 800 Islanders who are needing housing in this Island and that is the purposes of Andium Homes and they are acting within the law. The proposition that came to this Assembly was a matter that was directed to the Minister for the Environment. He and his officers have quite rightly given it due consideration as Members would expect. That is all I can say.

**5.11 The Deputy of St. John of the Chief Minister regarding the origin of the annual additional income received by the States of Jersey from the Office of Communications (Ofcom):**

Could the Minister explain the origin of the annual additional income received by the States of Jersey from the Office of Communications (Ofcom) and state whether this funding could be used to assist Social Security to provide free television licences for all persons over the age of 75 and if not, why not?

**Senator I.J. Gorst (The Chief Minister):**

Could I ask Senator Ozouf who is responsible for these areas to answer this?

**Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):**

Ofcom is required by the U.K. Communications Act to collect fees and payments for the use of the spectrum, for example, telecommunications companies who use licence spectrum. Monies are collected by Ofcom and then allocated to various regions and territories including the Crown Dependencies. That is then paid for by the Department of Culture and paid to Jersey. The amount returned fluctuates, depending on the amount that Ofcom itself receives and also to the cost that they incur in collecting the actual licence fees. I can advise the Assembly that a budget in 2015 of £300,000 from Ofcom was expected and a further £237,000 bringing a total of £537,000 in 2015. This money has been used effectively by previously E.D. (Economic Development) to fund Digital Jersey which started with nothing but then had a budget of £961,000 in 2014, £1.2 million in 2015, and I hope to give more than £1 million in 2016. Of course over-75 licence fees are paid by Social Security in Jersey. This Assembly has made a decision in 2016, has the money for that; so the answer is effectively no. But Jersey is in discussion with the U.K. and the BBC in order to resolve a wide range of issues including the chance of renewal in the service obligations of Jersey.

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

Is the Assistant Minister aware that under the Communications Television Licensing Regulations 2004, that Jersey were not part of paragraph 61 which only applies to the Isle of Man and Guernsey, for them to receive free television licences for people over the age of 75? If he is aware, could he explain why that is the case?

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

I have to say I am not sure that I am aware of the fact that residents in the Isle of Man and Guernsey are part of the U.K. scheme. I doubt that in terms of the actual decision, but I am happy to look into that. I know that we are not part of that and it is important. The former Assistant Minister will know from her time at Treasury that the issue of licence fees, the U.K. Chancellor, to some extent, deftly arranged that the previous cost of over-75 licences was paid directly from the BBC. So in fact it deleted an amount of money in Government spending and shifted it to the BBC. Now we are in discussion ourselves with the BBC but of course that is an obligation of what they get for Jersey from licence fees and what they put back. I do not want to compromise in any way the service standard that the Channel Islands and indeed Jersey get from the BBC.

**5.11.1 Deputy S.M. Wickenden:**

I noted in the Assistant Minister's answer that the funding for Digital Jersey, which is possibly one of the most important sectors of growth that we need in the Island in the digital sector, is being reduced. How does the Minister intend to fund Digital Jersey appropriately and can he give me some commitment that it will be funded appropriately?

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

I agree with the Deputy who is the one of the Members of this Assembly who knows more about tech than most people. I agree that Digital Jersey is absolutely vital and effectively having Digital Jersey as identifying what the economic and jobs and growth opportunities are representing the interest of the growing tech community is effectively absolutely fundamental to this Assembly's ability to get income and to save income in the future both in the Government, *et cetera*. I am in difficulties in relation to Digital Jersey's budget, but I will attempt to solve it by charm and persuasion with the Minister for Treasury and Resources and making the case possibly for an allocation from the Productivity and Growth Fund that the Assembly wisely agreed. But the Minister for Treasury and Resources is a tough guy and I know I am going to have to persuade him.

But this is important and I need to get the money in order to raise Jersey's game for the tech industry.

**5.11.2 Deputy M. Tadier:**

I think the worrying thing is that I thought that perhaps Deputy Wickenden was going to ask, is why are we using money from Ofcom to pay for a Digital Jersey when you would expect that kind of initiative to come from centralised funding from taxpayer funded, and that the money from Ofcom, which essentially could be viewed as a windfall income, could be used to provide the very basic minimum that over-75s in the U.K. would expect anyway from their Government and now from the BBC?

[11:00]

Is it not the case that morally we should make sure that first of all over-75s in Jersey have the same entitlement to their homologues in the U.K. and that any money left over then could be perhaps used for Digital Jersey or any other spending?

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

It is not a binary option. I am afraid you are going to use Ofcom money to fund 3 television licences. It is 2 completely different things, if I may say. The one thing that I think I agree with the Deputy and his colleagues on Reform Jersey, as I look at the policies of other similar parties, is the importance of the tech economy. The importance of the tech economy is absolutely vital and it is not going to happen by accident. We need to invest and we need to position Jersey, as the United Kingdom is doing, in order to take advantage and effectively protect ourselves on what I think is another question before Members today, which is effectively Deputy Higgins' question of the Fourth Industrial Revolution. The world is changing and unless we raise our game in every sense of the economy and eGov, we are going to fall behind. It is not fair to say Ofcom income comes through over-75s.

**Deputy M. Tadier:**

May I ...

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

I am answering the question. It is not right and I would not say that Ofcom income, which is licence fees for effectively Spectrum use, should be used for licences. That is not, I think, right. What is right to do is to invest in our capacity for encouraging the digital sector of the economy which is so vital to our future.

**5.11.3 Deputy M. Tadier:**

The Assistant Minister is the master of deflection because this question is not about Digital Jersey. Nowhere in the question from the Deputy of St. John does it mention Digital Jersey. This is about the provision and the use of funds for the provision of a television licence for over-75s. That is what the question is about and I know he has given a previous answer. So does the Minister accept that it is not a binary either that the money from Ofcom, which is related to television and radio, should necessarily be used for States spending on one of its pet projects, a very important project called Digital Jersey? Would he seek to answer the original question as to whether or not he would use this money and, if not, how is he going to provide free television licences for over-75s either by funding it or by negotiation with the BBC? That is the question.

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

I am absolutely clear the former Minister for Economic Development, Tourism, Sport and Culture wisely allocated Ofcom revenue, some of which is known and some of which comes as the



unknown amount because of Ofcom's success in getting licence fees for the use of Jersey Spectrum. They have allocated that for Digital Jersey. If they had not done so, we would not have any funding for Digital Jersey and that has been supplemented. The separate question, which is a difficult political debate, is the issue of television licences and I have been clear that is a matter within the Minister for Social Security's portfolio. This Assembly has decided that that is going to be funded by means testing over-75s, and 2,000 people are entitled to do it at a cost of £290,000. The U.K. are giving all over-75s from the licence fee payment free television licences. If anybody thinks that that is, in Jersey, a wise decision to give over-75s who are growing in number exponentially with a source of funding that is uncertain from the television licence is a good idea, then they are entitled to their opinion. I do not. I think there should be clarity and perhaps that is why the G.D.P. (Gross Domestic Product) has debts of 100 per cent, though in Jersey we have 100 per cent of G.D.P. in assets. They may get free licences but, my goodness me, is it sustainable funding? I do not think so. It is 2 separate things and that is why I attempted to answer politely, I hope, and properly the question from the Deputy of St. John.

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

It really reassures me when the Minister in charge of this does not agree that even over-75s should have television licences because my question was how high on the priority list is he talking to the BBC to get them to toe the line like the U.K. Government did and said: "You will provide television licences to the over-75s"? I look forward to his answer. Thank you.

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

I think the Deputy and I, who are very respectful and happy members of P.P.C. (Privileges and Procedures Committee) together, are both of the view that we should ensure that the BBC is providing the right quality of service for Channel Islanders and for Jersey. In this sensitive period where there are swingeing budget cuts in the BBC, including this additional obligation to fund over-75s licence fees, the BBC is under financial stress. Now what I would not want to happen is an unintended consequence of a decision to require them to pay over-75 licence fees out of the licence fees that they are paid for Jersey and then one sees the BBC see its budget cut locally. Now we can talk about the standards of the various different medias but I think that I do not want to raise expectation, I do not want to have unintended consequences of decisions. I want to know what the BBC are spending in Jersey, how much they collect and how sustainable is that in the future. I want to understand these issues before I can argue, as I always do and as every Member of this Assembly would do, for the interests of Jersey. I hope that is helpful to the Deputy.

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

In one of the Assistant Minister's answers, he talked about the fact that for the growing number of people over 75, this type of funding will not be sustainable. I would suggest that the type of growth that some people see in departments is not sustainable either and I would ask the Assistant Minister to provide some assurance, I think, in regards to the reference to Digital Jersey because this money is not a certainty. It is stated in the Ministerial Decision that it is windfall money but yet we have placed £300,000 into E.D.D.'s (Economic Development Department) base budget over the period of the M.T.F.P. (Medium Term Financial Plan) and there is extra money going into Digital Jersey. So my question is the Digital Jersey money, is that a long-term funding requirement and therefore will money have to be asked for out of the contingency funding and is this the appropriate way to be funding what will be seen as a long-term department?

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

I think those are excellent questions and I cannot do justice in the time that you will allow me, Sir. But what I will say is this: that there has been excellent work by Digital Jersey in its early years.

We have now focused Digital Jersey under the excellent new chief executive that we have got on being a business-to-business operation and Education has kindly now taken the mantle up for digital learning in schools. If we are to raise the income line which is at the heart of the Deputy's question, how are we going to balance our budgets in the longer term? By being prudent on expenditure, which all Ministers and led by the Minister for Treasury and Resources has seized upon and dealing with, and the other way is we are going to raise income and we are going to raise income by maintaining our financial services sector, the same number of jobs today as we did at the start of this crisis - that is fantastic news - and where can we get more income from? We can get more income from raising our game in terms of tech and that is what I am focused on. When I have a business plan for Digital Jersey, I will bring it. This Assembly has made decisions for 2016 allocations; not for 2017, 2018 and 2019. 2017, 2018 and 2019 has to be sustainable for Digital Jersey in all that work that has been going on in effectively our external facing departments and that requires joint working with Economic Development, External Affairs and my area. I can assure the Deputy that I speak with the Minister for External Relations, Minister for Economic Development, Tourism, Sport and Culture all now on the seventh floor working together to argue for Jersey and get that income line up because that is the way we are going to be able to balance our budgets in the future as well as being prudent in expenditure, of which eGov is an important part.

**5.12 Senator Z.A. Cameron of the Minister for Treasury and Resources regarding the capacity of the proposed chairman of the States of Jersey Development Company to properly oversee the activities of the company:**

What assessment has been made of whether the proposed chairman of the States of Jersey Development Company has enough capacity to properly oversee the activities of the company sufficient to justify a salary of £40,000 for 24 days, the equivalent of £420,000 per annum?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

If I may, I will ask my Assistant Minister the Constable of St. Peter who has responsibility for this area to answer.

**Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):**

I am pleased to inform Senator Cameron that the appointments process for this post was a robust and independent one overseen by the Jersey Appointments Commission, a member of whom was also part of the interview board. All candidates interviewed for the role were of an extremely high calibre, each with a very strong set of skills, expertise and experience. In the case of the candidate that I will be recommending in P.1/2016 later in this session, she has been a non-executive director of the company since June 2011 and has clearly demonstrated her capacity to participate in the activities of the company during that time and the potential to ably fulfil the role of chairman. Turning to the matter of the remuneration: there has never been a more important time in the history of S.o.J.D.C. (States of Jersey Development Company) to have the services of a top flight chairman, given the aggressive commercial world that we are in and delivering the very projects agreed in the States of Jersey Strategic Plan agreed by this Assembly in 2015. Such a person will command a salary of the level specified, which is in line with that of chairmen of other States-owned companies. Thank you.

**5.12.1 Senator Z.A. Cameron:**

While it might indeed be conceivable that this individual's value is worth that of 10 elected States Members, which is the level of the remuneration that has been set, how can the Jersey taxpayer be satisfied that it is their interests that will be at the heart of the decision-making process rather than

that of the interests of the *[Name omitted from the transcript in accordance with Standing Order 109(7)]*, for example?

**The Deputy Bailiff:**

Was it entirely necessary to mention the name to the outside of the States Assembly, Senator?

**Senator Z.A. Cameron:**

Apologies.

**The Deputy Bailiff:**

Could I ask you to withdraw that then?

**Senator Z.A. Cameron:**

Okay, I withdraw that, Sir. Just with the interests of a trust company, for instance.

**The Deputy Bailiff:**

We will take that from the record as well please, Greffier.

**The Connétable of St. Peter:**

It is rather a long question, that one. What is S.o.J.D.C. set up to do? What are we expecting the chairman to do in that particular role? I come back to the Strategic Plan and I can quote from it but I will not waste Members' time at the moment. I think we also, when looking at what is the benefit to the people of Jersey, need to look at what finance does for the people of Jersey and the role which S.o.J.D.C. is playing with it providing the infrastructure required. When I am looking at the Jersey Finance Annual Report published only a week ago, the gross added value by industry, finance offers 44.1 per cent to Jersey's value and that is the role that we need to be doing to ensure the people of Jersey have the necessary taxation coming in to enable us to think about building new hospitals and providing all the necessary infrastructure and support for all the people of Jersey. In looking at the salary in itself of the chairman, those are 24 days working in the office here in Jersey. The chairman will be working far more than that, as most States Members do. Many people think we get paid to be in this Chamber. We do but most of us spend 5 days or 7 days a week working on States business. This is what we expect from our chairman, to be fully engaged with the interests of our States of Jersey Development Company. Thank you.

**5.12.2 Deputy J.M. Maçon:**

Can the Assistant Minister confirm that all the non-executive directors, including the proposed chairman, pay full social security and Jersey tax from their salaries?

**The Connétable of St. Peter:**

I am afraid I have to say: "No, I cannot", unfortunately. I can find out and report back to the Assembly at a future time.

**5.12.3 Deputy J.A. Martin:**

Can the Constable please explain the difference in the proposition that says that there is no financial implications to the States because the States of Jersey Development Company are paying the £40,000 for 24 days, which I thought was a wholly-owned States company and therefore owned by the public of Jersey? Could he also expand on the £40,000 for 24 days? Does this include travel, accommodation and expenses or will they be on top?

**The Connétable of St. Peter:**

Coming to the last piece first: this is for working in the office in Jersey. That is the pay they get for that particular role and with regard to there are no expenses, this is not a new post. This post has been in place since 2011 when S.o.J.D.C. was set up by this Assembly and the rate of pay for that position of chairman has not changed since 2011. There have been no increments or annual increases at all so there was no new money attracted to this post. Thank you.

**5.12.4 Deputy J.A. Martin:**

The question was: can the Constable differentiate between this wholly-owned States development company and no financial implications? Not new. No financial implications for the States of Jersey arising from this proposition. The money is all in one, is it not?

**The Connétable of St. Peter:**

I am not entirely sure what the Deputy is trying to get from me. I think from my point of view, the States of Jersey Development Company is owned by the people of Jersey, yes, and there is no new costs accruing to the States of Jersey Development Company because of this position. I do not know if I can be any clearer than that.

[11:15]

**5.12.5 Senator Z.A. Cameron:**

Given the level of concern expressed by the Jersey public regarding this speculative development, which even in less austere times was regarded as high risk use of taxpayers' money, is the Minister satisfied that this individual has enough time available and knowledge of property development in particular, given her lack of past experience in this field and that her time will be devoted sufficiently to Jersey, given her 5 or 6 other business interests?

**The Connétable of St. Peter:**

First of all, I feel I have to correct Senator Cameron. This is not a speculative development. All the development has been carried out with the required pre-lets in place to cover the cost of the development and there is no public money gone into this. There is no taxpayers' money going into this development of the Jersey International Finance Centre at all. This is a myth which has been carried on for some time now. With regard to the proposed chairman, she has extensive knowledge of the Jersey environment, she has extensive knowledge in transformation of businesses, she has extensive legal experience in her role as well of being an Advocate of the Royal Court and entirely the appropriate person to undertake this role. The direction and control of the company, the experience on developing goes down to the officers. They are the experienced people: the engineering staff, architects. That is down to the officers. What the board does is give direction to the company, looks at what the requirement is for the economy of Jersey and makes sure the board delivers those requirements for the economy of Jersey. Thank you.

**5.13 Deputy L.M.C. Doublet of the Minister for Home Affairs regarding the progress made in relation to the 1,001 Days Initiative:**

Can the Minister provide an update on the progress the Council of Ministers have made in relation to the 1,001 Days Initiative including details of any changes to the funding of current projects and/or the creation of any new projects?

**Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):**

I am delighted to do so, although as Members will learn very shortly, it is just in the very early stages which is why an announcement has not been forthcoming at an earlier stage. A multi-agency 1,001 Critical Days and Early Years taskforce has been established to analyse need, identify gaps in

services and to bring forward solutions. The mapping and GAAP (Generally Accepted Accounting Principles) analysis work has been completed and a 20-point draft action plan has been produced. That plan is due to be considered by the Children and Vulnerable Adults Policy Group at its next meeting in early March. At that point, I will be seeking engagement with Scrutiny. No new projects have been commissioned to date, nor have there been changes to existing funding arrangements. These will be driven by the action plan once agreed by C.A.V.A (Children and Vulnerable Adults) Policy Group. In the meantime, the taskforce is working in close collaboration with the UBS Optimus Foundation to help ensure that the Foundation's proposed investment in early childhood is aligned with the taskforce's objectives.

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

I thank the Minister for her answer and it is excellent news that there is an action plan imminently available. We really look forward to seeing that. Can the Minister confirm whether the funding attached to 1,001 Days is only available to only new projects or is there going to be increased investment available for existing projects which are already getting results in line with 1,001 Days so they can expand their services?

**The Deputy of St. Peter:**

At this stage, the action plan needs to be approved before we can confirm whether key areas of activities will be funded with new funding. There is not a specific amount of funding allocated to the taskforce at this time. However, other areas and other States departments who provide work in the early years' environment have growth funding that may be accessible.

**5.13.2 Deputy J.M. Maçon:**

Given that 1,001 Days spans at least 3 different States departments, is the Minister satisfied with the level of oversight of the proposed initiative?

**The Deputy of St. Peter:**

Yes, I am satisfied that there is an excellent amount of oversight. As I have described, the action plan will be going to C.A.V.A of which the members are the Minister for Education, the Minister for Social Security, the Minister for Health and Social Services, the Minister for Housing and myself, and so I feel that there is an excellent amount of oversight and political involvement in this excellent initiative.

**5.13.3 Deputy J.M. Maçon:**

Yes, a supplementary. In which case, can the Minister explain, given all of those plans, which Minister has ultimate responsibility for this area, in particular with regard to the scrutiny of that please?

**The Deputy of St. Peter:**

I have ultimate responsibility as the ministerial lead on this initiative.

**5.13.4 Deputy G.P. Southern:**

Can the Minister explain to Members how much has been set aside in the 2016 budget to cater for the initiatives under the 1,001 Days Initiative and what sums are being discussed for 2017 and beyond?

**The Deputy of St. Peter:**

As I referred to earlier, existing work continues under existing budgets in this area and for areas of growth, those conversations for 2017 to 2019 will be taking place once the action plan is agreed.

**5.13.5 Deputy S.Y. Mézec:**

Given that one group of children who will face particularly difficult circumstances growing up are children who are born into single parent families, 58 per cent of whom live in relative low income, what initiatives does she perceive being included within the 1,001 Days manifesto to get that proportion of children living in families in relative low income reduced so that they can also have the best chances to a good start in life?

**The Deputy of St. Peter:**

This initiative is about giving the best chance in life to absolutely every single young person in the Island. There are also very many excellent projects already in existence and that has been one of the major conclusions of the GAAP analysis that has come forward so far. There are several excellent programmes available to parents of children of all backgrounds. These are available to people regardless of wealth or position.

**5.13.6 Deputy S.Y. Mézec:**

A supplementary. Would the Minister agree that voting to take away £2,000 a year from these families, as the Minister did, is totally counterproductive to what she is trying to do with the 1001 Days initiative?

**The Deputy of St. Peter:**

I think this subject has been well-covered with the Minister for Social Security many times over the Assembly's question periods. However, this is a shared initiative. It has ministerial responsibility and I support the actions of the Minister for Social Security.

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

Can some of the funding for the 1,001 Days initiative be allocated to establish a Child and Family Centre like the Bridge but out west, as I believe has been identified by other Ministers and Chief Officers as being necessary, and also to increase the capacity of some of the existing charities within the Bridge please?

**The Deputy of St. Peter:**

As I mentioned earlier, it is a little early as the action plan needs to go to C.A.V.A. but the positioning of children in family centres around the Island is most certainly an issue that is on that draft plan.

**5.14 The Deputy of St. John of the Minister for Education regarding changes to the U.K. curriculum:**

Given that changes to the U.K. curriculum now require more of students at a younger age, could the Minister advise whether teachers or parents have voiced any concerns regarding the effect of additional pressure on children to meet the new standards expected of them and, if so, how does he propose to alleviate such concerns?

**Deputy R.G. Bryans of St. Helier (The Minister for Education):**

Just to give Members a little bit of background for context, the Jersey curriculum was updated in September 2014 at the same time as the national curriculum for schools in England. The department has been working with teachers and teaching unions for some time. In fact, it has been an unparalleled consultation that we have had to make sure support is in place and the transition was as smooth as possible. There has been training, working groups and feedback and all of these

are ongoing and to answer her question directly, other than the discussion we had at the last Assembly on a private basis, I have not received any direct feedback from parents or teachers.

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

Thank you to the Minister for that answer. What does the Minister have in place to monitor and ensure over at least the next 3 years to identify whether there is significant pressure on the children and whether it is affecting their well-being going forward and their ability to achieve their potential and not the potential that is expected of them from other people?

**Deputy R.G. Bryans:**

I understand the Deputy's concern and I totally agree with her that we need to put stuff in place that allows people to understand the concept and how children and parents would negotiate their way through this. Obviously, for the Education Department, it has been a time of immense change for us. After initial uncertainty, the feedback from our teachers at moderation meetings is that the changes to the new curriculum are manageable and that the new curriculum, particularly in English and maths, is better because it is more focused now and more directly aligned with assessment. Obviously change is not easy for everyone so we are supporting the teaching working force with extra training, updates and professional development. This is a change in emphasis and timing and not a complete rewriting of their job so our teachers are skilled professionals and the first point of recourse would be, if parents are concerned, is to talk to the schools and talk to the teachers.

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

I understand for the secondary schools, the curriculum possibly needs to be aligned with the U.K. for exam purposes, but for primary schools at least could the Minister perhaps take a fresh look at the primary school curriculum and consider something which is more in line with what the public of Jersey want rather than following more so what the U.K. are doing?

**Deputy R.G. Bryans:**

Yes, in fact I have a meeting with the Jersey Curriculum Council a week today and I can raise this issue with them, but I am completely confident that what we have adopted in working and creating our own new curriculum - although the areas of English and maths are more consistent with the U.K. - is to produce the kind of things that the electorate of Jersey are looking for. I think Deputy Doublet comes from the position of making sure that the well-being of our children - and I am sure this is true for Deputy Vallois as well - is paramount in the way we advance but it is really important that we address the problems that have been identified in fact in the *Times* front page just on Friday. It states: "Students in crisis over poor maths and English." So it is important that we move in the correct direction and take our teachers with us and the parents and the students.

**5.14.3 Deputy G.P. Southern:**

If the Minister was observing his headlines today, he will notice there are headlines saying that there is a crisis in teacher recruitment in the U.K. Does that also apply to Jersey?

**Deputy R.G. Bryans:**

Not at the moment. We have an oversupply of primary school teachers. We have some concerns with secondary school teachers but we are working our way through that at the moment.

**5.14.4 Deputy G.P. Southern:**

The Minister knows full well we have always had an oversubscription for junior teachers but not for secondary school teachers. Is it getting worse?

**Deputy R.G. Bryans:**

Not at the moment, no.

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

In answer to my second question, the Minister talked about the fact that the change is “manageable” and that always frightens me when somebody says “manageable.” I think children are very adaptable to change, it just depends on the type of change. Does the Minister believe that for the way that we want an innovative, creative population going forward for diversity, not just in specific areas or industries but to allow them to grow for themselves, we have the type of curriculum we have in place, especially for primary schools, is appropriate for the future of this Island?

**Deputy R.G. Bryans:**

I guess the short answer to that would be, yes, I do. In fact, I have begun my annual visits to all schools last week and I was with the Assistant Minister Constable Pallett visiting a school yesterday and I raised with the head that specific issue and she gave me the exam papers to have a look at. I think it is an area that gives me a little bit of concern. I think there are tricky exam papers but that having been said, in answering the question, the head said that she felt she had the right people with her, the right teachers and the right curriculum, understanding that the curriculum was a framework that teachers work within to produce the kind of things that the Deputy is talking about: creativity and innovation. So, yes, at this moment in time, I do think we have that right. Thank you.

**5.15 Deputy J.M. Maçon of the Minister for Education regarding higher education funding proposals:**

Given the undertaking of the Chief Minister to come forward with higher education funding proposals by the end of the first quarter of this year, can the Minister provide any indication of what these proposals will include and whether this timetable will be met?

**Deputy R.G. Bryans (The Minister for Education):**

Yes, I can. We are working on it as we speak. It is being drafted right now and it is on target to be presented to the States at the end of the first quarter as promised by the Chief Minister. It will be structured around 5 areas. Firstly, analysis of a loan scheme and affordability; secondly, proposals for a savings scheme; thirdly, a review of how the current £10 million higher education budget is spent; fourthly, further developments of Campus Jersey, the idea of increasing our offering within the Island and, fifthly, closer links with the universities in France and other European countries.

[11:30]

**5.15.1 Deputy J.M. Maçon:**

Will that presentation include a hybrid model of a temporary student loan funding scheme to be then replaced with the savings scheme on top?

**Deputy R.G. Bryans:**

I would not look to pre-empt the conclusion of the report at this point in time. The report will be delivered as expressed on time before the end of the first quarter.

**5.16 Deputy G.P. Southern of the Minister for Social Security regarding an examination of the working terms and conditions for domestic care workers:**



Will the Minister agree to a wide-ranging examination of working terms and conditions for domestic care workers to examine whether some means of regulation of these conditions should be introduced?

**Deputy S.J. Pinel (The Minister for Social Security):**

No evidence has been provided to me that would justify examining terms and conditions for domestic care employees. As I explained in my written and oral responses to the Deputy's questions at the previous sitting, and my written response to the Deputy's question for this sitting, no complaints or issues have been raised with the Jersey Advisory and Conciliatory Service or with enforcement officers in relation to this group of employees. I must emphasise again that if any domestic care employees have concerns about pay or their terms of employment, the appropriate route for them is to contact J.A.C.S. (Jersey Advisory and Conciliatory Service) or my department.

**5.16.1 Deputy G.P. Southern:**

Is the Minister aware that it is perfectly possible for a domestic care worker to work a 12-hour day and only be paid of the order of 8 hours' contact time during that day? Are those terms and conditions which she finds acceptable on this Island today?

**Deputy S.J. Pinel:**

As I have mentioned before, there is no evidence of any complaints received whatsoever. The Jersey Advisory and Conciliatory Service has confirmed that of the 9,469 individual inquiries they received in 2015, no client queries or complaints were received on the issues raised by the Deputy's question.

**5.16.2 Deputy M. Tadier:**

Does the Minister accept that there is often an asymmetric power relationship between employers and employees and that wherever there are employees who may be running around busy and often driving around in this case, juggling family commitments and work commitments, that they are not necessarily well placed to contact J.A.C.S. or make political representations and if so, would she consider being proactive about putting out a press release to say that she would like to hear from employees both relating to questions 16 and 18 if they feel that they are being exploited in any way or that their terms and conditions could be enhanced for greater productivity?

**Deputy S.J. Pinel:**

I think the department has been proactive. Social Security has already taken appropriate actions. We provide the funding for J.A.C.S. to make sure that employees can get free, independent advice. We inspect businesses to make sure that employers are following employment and social security legislation. There seems very little point in trying to exacerbate a situation that does not exist.

**5.16.3 Deputy M. Tadier:**

The Minister seems very sure that this situation does not exist but as I have said to her, it may well be the case and I believe it is the case in many cases, that simply the problem is there but the employees who are affected either do not have the time or the wherewithal to make the right channels known of the issue. So does the Minister accept that that may be the case and that she, and her department, need to be aware of that?

**Deputy S.J. Pinel:**

The department is aware inasmuch as there have been no queries about this issue. I think that we do as much as we possibly can with J.A.C.S. and the department advisers are always available. Inspectors conducted 6 inspections last year: I am not quite sure what else the department is supposed to do.

**5.16.4 Deputy G.P. Southern:**

When the Minister says that these 6 checks examined whether written terms of employment that comply with the law have been issued for all employees, does that mean that the terms of employment should match the terms of actual employment in that they are often zero-hours contracts when the real work is done over consistently 45 hours a week rather than zero-hours?

**Deputy S.J. Pinel:**

The inspections of the care agencies, conducted by the Social Security enforcement officers, collect information that indicates that the agency carers generally work on a shift basis rather than a per client basis and in some cases, officers found that the employer pays an allowance for the employee to use their own car and no minimum wage issues were evident from the inspections and there are no recorded incidents of circumstances described.

**Deputy G.P. Southern:**

Do the ...

**The Deputy Bailiff:**

That was your final supplementary on a final supplementary.

**5.17 Deputy J.A. Hilton of the Minister for Health and Social Services regarding participation in a public meeting on 11th February 2016 to discuss People's Park as a possible new location for the hospital:**

Given that the Minister has not responded to emails dated 21st and 24th January, which were copied to the Chief Minister and the Minister for Treasury and Resources, inviting them to participate in a public meeting on 11th February at 7.30 p.m. in the Town Hall to discuss People's Park as a possible new location for the hospital, can the Minister advise whether he intends to attend the meeting?

**Senator A.K.F. Green (The Minister for Health and Social Services):**

The quick answer, I am sure the Deputy will be pleased to hear, is yes. I, and other Ministers, intend to join the public meeting to discuss the People's Park at the Town Hall on 11th February. I apologise for not having been able to respond to the email invitation before but until late last week, as I told Members before, I was not in possession of all the facts or in a position to discuss this matter. But this matter is now urgent and important and I welcome the opportunity to engage with the public.

**Deputy J.A. Hilton:**

I thank the Minister for Health and Social Services for his answer and I look forward to seeing him next Thursday.

**5.18 Deputy M. Tadier of the Minister for Social Security regarding provisions in place to protect workers from exploitation:**

What provisions are in place to protect workers from exploitation, particularly in relation to maximum working hours, break entitlements and rest times between shifts?

**Deputy S.J. Pinel (The Minister for Social Security):**

The Employment (Jersey) Law 2003 is designed to give employees essential protections in the employment relationship. The law does not currently include the 3 provisions that the Deputy

mentions. In relation to time off work, the law does give employees the right to a day off work each week and a period of paid annual leave. These fundamental rights were agreed by the States Assembly in 2000 as being desirable for a small jurisdiction like Jersey.

**5.18.1 Deputy M. Tadier:**

Does the Minister think that the law may be deficient given that she says that there are no provisions or protections relation to those 3 issues to do with working hours, break entitlements and rest times and that there are people out there, certainly that I know of, that have been working in hospitality who today will be working a 12-hour shift, sometimes a 13-hour shift without any break whatsoever and who perhaps struggle to even ask for a toilet break and then might be expected to get up less than 9 hours later to start a new shift in the morning? Is that acceptable practice in Jersey in this day and age?

**Deputy S.J. Pinel:**

Jersey employment law is fundamental and pertinent to a jurisdiction the size of Jersey, not a large country. Jersey made a choice not to have the very complicated laws that exist in the U.K. and people have a choice as to how many hours they work.

**5.18.2 Deputy G.P. Southern:**

Do the enforcement officers have the power to inspect contracts to ensure that they accurately reflect the terms and conditions under which employees are working?

**Deputy S.J. Pinel:**

The employment officers obviously have a very big job in front of them. They made 6 inspections, as I alluded to in the previous question, last year and they check with new businesses that are starting up and also ones that are already in operation as to ensuring that the Jersey employment law is being followed.

**5.18.3 Deputy G.P. Southern:**

The question was: do they have the power to inspect contracts to ensure that they accurately reflect the terms and conditions of the employees concerned? That is a vital issue for the Employment (Jersey) Law 2003. Do they have that power or not? A simple yes or no.

**Deputy S.J. Pinel:**

They have the power to inspect the contracts and the wage slips. The Employment Law gives employees a range of important protections in the employment relationship including the rights to a minimum wage, written terms of employment, pay slips, redundancy pay and protection against detriment or dismissal.

**Deputy G.P. Southern:**

Could the Minister answer the question? Do they have that specific power? I know they have the power to inspect whether those terms are ...

**The Deputy Bailiff:**

Deputy, the position is you have asked the question quite clearly on 2 occasions. If the Minister has not answered it to your satisfaction then we must move on to the next question ...

**Deputy G.P. Southern:**

Will she give me a written answer following on from that as to whether the power is contained in the 2003 law or not?

**The Deputy Bailiff:**

Minister, do you wish to deal with that?

**Deputy S.J. Pinel:**

I did answer it, Sir. I said that the officers do check the contracts and the pay slips but if the Deputy wants it in writing, I am happy to do that.

**5.18.4 Deputy M. Tadier:**

The Minister seems to say on the one hand there is no protection for maximum working hours but that the worker has a choice and presumably that choice is you either take the job or you resign, which does not seem much of a choice in the stark reality of the current state of affairs. Will the Minister answer perhaps this one question straight with a yes or no? Does she think it is acceptable that in Jersey now in 2016 there are workers regularly out there within walking distance of this Assembly who will be doing a 12-hour shift this evening without getting any breaks at all and who will be waking up tomorrow morning and doing another shift at 9.00 a.m. when they finish at 2.00 a.m. or after midnight? Is that acceptable?

**Deputy S.J. Pinel:**

We are very aware that quite a lot of people working in Jersey, especially on the minimum wage are doing 2 or 3 shifts in order to save the money that they want to save and certainly in hospitality and in the cleaning industries, 2 or 3 shifts are really quite normal.

**Deputy M. Tadier:**

Can I clarify? I am talking about one employer, they are doing one shift which is 12 hours long, not people who choose to do many different jobs at the same time. That is not the question.

**The Deputy Bailiff:**

Deputy, you cannot really have a supplementary question on a final supplementary and I am very conscious we have one further question and very little time in which to do it. So I rule that question as out of order.

**5.19 Deputy S.Y. Mézec of the Minister for Infrastructure regarding efforts to avoid strike action by unions:**

Following indications from Unite the Union that a ballot is imminently to be taken by employees at his department on strike action, what actions, if any, is the Minister taking to find a resolution to this dispute?

**Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):**

Unite has not declared an official dispute at this time. We have not concluded the service reviews and we do not know at this stage the full impact but redundancies are possible and are likely. Formal conversations with all unions commenced in early January and we will be continuing regularly over the next year to ensure that the employers are actively communicating and consulting with the unions. Informal meetings are taking place on a weekly basis with Unite and have done so for many years. In the event of a dispute being declared then the agreed new joint council collective dispute procedure will be applied.

**5.19.1 Deputy S.Y. Mézec:**

Will the Minister agree that it may put the minds at ease of these workers, some of whom were in King Street in the pouring rain on Saturday asking Islanders to sign a petition to help save their jobs because these people are terrified about what is about to happen to them? Would the Minister agree that it would be conducive to that process if he took on the same attitude that the Chief Minister

before displayed to a £120,000 a year job on the basis of it being good value for money, for these workers as well who are described by the States' former adviser, Kevin Keen, who said it was the infrastructure workers who provided some of the best value for money in the entire public sector. Would you not believe that that would be a good attitude to take forward to avoid any potential dispute?

**Deputy E.J. Noel:**

My department is working towards making £4.6 million worth of savings over the life of the M.T.F.P. That is a decision of this Assembly. This Assembly agreed to make some £70 million worth of savings over the life of the M.T.F.P. from staff-related expenditure. That is some 20 per cent of the total staff budget for the States of Jersey. You cannot make those sorts of reductions in expenditure without unfortunately some of those that are currently within the employment of the States of Jersey leaving that employment.

**5.19.2 Deputy G.P. Southern:**

The Minister mentioned his review is not complete yet. When is it his intention to complete that review and when can he get to some serious negotiations rather than consultation with the workers involved?

**Deputy E.J. Noel:**

That review is scheduled to complete in the latter half of this month. I expect it to be completed by the third week of February.

**5.19.3 Deputy G.P. Southern:**

If I may, when will it be published following the third week of February?

**Deputy E.J. Noel:**

We are dealing with the lives of staff that do a good job; in some cases do an excellent, outstanding job, providing public services.

[11:45]

Unfortunately that is not the issue. It is whether or not we are getting the correct level of services for the correct amount of money. An example, which I have used in this Assembly before, we benchmarked, for example, the cleaning costs of Cyril Le Marquand House. We currently do that at a cost of around £160,000 per annum. We benchmarked that on a like for like basis with the private sector. That came in at some £90,000 per annum. Now, as taxpayers and as Islanders, we could live with that margin if that margin was closer but a £70,000 difference on a £160,000 spend is something that we need to look at. We need to be able to provide the same level of services but we need to be able to do it in a more cost effective way.

**Deputy G.P. Southern:**

That was not the answer to: "When will you publish your review?"

**Deputy E.J. Noel:**

We will share our review with those directly concerned because there are some 7 different reviews, for example, in Parks and Gardens and we will be sharing the outcome of those reviews with those individuals concerned when those reviews have been completed.

## **6. Questions to Ministers without notice - The Minister for Infrastructure**

**The Deputy Bailiff:**

That brings the period for Questions with Notice to an end, however, we move straight on to a question period with the same Minister.

**6.1 Deputy G.P. Southern:**

What arrangements have been made over the issue of pensions? Should the Minister decide that he is going to outsource something like 140 jobs from his department, what will be the impact of potentially losing that membership of the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) upon the state of the fund?

**Deputy E.J. Noel (The Minister for Infrastructure):**

That is a question for the States Employment Board and for the actuaries of the public employment fund. As far as those staff members who move on either through voluntary redundancy or, in the worst case, with compulsory redundancy, their pension arrangements with the States of Jersey will effectively be frozen for them to draw-down when they reach retirement age. What we are doing is ensuring that staff members do have access to the Pensions Department so they can get the appropriate advice as and when they leave the States' employment.

**6.2 Deputy J.A.N. Le Fondré:**

Could the Minister provide an update, including the date of implementation, for the agreed States policy for a charging mechanism on States-owned property?

**Deputy E.J. Noel:**

Does the Deputy mean the funding mechanism to fund the office modernisation programme?

**Deputy J.A.N. Le Fondré:**

No, the charging mechanism on the States property has been an agreed policy since at least 10 years, I believe, and has yet to be implemented and is in the policy, I think it is P.93/2005, which established Property Holdings.

**Deputy E.J. Noel:**

I will get back with the details to the Deputy on that but what we are trying to do is look at funding mechanisms to allow for States departments to account and to pay for their property usage in an appropriate way to make them understand that there is no free good for States departments occupying property.

**Deputy J.A.N. Le Fondré:**

That will include when, will it?

**Deputy E.J. Noel:**

The office modernisation programme is ... the next meeting is due mid this month and one of the topics that is up for discussion is the funding side of that particular equation, and so I anticipate that it will be the latter part as being early summer.

**6.3 Deputy M. Tadier:**

When talking about benchmarking comparisons with the private sector to do with cleaning, does the Minister accept that simply a price comparison does not tell the full story? For example, the private sector does not have to worry about necessarily providing an adequate standard of living. They do not have to worry about supplementation that would happen if employees are paid less and they do not have to worry about paying income support to individuals who may have been made redundant, which the States do. So does the Minister accept that in the long term that these cuts

that he is proposing, this privatisation, essentially, is a false economy and that will not necessarily save the money ...

**The Deputy Bailiff:**

I am sorry, Deputy. We do not appear to be quorate. I would ask any Members who are listening in to come in. I think we are now quorate again. Please do ...

**Deputy M. Tadier:**

Does the Minister accept that these cuts to T.T.S. (Transport and Technical Services) and privatisation could be a - I have lost my word now, having gone in in quorate - could be a false economy in the long term?

**Deputy E.J. Noel:**

We have little choice but to make the cuts across the States. This Assembly has tasked the Government to produce some £70 million of staff expenditure savings over the life of the M.T.F.P. You cannot do that, I am afraid, by keeping the same number of headcount within the organisation. We have picked the low hanging fruit. That was done in the last comprehensive spending review. If you want to curb public expenditure to be able to invest in health and to be able to invest in education, then I am afraid you do need to reduce the headcount.

**6.3.1 Deputy M. Tadier:**

I am not saying that. Just because the Assembly has asked the Minister to do something that he has proposed to the Assembly that the Assembly have necessarily got it right either, but I am saying that does he accept that the Assembly did not task him to go away and make ostensible savings which, in the long term, will prove more costly and certainly add to the Social Security bill and increase the taxpayers' contribution to those who will become more dependent on the system. I do not think the States ever asked for that to happen.

**Deputy E.J. Noel:**

I am not quite sure where the question is there but, at the end of the day, we have been tasked to bring these savings forward so we can invest in our health and our education systems, along with the other priorities that have become the priorities of this Assembly, not just the Council of Ministers. Unfortunately, that means that some of those that are currently employed within the States organisations will cease to do so in the future. Hopefully many of those will go on to do other jobs in our society that are well paid, which means that they will not have to rely on income support to supplement their incomes. There obviously will be some that will have difficulties and we will work with those to ... along with Social Security and along with other departments to try and slot them into other departments where there are vacancies and we will work with those individuals to minimise the impact on their lives.

**6.4 Deputy J.A. Hilton:**

I had a constituent ... well, an Islander, a constituent as well, contact me over the weekend about the bus service, particularly out of St. Lawrence and my understanding is the last bus home to St. Lawrence from St. Helier is 9.15 p.m. and the Sunday service barely exists because the last ... barely worth considering as the last bus out of town is late afternoon. Will the Minister consider additional funding or asking LibertyBus to try and improve out of town bus services, please?

**Deputy E.J. Noel:**

Since LibertyBus has come into operation just over 2 years ago now, effectively the bus service has been expanded quite extensively, some £1.4 million worth of extra services have been provided with no additional cost to the taxpayer. So, yes, LibertyBus is improving their services. There will

be and there will always be some parts of the Island that just ... usage will not be viable to provide the services that many Islanders would like throughout the winter months and on Sundays as well. I would point out that we did trial the Parish link service last year. Unfortunately it was not successful because, having asked for it, parishioners did not use it.

**6.5 Deputy S.Y. Mézec:**

Several times, the Minister has spoken of the decision to potentially sack hundreds of our best value for money public sector workers as being a decision of this Assembly. If it is a decision of this Assembly, that means it is not a decision of his own chief officer, so why so does it appear that the chief officer of his department is the front man of this project being the one who seems to be engaging with the media on every given occasion? Would it not be better for the Minister, who has political responsibility for this, who we, as an Assembly hold to account, to be the person who acts as the front man to this project and who we can ask questions of and hold to account with statements that are made in the media?

**Deputy E.J. Noel:**

The chief officer and I are both in the public domain in this. If one looks at it in terms of a corporation, the chief officer would be the managing director and I, myself, would be the chairman and that is the role that the chief officer and I carry out on a day-to-day basis.

**6.5.1 Deputy S.Y. Mézec:**

Supplementary? In which case, at the next States sitting, could he ask his chief officer to take a seat in the Assembly so I can question him instead? **[Laughter]**

**Deputy E.J. Noel:**

I can certainly ask him; I doubt that he will accept. **[Laughter]**

**6.6 Deputy S.M. Wickenden:**

Could I ask the Minister when he plans on publishing his department's 2016 business plan and will it include information on strategic plans for Jersey Property Holdings?

**Deputy E.J. Noel:**

We will be producing our business plan for 2016 and yes, it will include the incorporation of Jersey Property Holdings within the Department for Infrastructure, and I am intending to publish in line with the 6-month anniversary of Property Holdings coming into the Department for Infrastructure, evidence of where we have made improvements and driven out savings by that simple task that the States agreed to by bringing Property Holdings within the Department for Infrastructure where it duly belongs.

**Deputy S.M. Wickenden:**

Could I just say when, Sir?

**The Deputy Bailiff:**

You can ask but you cannot say.

**Deputy S.M. Wickenden:**

I did ask, Sir, when?

**Deputy E.J. Noel:**

I do not have that information at the moment. I will get it back to the Deputy along with the other Members.



## **6.7 Deputy P.D. McLinton of St. Saviour:**

Sometime ago, I asked the Minister, in conjunction with the Minister for Planning and Environment to look into either the redrafting of an existing law or the drafting of a new law to make it illegal to drive into a cat, leave it lying in agony by the side of the road and drive off without reporting it, and I am pleased to give the Minister the opportunity to report to this Assembly what amazing progress has been made towards this.

### **Deputy E.J. Noel:**

Indeed, if I could respond to that and say there has been amazing progress, it would be a good thing. Unfortunately, I cannot say that. Very little progress has been made. We are in discussions with the Law Officers' Department. Unfortunately, considering everything else that my department is doing, I am afraid it is not high on our priority list. I know for the individuals concerned that raised this it is a priority of theirs, and I accept that but as soon as we have cleared more space on our desks, we will revert back to that topic. But, as far as I am aware, we are waiting for some feedback from the Law Officers' Department.

### **6.7.1 Deputy P.D. McLinton:**

Therefore, if the Minister would give his reassurance that we could have that feedback from the Law Officers' Department because I have a feeling this will keep going to the bottom of the pile. So just some reassurance for the people who deeply care about this would be very appreciated; if the Minister would confirm that he will go to that.

### **Deputy E.J. Noel:**

As soon as we have that information back from the Law Officers' Department we will share it with the Deputy and we will progress this matter.

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

In the interests of effectiveness and efficiency of the Minister for Infrastructure, would he consider tabling an agenda item at the Council of Ministers to discuss amalgamating Andium, States of Jersey Development Company and Property Holdings under one head instead of having 2 boards and one Minister?

### **Deputy E.J. Noel:**

I would go further than that. Over a year or so ago, I believe that the ... all of the Islands infrastructure should be under one effective Ministry and I include the Ports of Jersey in that. As a strategic, not necessarily as a shareholder function ... I think the shareholder function is rightly placed within the Department of Treasury and Resources but in a strategic overall view I think that all of the Island's infrastructure should have a strategic champion.

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

Would the Minister be able to explain to us whether that will be achieved in our lifetime or by the end of this term?

### **Deputy E.J. Noel:**

It depends on your expected lifetime. **[Laughter]** To formulate the idea and to bring it through for the Council of Ministers will take some time. Our strategic priorities are those that have been agreed by the States and those are the 4 priorities that we are concentrating on.

[12:00]

## **6.9 Deputy A.D. Lewis:**

Can the Minister advise: is there always a plan as to what to do with redundant buildings? In other words, in the decision process in forming a project plan for a new building is there a plan to do something with the building that perhaps is vacated? Perhaps I can give an example; the police station will soon be vacated. There is a school next door which is desperately in need of more space and more facilities, it is ageing, Rouge Bouillon School. Is there a plan, when you give up a building to do something with it in the future, when you decide to build a new one?

**Deputy E.J. Noel:**

Officers at J.P.H. (Jersey Property Holdings) do work in conjunction with the departments that they serve but they can only move forward projects as soon as a building effectively has been given up by the host department. With regards to the police station site at Rouge Bouillon, half of the site on the western side of the road is already being earmarked for social housing. The side on the eastern side of the road, part of it, will remain the fire service and may or may not have the ambulance service there as well but there is scope for what was the old school building to be returned to some form of public use. There are a number of uses that it could be used for. One is an extension to the school, one is a temporary car park for that part of St. Helier, but we have to look at the needs at the time and look forward to what the needs will be in the future to reuse that space in the best way.

## **7. Questions to Ministers without notice - The Minister for the Environment**

**The Deputy Bailiff:**

That brings the period of questions for this Minister, I am afraid, to an end. So the next period of questions is for the Minister for the Environment. Deputy Hilton.

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

I understand an online petition to outlaw electric shock and pinch dog collars has been signed by over 1,500 people. The Minister, in response to the petition when it was drawn to his attention, responded, and I quote: "I think it would be very tricky to outlaw particular types of collar." Does the Minister agree with me these types of collars should play no part in the handling of animals and whether the Minister will look at the legislation and report back to the Assembly?

**Deputy S.G. Luce of St. Martin (The Minister for the Environment):**

I am happy to agree with the Deputy inasmuch as when she says these collars should have no part in training of animals. I am also grateful for the opportunity to expand very quickly on what I meant when I said that it is tricky. The reason for that is, of course, the Deputy will know there are a number of different types of collars that can be used with dogs and one is a choke-chain and it serves to have a similar effect to that of the collar that the Deputy is seeking to outlaw. The issue of cruelty is always tricky, it is always difficult, it is always nearly impossible to prove inasmuch as you have to catch the animal that is having the cruelty put on it, you have to catch the owner, then you have to get evidence. When it comes to electric collars, I am aware that there is a system whereby a collar put on an animal can give the animal an electric shock when it reaches the boundary of maybe a garden. I would say to the Deputy that we have electric fencing around many of our Island fields, and I appreciate that cattle and sheep and pigs are slightly different to dogs but, again, I would say to her that the tricky bit of my answer that was put in the paper, the tricky bit is where do you stop and where do you start? But I do agree with the Deputy, this particular type of collar is extremely cruel to animals.

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

A supplementary? The collar I am talking about is called a “pinch collar” and it has metal prongs in the collar so if the animal pulls, it digs into the collar’s neck and without any stretch of the imagination I do think that this collar should be banned. **[Approbation]**

**The Deputy Bailiff:**

Could you come to a question, please?

**Deputy J.A. Hilton:**

Yes, sorry, Sir. So, in particular, would the Minister be prepared to go away and look at the legislation with a view to banning pinch collars in Jersey?

**The Deputy of St. Martin:**

I am happy to go away and look at the legislation. I need to discuss this issue in more depth with my veterinary officer but I will listen to what she has to say and I will get back to the Deputy.

**7.2 Deputy J.M. Maçon:**

As the Minister will be aware, at the last meeting of the Planning Applications Committee, or Planning Committee now, we had to reject 2 applications which wanted to look into putting back an historic window, or plastic windows, on historic buildings. The applicants were citing the reason of great difficulty to do this because of the cost that is restricted upon them by the Island Plan and the planning laws. Will the Minister therefore make one of his priorities bringing in a fund to which ordinary Islanders can apply in order to gain assistance when trying to maintain historic buildings with the restrictions that this Assembly puts upon them?

**The Deputy of St. Martin:**

I am happy to go away and look at the possibility of a fund to assist people. Certainly in my time in Scrutiny it was obvious to me that certain people had inherited mainly listed buildings and the onus was on them to spend considerable amounts of additional money in the repair of that building purely because it was listed. But something I can say to the Deputy is that he may have noticed on the States website that I publish a programme of forthcoming Supplementary Planning Guidance changes which I intend to do, and on that list he will be pleased to see that I am looking at the guidance, specifically on the protection of historic windows and doors. I hope by changing the guidance I can make it slightly easier for some members of the public who own listed buildings to effect changes to their properties.

**7.3 Deputy R. Labey:**

In his answer to the Constable of St. John just now, the Minister for Treasury and Resources stated that due consideration was given by the Minister for the Environment to the adoption of P.78, the La Collette green space proposition. Did that due consideration manifest itself in a communication to Andium Homes about the clear direction given to the Minister by this House?

**The Deputy of St. Martin:**

I hesitate, I am not quite sure if I understand the Deputy’s question. I listened to the Minister for Treasury and Resources from outside the Chamber and I hope that he did not inadvertently give the impression that I had been involved with the application for La Collette Low Rise because I have not, and I stress that to the Deputy. I want to make it very clear that while I stood in this Assembly in the debate and spoke on the principle of States Members bringing propositions about live planning applications, I made no comment - very deliberately made no comment - about the application, the specific application, at La Collette Low Rise. The Deputy is asking me about the board of Andium and I do not think it is for me to really get involved with discussions that might take place between the Minister for Treasury and Resources, who is the shareholder on our behalf,

and the board of the company on, specifically, obviously to do with planning. As Members will know, and I repeat, I cannot, due to my new position now, get involved in live planning applications as I may well be the arbiter of the final decision on appeal.

#### **7.3.1 Deputy R. Labey:**

It just seems to be there is some buck-passing going on here. I am grateful to the Minister for Treasury and Resources for the talks that we have had but it was unclear as to what the situation has been. There has been no communication with the applicants, Andium Homes, on P.78 and changing the application from the Environment Department, is that correct?

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

I am not aware of any. I cannot stress enough, I cannot deal in any way, shape or form with live planning applications. The Planning Committee do that on my behalf. They are elected now by this Assembly. They are not my choice; they are elected by this Assembly to take decisions on planning applications in the first instance when they are referred to them. I have no contact and I certainly would not wish to have any contact with applicants where live planning applications are concerned.

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

I believe I heard the Minister at the last meeting say that he was going to update the survey which was done some years ago which plotted the amount of green space per population of St. Helier. Has he completed that work and, if so, when will he publish it?

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

I have not completed that work. Certainly at the last meeting of the Future St. Helier group, we were shown some maps which are starting to identify the green areas. We are starting to also identify the areas owned by the States and the areas owned by the Parish. All this work will go into informing us further as to where we can make improvements. As for green area, I would say to the Deputy that I recently had a meeting with my Director of Policy at South Hill and told him that I wanted to prioritise anything green in St. Helier: that is green parks, that is a country park. The Constable and I have spoken about his wishes for a country park on the outskirts of St. Helier. I want to revitalise work on that. I want to look again and make sure we are prioritising green open space in St. Helier. The other phrase which uses the word "green" is green roofs and I notice occasionally when I look down from Fort Regent or Cyril Le Marquand House that St. Helier is desperately lacking in anything green on the roof. It is an amenity space, an amenity area that every building could be using better, and green roofs and green walls I hope will become a priority in the department as applications come forward for St. Helier.

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

I think I got some of the generalities towards the end but has he completed this survey and can he guarantee that we will have a clear indication of the ratio of green space to population now and then before we get to debate P.3/2016 in a fortnight's time?

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

I think I can safely say that we will not have that information before a fortnight's time.

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

Could the Minister advise whether there are any plans to stop a Member of this Assembly to bring a proposition based on a live planning application?

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

I am pleased to have the opportunity to inform the Assembly that following the debate Deputy Labey brought to this Assembly with the Collette Low Rise, I did write to the chairman of P.P.C. and asked him for his views. It is quite clear, from my reading of the legislation and Standing Orders, that this Assembly elects the Planning Committee to make decisions on its behalf. I then get very confused when Back-Benchers or other Members bring planning applications to this Assembly when we have elected a body to do that work for us. It puts the Planning Committee in an incredibly difficult position. What I sought from the chairman of P.P.C. was some clarification whether he would support me if I brought, or if one of us brought, a proposition to this Assembly to seek clarification on that very matter. This is my belief, if Members are going to be in a position to bring live planning applications to the Assembly, we do have to question whether there is any need or any point in having a Planning Committee in the first place. It puts the Planning Committee in a very difficult position, it puts me in a very difficult position, and I was just seeking clarification; that was the point. I have not had a response from the chairman of P.P.C., which I am considering, and I will have to decide whether I come back to this Assembly for them to make that decision. I know what the follow-up question is going to be from the Deputy and I will answer it without her even asking it which is, yes, I appreciate that Back-Benchers feel they should have the right. It certainly is a debate that we could have in this Assembly.

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

I have changed my question because I think surely the very important question to ask, and given the Minister says that it is important for him to stay impartial, surely it is imperative that the Planning Applications Panel themselves do not vote on a live application if and when it comes to this Assembly. Yet, we have had that. We have had members of the current Planning Applications Panel doing the exact opposite of what the Minister now, and on the radio a few days ago, said that they should not do. Will he be asking for their resignation and, if not, why not?

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

Absolutely not, and I will tell the Deputy why that is. I feel in that debate we were arguing 2 principles under one proposition. There was certainly the issue of the green space at La Collette but the issue for me, and I hope for my Planning Committee, was the principle. It was the principle of a proposition being brought to this Assembly when that live planning application was at the department for determination by the Planning Committee. Certainly, I did not take part, but Members will know I spoke as forcibly as I possibly could and I did not agree with the proposition and I felt it undermined the position of the committee. I hope that is the reason they voted the way they did and not because of the planning application itself.

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

A supplementary? Is this not double standards? Because on the one hand we have got the Minister admitting that he asked the Privileges and Procedures Committee to stop any Member of this Assembly being able to bring a proposition on a live application, yet he says it is all right for him and the Planning Applications Panel to vote on that proposition which he did not even want to be brought in the first place and tried to stop from being brought in the future. So I suspect he cannot have it either way and suggest that either he needs to resign and the panel needs to resign and I would ask that if he does not do that, I suspect there will have to be a vote of no confidence from the Deputy ...

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

I am sorry, could you put that in the form of a question?

[12:15]

**Deputy M. Tadier:**

Yes, Sir. Will the Minister and the panel resign rather than having to face a vote of no confidence from Deputy Labey or somebody else in this Assembly?

**The Deputy of St. Martin:**

Quite categorically I will not resign. If the Deputy wants to bring a vote of no confidence in me, I am quite prepared to defend that. **[Approbation]** I stand here 100 per cent confident in my decision-making.

**Deputy S.M. Wickenden:**

I have decided that it would be better to ask my question in a written one next time, thank you.

**7.7 Deputy A.D. Lewis:**

Could the Minister advise as to what his next steps will be with regard to further consultation on the possible reintroduction of a community infrastructure levy and what timescales he has in mind for any change he may be considering to planning obligation, planning gain policy development?

**The Deputy of St. Martin:**

I took the opportunity quite recently to address the Jersey Construction Council and at that meeting I used my speech to inform them officially for the first time that I was looking at the possibility of a community infrastructure levy. I think it could be a hugely important change to the way we develop the Island and it would be a much fairer and more consistent way of applying a little bit of additional cost for the community benefit to all developments. I said at the time it was going to be a process which would need an extremely large amount of consultation, and I am happy to commit to that again this morning. Given that it will require law changing - and it will be an interesting debate in this Assembly - I do not expect that I could do that work much inside 2 years, so I have targeted to make sure that work is done inside this session of the Government. But I say to the Deputy, I can see the consultation lasting at least 6 months, in any case.

**PUBLIC BUSINESS**

**The Deputy Bailiff:**

That brings the period allocated for questions to this Minister to an end. There is nothing under J or K so we come on to Public Business. The first item of ...

**Senator I.J. Gorst:**

Just before we start, I am not sure if I need to inform Members or ask them, I would like to defer P.156 until 8th March, please, which is the second item of business.

**The Deputy Bailiff:**

I see. That is the Draft Children's Property and Tuteurs law?

**Senator I.J. Gorst:**

Yes. Thank you.

**The Deputy Bailiff:**

Yes, 8th March. You are entitled to defer the matter, Chief Minister, because the debate has not opened.

**8. Draft Debt Remission (Individuals) (Jersey) Law 201- (P.153/2015)**

**The Deputy Bailiff:**

The first item of Public Business on the Order Paper is the Draft Debt Remission (Individuals) (Jersey) Law 201- and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Debt Remission (Individuals) (Jersey) Law 201-. A Law to provide for debt remission for individuals who are unable to pay their debts. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

**Senator I.J. Gorst (The Chief Minister):**

Could I ask Senator Bailhache to act as rapporteur? This is a change that has arisen from the Legislation Advisory Panel of which he chairs. Sorry, and the next item as well. I might as well do that while I am standing.

**8.1 Senator P.M. Bailhache (Chairman, Legislation Advisory Panel - rapporteur):**

To be trapped in a spiral of debt without any real prospect of extricating oneself from it is a terrible and debilitating situation. Sometimes it can happen without any thought on the part of the debtor. Illness, redundancy or accident can strike and the financial obligations which were manageable before the illness, redundancy or accident are no longer manageable and then the debtor is on a downward financial spiral. This law does 2 things. First, it creates a moratorium, or breathing space, usually for a period of 12 months, during which creditors cannot sue for the payment of their debts and certain obligations are placed on the debtor as well. Secondly, it provides for a wiping clean of the slate if at the end of the moratorium period it is clear that the debtor cannot pay his debts. In that last connection, one could say that the law allows the same mercy for debtors who are at the bottom of the financial ladder as the bankruptcy declarations on *désastre* law allows for richer debtors. The Royal Court has made it clear in cases that have come before it that if the *désastre* procedure is to be engaged, there must generally be some realisable property owned by the debtor which can be liquidated so that at least part of the debts can be paid. This law is for those who have minimal or no realisable assets or property which can be liquidated to settle debts and who would accordingly find it difficult or impossible to persuade the Royal Court to allow them to declare their property on *désastre* and have their affairs dealt with under a bankruptcy order. In a bankruptcy, once the assets have been collected in and a dividend has been paid to creditors, the debtor is, after a period of time, absolved from his debts. It will be the same under the proposed debt remission order. At the end of the moratorium the slate will be wiped clean and the debtor will be discharged from any qualifying debts. The Legislation Advisory Panel looked at this area following a report of the Jersey Law Commission of March 2011 entitled *Social Désastre*. The Law Commission envisaged a discretion to make orders that would enable the court to consider, in the Law Commission's words, not only the economic but also the social implications of the case. I do not think I need repeat the full details which are set out in the report in this projet. Members may recall that on 23rd January 2013 the Council of Ministers presented a consultation paper entitled *Bankruptcy Désastre (Jersey) Law 1990 "Social Désastre"* which contemplated this new form of relief. Responses from the consultation widely favoured the proposal subject to a wish expressed by some that there should be safeguards against the exploitation of remission orders to run up debts recklessly and then evade payment. Indeed, this draft law respects the interests of creditors as well as debtors in implementing the proposals in the consultation paper. The consultation paper referred to a Viscount's remission order which has now become a debt remission order and the law itself deals with the process in a number of ways which perhaps I can address Members in more detail when we come to the debate in Second Reading. But so far as the principle is concerned, the first question will be to establish the eligibility of the debtor for this kind of relief and it will be a requirement that the debtor is over 18, is ordinarily resident in Jersey and

has very limited assets. The next question is, what debts qualify for the proposed remission order? Again, rules are set out defining a qualifying debt and defining an excluded debt which would include matters like taxes and compensation orders and things of that kind. The next important matter of principle is that the application for a debt relief order must be made through an authorised intermediary and the advantage of this is that the intermediary will have the opportunity to screen applications to ensure that matters which go forward for the consideration of the Viscount are worthy and are applications which are acceptable under the terms of the law. The Jersey Citizens Advice Bureau has agreed to be one of the intermediaries. In fact, I think it is likely to be the only intermediary for the time being, but that will be a matter for the Chief Minister to settle by order in due course. Once the intermediary has considered the matter and has decided that it should be allowed to go forward, the application is then made to the Viscount who has a duty to decide the application without delay. She has a duty to consider whether the debtor is eligible, the debts are qualifying debts and the Viscount may then make the debt relief order. The next stage is that notice is given to creditors, written notice must be given to each creditor affected, and creditors have a right to make representations to the Viscount within 28 days. The Viscount is then empowered to amend or indeed to revoke the debt remission order, having regard to the representations that have been made to her. There is a right of appeal to the Royal Court by any person aggrieved. There is then a moratorium of a period of one year, unless the remission order is revoked, in which case of course the moratorium terminates or is extended by the Viscount or indeed by the Royal Court. An extension is limited to a period of 3 months and the interested parties must again be notified. During this moratorium period the debtor is under an obligation to keep the Viscount informed of any relevant events and attend before the Viscount whenever he or she may be requested to do so. If the debtor receives a windfall, a legacy, for example, there would be a duty to inform the Viscount and that might have an effect upon the debt relief order. When the moratorium ends, the debtor will be discharged from the debts specified in the order. That discharge does not release any other person from liability to the creditor. For example, if there is a guarantee of the debt, the guarantor is not discharged but it does wipe the slate clean for the debtor who is the subject of the debt relief order. There are various offences for misconduct during the moratorium and generally, and the Viscount must maintain a debt remission order which will be open to public inspection and the details of which again will be specified in an order made by the Chief Minister. I think most Members will agree that the process which was outlined in the consultation paper lodged 2-and-a-bit years ago is a very worthwhile and a socially-acceptable piece of legislation and I ask for Members' support. I move the principles of the Bill.

### **The Deputy Bailiff:**

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

#### **8.1.1 Deputy S.M. Wickenden:**

It is just a matter of clarification on the report, laws not being my strongest subject. But on line 9 of the report it says: "Each of the above figures - £20,000, £5,000, £2,000 and £100 - will be able to be altered by order of the Chief Minister" and I was wondering why the Chief Minister would be getting involved in those debts or maybe I have completely misunderstood it but could I get some clarification, please?

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

Just 2 points. One is to clarify the 12-month moratorium. Does that apply to taxes as well as all other creditors? The second thing is, I know there is a system called a "*concordat*" and I just wonder if this may be creating a gap which people might fall into between being able to apply for a *concordat* and this particular debt remission.



[12:30]

I may have got the wrong end of the stick but if I could have clarification on that. Thank you.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? Then I call upon the Senator to respond.

**8.1.3 Senator P.M. Bailhache:**

Deputy Wickenden asked, if I understood him correctly, why the figures which are set out in the law as to eligibility for a debt relief order should be subject to amendment by order of the Chief Minister. I think the answer to that is they must be subject to amendment by somebody and the alternative to an order made by the Chief Minister would be regulations made by the States. The view was taken by the Legislation Advisory Panel that this was a relatively minor matter which need not involve a resolution of the States and that was why it was dealt with by order of the Chief Minister. The Constable of St. John asked 2 questions. I think he asked whether the 12-month moratorium would include taxes and I think the answer to that is that, generally speaking, taxes would be an excluded debt. They would not be qualified debts which would enable a debt relief order to be made or indeed enable the debtor to be discharged from them, so the debtor would still have to pay his taxes. The Constable is quite right, there was, in the middle of the 19th century, an enactment *un concordats entre débiteurs et créanciers* but I think that was abolished by the Bankruptcy Law in 1990 and I am not aware of any process involving *concordats* unless the Constable can draw it to my attention. Subject to any further question from the Constable, I move the principles.

**The Deputy Bailiff:**

All Members in favour of adopting the principles, kindly show? Those against? The principles are adopted. Deputy Le Fondré, does your Corporate Services Scrutiny Panel wish to scrutinise the matter?

**Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):**

Thank you, Sir, no.

**The Deputy Bailiff:**

Minister, how do you wish to deal with the matter in Second Reading?

**8.2 Senator P.M. Bailhache:**

Well I think it is a piece of primary legislation so I think I ought to deal with it by part. Perhaps I can move Article 1, first of all, the Interpretation Article, of the Bill.

**The Deputy Bailiff:**

Is Article 1 seconded? **[Seconded]** Does any Member wish to speak on Article 1? Those Members in favour of adopting Article 1, kindly show? Those against? Article 1 is adopted.

**8.3 Senator P.M. Bailhache:**

I come to part 2, Articles 2 to 13, which embody the meat of the law, and as I indicated earlier Article 2 empowers the Chief Minister to specify excluded debts for the purposes of the law. Article 3 deals with the application for a debt remission order. Article 4 deals with the question of eligibility and paragraph 1 sets out that he must be at least 18 years of age, ordinarily resident in Jersey for 5 years, not previously been the subject of a debt remission order, not bankrupt, that he does not owe in qualifying debts more than £20,000 or such other amount as may be prescribed by the Chief Minister, and the value of his assets, excluding a motor vehicle worth not more than

£2,000, does not exceed £5,000 or such other amount as may be prescribed, and that after the deduction of tax, social security, normal household expenses, his monthly disposable income is less than £100 or such other amount as may be prescribed. In other words, the debtor must be right at the bottom of the financial ladder. Article 5 gives the Chief Minister power to approve intermediaries and sets out the process whereby the application is made through an intermediary. Article 6 gives the Viscount power to make or to refuse an application for a debt remission order. Article 7 deals with the register. Article 8 deals with the question of objections from any creditor. Article 9 deals with the review by the Viscount of any objections that may be made by creditors. Article 10 deals with the moratorium. Article 11 sets out in more detail the duties of the debtor during the term of the moratorium and Article 12, importantly, deals with the question of discharge from qualifying debts at the end of the moratorium period. Article 13 creates a right of appeal to the Royal Court and confers a very wide jurisdiction on the Royal Court to make orders as it thinks fit on any such appeal. So I move the Articles in Part 2 of the law.

**The Deputy Bailiff:**

Are those seconded? **[Seconded]** Does any Member wish to speak on Articles 2 to 13 of the proposed law? If no Member wishes to speak, then I ask Members in favour of adopting Articles 2 to 13, kindly show? Those against? Those Articles are adopted.

**8.4 Senator P.M. Bailhache:**

Perhaps I can move parts 3 and 4 together then, so Articles 14 to 24 of the law. Part 3 of the draft law contains the various offences to which people may make themselves liable by making false or misleading information, concealing or falsifying documents, fraudulently disposing of property, obtaining property on credit, obtaining credit or engaging in business during the moratorium period and also imposes criminal liability on partners, directors and other officers of a body corporate. Article 20 of the Bill gives the States power to make regulations to amend the law. Article 21 gives the Chief Minister power to make orders. Article 22 gives the Royal Court power to make rules of court and Article 23 amends the definition of bankruptcy in the interpretation law so as to include the grant by the Viscount of a debt remission order. Article 24 is the commencement Article. I move those Articles.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on parts 3 and 4, Articles 14 to 24 of the law? If no Member wishes to speak, can I ask all Members in favour of adopting those parts, kindly show? Any against? Parts 3 and 4 of the law are adopted in Second Reading. Senator, do you wish to ...?

**8.5 Senator P.M. Bailhache:**

I move the Bill in Third Reading.

**The Deputy Bailiff:**

Seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Bill in Third Reading? If no Member wishes to speak, I ask all those Members **[Interruption]** ... I beg your pardon. Senator?

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

I just wanted to congratulate the chairman and the law draftsman on this. I think this is going to make a real difference to a number of class of people. If I may say, it is nice to see the Viscount in the Assembly. While she cannot speak, it is nice to see her in the Assembly for matters that she will be no doubt discharging. The Minister for External Relations might not have been able to see her. **[Approbation]**

### 8.5.2 Deputy A.D. Lewis:

Just briefly. I, too, would like to congratulate the Minister and the Legislation Advisory Panel for bringing this forward. It is much needed. It is partly because there is so much accessibility to credit and I just wondered if the Minister could make a comment about that. Are we doing enough to regulate the availability of credit so that vulnerable people sometimes get themselves into debt? I know the Citizens Advice Bureau does a great job in advising people, but is there more we could do to advise people to prevent them from getting in debt in the first place, particularly with regard to education? Perhaps the Minister for Education can take this on board if he has not done so already because it does start at school, planning budgets, and avoiding the risks that credit can endanger. I do hope that the Minister has thought this through and that there is perhaps more help and advice available to prevent them getting into debt in the very first place. Thank you.

#### The Deputy Bailiff:

I call on the Minister to respond.

### 8.5.3 Senator P.M. Bailhache:

I am grateful for both those interventions and I certainly would join with Senator Ozouf in welcoming the participation of the relatively newly-appointed Viscount in the work which will have to be carried out under this new law. I think it is right that I should also pay tribute to her predecessor, Mr. Michael Wilkins, who [Approbation] carried out a great deal of work to bring this to fruition. I entirely concur with the comments of Deputy Lewis as well. I am not sure that this is a matter which strictly falls within the remit of the Legislation Advisory Panel but I know that the Assistant Minister with the responsibility for all kinds of different things [Laughter] has an interest in this matter and anything in which he has an interest tends to have a result, so I am sure that matter will be taken into consideration. So I ask for Members' support on the Third Reading.

#### Deputy J.AN. Le Fondré:

The appel, please, Sir.

#### The Deputy Bailiff:

The appel is called for. I ask Members to return to their seats. If Members have returned to their seats, I ask the Greffier to open the voting.

#### Deputy R.G. Bryans:

Excuse me, Sir, my apologies. There is a problem with my voting buttons. I am attempting to press one and it is going to red. [Members: Oh!]

#### Male Speaker:

It has been like that for quite some time, Sir. [Laughter]

#### The Deputy Bailiff:

Well I think what we can do is take the record of the electronic voting and you can indicate precisely how you wish to vote, Deputy, in that case, in case it does not accurately reflect that.

#### Deputy R.G. Bryans:

Well it does not, no.

#### The Deputy Bailiff:

Well I will ask the Greffier to close the voting.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
-----------------	--	------------------	--	-------------------

Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

According to the screen the law is adopted in Third Reading: 37 votes pour and one contre but I assume that is supposed to be 38 votes pour.

**Deputy R.G. Bryans:**

Indeed, Sir.

**The Deputy Bailiff:**

In which case 38 votes pour.

**COMMUNICATIONS BY THE PRESIDING OFFICER**

## **9.1 Tribute to the late General Sir Peter Whiteley, G.C.B. (Knight Grand Cross of the Order of the Bath), O.B.E. (Order of the British Empire), D.L. (Deputy Lieutenant)**

### **The Deputy Bailiff:**

Before moving on there is a further announcement to be made from the Chair. It is with great sadness that Government House have heard of the death of General Sir Peter Whiteley, G.C.B. (Knight Grand Cross of the Order of the Bath), O.B.E. (Order of the British Empire), D.L. (Deputy Lieutenant) who died peacefully yesterday in hospital in England aged 95 years old. Sir Peter was Lieutenant Governor of Jersey from 1979 to 1984. Educated at Bembridge School, General Whiteley was commissioned as a Second Lieutenant in the Royal Marines in 1941. He was confirmed as a Lieutenant on 20th March 1942. General Whiteley was selected to become Commanding Officer of 42 Commando in 1965. He was then appointed Commander of 3 Commando Brigade in 1968. He became Commandant General Royal Marines in 1975 and Commander-in-Chief Allied Forces Northern Europe in 1977. He served as Lieutenant Governor of Jersey from 1979 to 1984. He was welcomed to the States in November of 1979 and the States paid tribute to him upon his retirement on 29th November 1984. He went on to become the Deputy Lieutenant of Devon and our thoughts today are with his wife, Nancy, and I would ask Members to rise for a minute's silence in his memory. **[Silence]**

[12:45]

May he rest in peace. Is the adjournment called for?

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

It is proposed. Very well, the States stands adjourned until 2.30 p.m. this afternoon.

[12:45]

## **LUNCHEON ADJOURNMENT**

[14:29]

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

Sir, may I crave the indulgence of the Assembly? I know the Minister is about to make a statement, but may I ask if the Members would kindly take a matter earlier for which I am rapporteur for the Chief Minister? Because of fog issues I was going to have to leave Jersey earlier and I was rapporteur for the matter of the Bank Compensation Board Members. If the Assembly would be kind enough to take that matter earlier, I would be very grateful.

### **The Deputy Bailiff:**

Would you like, Senator, to take it after the Minister makes his statement, or ...

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

If that would be possible, Sir, I would be most grateful.

### **The Deputy Bailiff:**

It is a matter for Members. Do Members agree that we can take the Order Paper slightly out of ... very well, we will take that as the next item of business after the Minister has made his statement. Minister?

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

## **10. The Minister for Health and Social Services - statement regarding the proposed new hospital**

### **10.1 Senator A.K.F. Green (The Minister for Health and Social Services):**

I would like to start by saying sorry, both to the Assembly and to Islanders for the length of time it has taken to bring these matters forward.

[14:30]

Ideally, I would have liked to have been in the position to share what I am about to tell Members much earlier, but it was essential to complete the necessary exhaustive detailed analysis of the potential sites for the future modern hospital before any formal communications could begin. I start by reminding Members that the provision of a modern hospital will be the biggest project the Island has ever contemplated and that we must get it right, not just for this but for future generations. This is a major decision that will most likely affect all Islanders and we must be satisfied that the preferred site, when finally selected, provides the best possible hospital that we can afford for the people of Jersey. The work undertaken so far will provide a sound foundation to take forward a hospital which is safe, a hospital which is sustainable, a hospital which is affordable. There will be a period of engagement and consultation with Islanders so that everyone can give their views. I will give details on that shortly. There will be some members of the public, and indeed some in this Assembly, who are not yet convinced that we need a new hospital and therefore, before confirming the sites, I would like to set out urgently why we need that hospital, that modern facility. First, looking at the infrastructure of the current hospital, a detailed independent survey of the condition of the hospital was undertaken recently. It identified a number of key issues across the general hospital site: the buildings, plant and services are reaching the end of their life, they are requiring capital investment, major refurbishment or total replacement. The clinical environment does not meet current standards, bringing an increased risk of infection. The buildings are either over-crowded or fully utilised. Their energy efficiency is poor and they fall short of the current fire code standards which exist to ensure the safe evacuation of patients. In summary, the current hospital is beginning to fail to provide an environment in which our excellent staff can provide good standards of health care that I believe the people of Jersey deserve and which would wish to see continue both for themselves and for their families. I must say that the care provided by staff is, in most instances, first class; it is the ageing infrastructure that is letting us down. In the words of one of our medical consultants: "Our staff are trying to provide a first-class service within a Victorian infrastructure." Of course, most patients and their families for the most part do not see this and it is a credit to the excellent staff at all levels who have been very good at making do. Many years, decades even, of under-investment must be corrected and corrected soon. There are many other reasons why we need a new hospital and I will touch on some of them now. As our society ages, we need to be ready for a larger number of older patients with more complex illnesses. Our hospital needs to change to meet these challenges. Hospital services are changing fast and our hospital needs to meet new demands. The clinical standards required by external regulators will need to be achieved. If we fail to meet these standards, we will not gain the appropriate accreditation and, just as importantly, we will not attract the necessarily high-quality staff. Any attempt to upgrade our current general hospital would cost considerably more and, I am afraid to say, always fall well short of the standards that would be achieved in a new-build modern hospital. A modern hospital can be built much more quickly than refurbishing the current hospital, it is cheaper to operate, it provides a better long-term solution and avoids major disruption to existing services. Most of the infrastructure of our current hospital is failing leading to the increasing risk of breakdown and serious disruption to patient care. It is not good value for money to replace it. Our hospital needs to provide modern, safe, sustainable, affordable healthcare services and we just simply cannot do it in our current hospital. We need a new hospital; where do

we put it? Members will be aware of the extensive public consultation led by Deputy Pryke, the current Minister in 2012, on the new way for providing health and social services. This had 2 key factors: a wide range of new and expanded services in the community and a new hospital fit for the future, a new hospital ready for the demands placed on it by the changing needs of Islanders. In addition, in 2013, there was an engagement with the public on the previously proposed dual site hospital. In my manifesto at the last election I promised to review the 2-site option and report back within 100 days. That was the easy bit. It soon became clear, however, that our clinicians had significant reservations about the dual site, and the costs of the dual-site hospital were not as financially beneficial as first thought. I was able to advise Members of the fact that the dual site was not the alternative that we would wish to follow within the 100-day period, however, the next stage was to find a suitable site. To say that finding a best site, a suitable site, has been a challenge is an understatement. Forty sites on which to build the new hospital have been reviewed. We commissioned WS Atkins International plc and Gleeds Management Services to undertake a thorough professional review of their suitability, and a shortlist of sites was produced. Over the past year, Ministers asked for 3 sites to be considered in detail and then, in July 2015, a fourth site was added. A robust assessment has been undertaken; all the sites have been considered in great detail and compared on a like-for-like basis against the same criteria. It is these 4 locations that I am asking Members and Islanders to understand and consider. I am inviting Members and Islanders to come on the journey that I and the other Ministers have been on, and to formulate their views based on the evidence that we will put before them. The 4 sites are: Overdale Hospital, 100 per cent new build, single site; current General Hospital, new build and refurbishment, single site; Waterfront south side, 100 per cent new build, single site; People's Park, 100 per cent new build, single site. There is no perfect site; all have strengths and weaknesses, some inevitably perform better than others across a range of criteria that our experts have used. We are now going to start a 4-week period of public engagement. During this time, we will share the detail with Islanders so that they can make an informed choice. The engagement exercise will run from today to the end of February. Formal public consultation will run from the beginning of March until the end of April. During both the engagement and the consultation process we will hold public meetings, we will provide information via social media and on our website, which is going live as I speak, as well as issue consultation documents to Islanders. Given all this information, I trust that the public will understand what it is we are trying to achieve and then can play their part in this one-in-a-lifetime decision. I want to reassure Members of this Assembly that I will be seeking to meet them all individually so I can hear their particular concerns and those raised by their constituents. Of course, I will also arrange visits to the hospital for Members so they can see for themselves why we need a modern new hospital. I understand that the Scrutiny Sub-Panel will want to scrutinise future hospital plans closely; I welcome this. Now that the site selection reports are complete, I will be sharing with them the 1,000-page report and the addendums and any other commercially-confidential data that the Scrutiny Panel may require. At the end of the consultation period, I will come back to the Assembly to share the outcome of the consultation with Islanders and I am hoping before the summer, depending on the timetable for Scrutiny, that we will be able to bring forward a proposition on the preferred site. Thank you for Members' indulgence; I look forward to taking their questions. **[Approbation]**

### **The Deputy Bailiff:**

There is now a period of 15 minutes in which Members can ask questions. Deputy Tadier.

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

When you click on the [futurehospital.je](http://futurehospital.je) website you will notice that every time the first picture you see is of the People's Park image on that, and we also notice that People's Park comes in as the lowest cost option of all the lot, even though it includes buying potential green space off the Parish,

by just £2 million to the closest rival. Can the Minister confirm that they do not already have a preferred site when it comes to the People's Park and that this consultation will not in any way be trying to steer the public towards one particular outcome, which might be the preferred option of the Council of Ministers?

**Senator A.K.F. Green:**

I can confirm that the Council of Ministers, and indeed myself, do not have a preferred option. If we had, we would not be going out to consultation. The figures the Deputy talked about have been worked out independently by Gleeds, who are experts in building hospitals; they have built hospitals in Wales recently, and they are the figures as they come out, allowing for the build, different sites have different challenges, different complex needs, and in the case of the People's Park, the compensation package. The figures are what they are; I am happy to share the detail with Members. Some of it would need to be on a confidential basis because if we put a particular figure out there, when going out to tender then, lo and behold, the tender prices will come in at that figure. So I am happy to share information with Members, in fact, I want to share information with Members; I want to share as much as I can with the public and engage with them. This is a meaningful process of engagement and consultation.

**10.1.2 Deputy M. Tadier:**

As a supplementary, which site on the criteria used comes out top of the 5 options that were put to us at lunchtime?

**Senator A.K.F. Green:**

It depends on which criteria you look at. Some ...

**Deputy M. Tadier:**

That is not satisfactory. There are 5 sites and 7 criteria used which are on the website and they will produce a final figure, presumably a statistical figure, to benchmark all 5 options. Can we see that and, if not, why not?

**Senator A.K.F. Green:**

I am happy to share the detail with Members. As I said in the States briefing, and I say publicly, the detail of how we got to those calculations, including how we rank them.

**10.1.3 Senator Z.A. Cameron:**

Over the last 12 months I have been invited to be involved with discussion groups at the Royal College and the National Inquiry into Patient Outcome and Death, developing the clinical standards necessary that our hospital will be assessed on. Unfortunately, I disagree with the Minister for Health and Social Services; the building is not the main reason that Jersey will fail to reach clinical standards.

**The Deputy Bailiff:**

Senator, this is a question time, it is not a statement of your views.

**Senator Z.A. Cameron:**

Does he not agree with me that showing the right outcome data, something Jersey finds hard to produce, showing adequate staffing levels of the required competencies to do the job, showing that there is collaboration between primary care, the voluntary sector and secondary care, instead of competing in silos, and creating a learning environment should be our main priority this year, particularly with the Care Inquiry about to report on the standards of our care homes in the past?



**Senator A.K.F. Green:**

It is not an either/or situation; of course we have to have high professional standards and high levels of competency among our medical staff, but we also have to provide them with the right environment in which to achieve those standards. We also have to provide the right environment and dignity for patients. It is not an either/or; it is all of the things that Senator Cameron is talking about plus the right environment.

**10.1.4 Deputy J.M. Maçon:**

I thank the officers for the presentation which we had this lunchtime in which it was confirmed that, in order to assess the size of the future hospital, significant changes to primary care were a key factor in deciding the size.

[14:45]

Therefore, can I ask if the Minister will publish in a simple document the current services performed at the hospital which are intended to be done in a primary care setting, most importantly, how they will be funded and the sizing implications on the future hospital should these services not be agreed to be moved into the primary care setting?

**Senator A.K.F. Green:**

The Member asks a really important question because without the Primary Care Strategy, which links very closely with the Acute Strategy, we would need a far bigger hospital than the one we are planning. We know from the P.82 consultation that members of the public want to be as much as possible cared for and treated in their own homes. The Member also raises a very good question around affordability. This is all work in process, but some of this work, for example, some of the work carried out in clinics in the hospital, could easily be carried out at no extra cost to the patient in primary care. The Primary Care Strategy was a high-level strategy where G.P.s (general practitioners) dentists, pharmacists, opticians, are going to come forward to work with Health in providing a different way of delivering care to patients. The Member is right, the Deputy is right, that we need to sort out how that will be paid for. Attending a doctor's surgery at the current rate for programmes that are currently undertaken in the hospital just will not work. That is work in process but, if we do not get this right, we will need an even bigger hospital costing even more than we planned for.

**10.1.5 Deputy J.M. Maçon:**

Therefore, will the Minister not agree with me that, in order for the public to be able to give an informed response to these consultation documents, they need to know what their future services are going to look like and that information needs to be published?

**Senator A.K.F. Green:**

Sometimes you have to move things on. At the moment, we are looking at just providing a site. We are going out to consult with the public on the suitability of the different sites; where would they like to see this new modern hospital. What goes on within that has yet to be worked out. Obviously we have done ballpark figures, we have looked at the number of square metres needed for each activity, and so on, but what goes on within the hospital is the next phase. We need to know what the site is going to be before we can do that.

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

I wonder if the Minister could enlighten me of the difference between "engagement" and "consultation", which I am not entirely sure about. We are told that there is going to be a month of engagement and then another month of consultation. My second question is: presumably if, in 2

weeks' time, the States agrees to remove People's Park from his list, will he go forward with the 3 sites on his list or will he bring a fourth site into play from his longer list?

**Senator A.K.F. Green:**

The difference between “engagement” and “consultation”; this has been a massive undertaking, it has been a huge journey for myself and for Ministers. We have learnt a lot on the way, and I want to share that information with all the public, and that is what I mean by “engagement”: share that information with Members here in more detail. I am already getting some detailed questions from Members, quite rightly, for the biggest project that the States will ever have undertaken. So that is the engagement period. Then we will go out to formal consultation, much along the lines that the Constable told me was exemplary with regard to the consultation for the school at Les Quennevais, so we will do that as well. I hope that Members will agree to allow the public to make their choice, but that is a matter when we discuss P.3. I do not have a fourth site up my sleeve; the other sites we looked at fell at the fence, they just did not make the mark. If the People's Park site does not remain on the table, the public will have less of a say on where the hospital may be.

**10.1.7 Deputy G.P. Southern:**

Between 5 and 7 years to deliver; what rate of population growth is built into that picture in the next 5 to 7 years?

**Senator A.K.F. Green:**

Population growth is not the only factor that we are looking at, it is the health of the community as a whole, so there are a whole raft of factors in there, but obviously we do have some understanding of the way that the population will or may increase, but we are waiting for the population policy in order to review that as one of our final bits of work.

**10.1.8 Deputy G.P. Southern:**

Does the Minister accept that, whatever the population target is, we will fail to meet it, as we have failed to meet it in the last 2 decades?

**Senator A.K.F. Green:**

I do not agree that we have a population target; we have a population policy.

**10.1.9 Deputy R.J. Renouf of St. Ouen:**

Will the Minister share concerns that might be worrying the role of the Scrutiny Sub-Panel given that the role of Scrutiny is to look at the policy and decisions of Ministers? While a sub-panel could read material that is now made available in the next few months, a Scrutiny Panel does not exist to take part in a consultation process. So will the Minister accept that the sub-panel will need time to scrutinise the decision of the Council of Ministers when it is made, on the preferred site, after it is lodged, as the Minister says, before the summer recess? We will need to look at the precise reasons why the Council of Ministers chooses one site above another.

**Senator A.K.F. Green:**

I totally understand where the chairman is coming from, and it is a very good point, but I do also know that if you hold people's feet to the fire a little bit, then things get done. But I am meeting next week with the Scrutiny chairman to discuss what that timetable might look like in detail. I will come back to the Assembly eventually with a proper timeline that the chairman is happy with.

**The Deputy of St. Ouen:**

I am grateful to hear that we are meeting next week.

**10.1.10 Deputy S.M. Wickenden:**

Obviously, as a St. Helier Deputy, I am going to be asking more about People's Park, but in the requirements that have been set out on the website, a lot of the sites that we have looked at were not in keeping with the Island Plan. Could he inform the Assembly how People's Park and building on it is in keeping with the Island Plan?

**Senator A.K.F. Green:**

You have to balance that up with the opportunity costs, and it is up to the public, it is up to Members whether they think that the care of our health and the provision of a modern hospital fits with the Island Plan, given the compensatory park that would be available. So what we are saying to the public is: "Look at the different sites and when you look at People's Park look at not the fact that you might lose a park", if that is the route that Members want to go down and the public want to go down: "look at the fact you might gain a park." But that is a matter for the public and the Members under consultation.

**10.1.11 Deputy S.M. Wickenden:**

I believe that if it is in the criteria for other sites, it should be added in. So if it does not fit the requirements of the Island Plan, it should be sat in as the requirements; they should all be marked against the same criteria.

**Senator A.K.F. Green:**

The Members always say to me, and this particular Deputy is always saying to me: "Produce the information. Let me judge the facts on the information provided." Well, I am going to produce the information, it is out there for people to see. I ask him to look at all the information, just not superficially, and then make his decision. If that is his view, that is fine.

**10.1.12 Deputy J.A. Hilton:**

Earlier in the presentation that was given to States Members I think the officer who gave the presentation told Members that the compensatory space behind the General Hospital could be used for most of the activities that take place on the People's Park at the current time. Can he just explain to me how he thinks the fun fair would go down with the residents who live on Kensington Place and something like the classic car rally and the beer festival?

**Senator A.K.F. Green:**

Probably the same way as some people do not like the fun fair on the People's Park. Wherever you put something like this there are going to be neighbours that are upset, but that is part of the consultation process.

**10.1.13 Deputy G.P. Southern:**

Following on from the last question by Deputy Wickenden, it is clear on the chart on his website that the Minister has under (d), Waterfront: "Not in keeping with the Island Plan" but People's Park is not described as: "Not in keeping with the Island Plan" although it is a protected green space, it says: "Compensation for site required." Can the Minister assure Members that he will not continue this spin that is already obviously built into the project?

**Senator A.K.F. Green:**

I do not know who is spinning; I am going out for genuine engagement and consultation, but I will say this: we have a number of options available, we are going to talk to the public and to Members about those options. We are going to listen to what Members say about those options. We have got some good information here, some good plans, but you know what? The downfall of a good plan is

the quest for an absolutely perfect plan. How many times have we heard this? The danger to us is to seek to have the absolutely perfect plan every time and the danger to the members of the public is in having a hospital which is just not fit for purpose. **[Approbation]**

**PUBLIC BUSINESS - resumption**

**11. Jersey Bank Depositors Compensation Board: appointment of members (P.163/2015)**

**The Deputy Bailiff:**

That brings the 15-minute question period to this Minister to a close, in which case we now continue with Public Business, and I think the States agreed to take P.163/2015, the Jersey Bank Depositors Compensation Board: appointment of members, lodged by the Chief Minister, and I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion, in pursuance of Article 10 of the Banking Business (Depositors Compensation) (Jersey) Regulations 2009, to appoint with effect from the day following the States debates, the following 2 individuals, as members of the Jersey Bank Depositors Compensation Board for a period of 5 years: Mr. Paul Leary, Chairman, Mr. Peter Shirreffs, and the following 2 individuals as members of the board for a period of 4 years: Mr. Michael Halsey, Advocate Mark Dunlop.

**11.1 Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):**

I am very grateful for Members taking this early. As the Greffier has explained, the Jersey Bank Compensation Board was established to effectively administer the Jersey Bank Depositors Compensation Scheme. The States, under regulations, have to appoint the members of the board, and in pursuance to Article 9. Following a proper process, Mr. Paul Leary, Mr. Peter Shirreffs, are appointed for 5 years, and Mr. Michael Halsey and Advocate Mark Dunlop is for a period of 4 years. So a selection panel comprising of senior officials in consultation, as always, with the Jersey Appointments Commission, interviewed several candidates. After a proper process, the panel recommended these 4 individuals should be nominated to serve on the board, and the Chief Minister and I have accepted that recommendation. I nominate the 4 individuals and thank them for bringing their names forward to serve on hopefully what is not a board that will ever be needed but, nevertheless, is an important protection for our financial services industry. I make the proposition.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, those Members in favour of adopting the proposition ... the appel is called for. I would invite Members to return to their seats and I would ask the Greffier to open the voting.

<b>POUR: 34</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Helier				

Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## **12 Draft Dogs (Amendment No. 4) (Jersey) Law 201- (P.157/2015)**

### **The Deputy Bailiff:**

We can now return to the Order Paper and to the Draft Dogs (Amendment No. 4) (Jersey) Law lodged by the Chief Minister and I would ask the Greffier to read the citation.

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

Draft Dogs (Amendment No. 4) (Jersey) Law 201-. A Law to amend the Dogs (Jersey) Law 1961. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

#### **12.1 Senator P.M. Bailhache (Chairman, Legislation Advisory Panel - rapporteur):**

It is sometimes said that humanity divides into those who are dog lovers and those who are not, and I think I can say that these amendments to the Dogs Law are, broadly speaking, dog-friendly, provided, of course, that the dog is neither dangerous nor aggressive. The Dogs Law has not been amended for 10 years and, indeed, very little has changed since the original law was drafted in 1961, so it has stood the test of time.

[15:00]

But there are some amendments that are necessary in order to deal more adequately with dogs which are found to be dangerously out of control. The Legislation Advisory Panel has not been able to accommodate every single request for change. The Comité des Chefs de Police, for example, had wanted a simple offence of not keeping a dog under proper control, which would enable the police to deal with dogs which are causing a nuisance, in one way or another. But dogs

will be dogs and if a dog were to cause upset by chasing a wild animal, a rabbit for example, it would seem excessive for the dog owner thereby to have committed a criminal offence. The Legislation Advisory Panel has had the benefit of a considerable amount of helpful contributions, not only from the Comité des Chefs de Police, but also from the Comité des Connétables, the Jersey Society for the Prevention of Cruelty to Animals and from others as well. The amendments in the draft Bill fall under 4 broad headings. The first broad heading is that there are changes to procedures, both in the Magistrate's Court and in the Royal Court and, indeed, the consideration by the L.A.P. (Legislation Advisory Panel) was brought about by a request by the Royal Court for changes to some of the procedures. The second broad heading is to deal with the seizure of dogs which are found to be dangerously out of control and Members will come, perhaps, to consider this more closely when we debate, as I hope we will, the Bill in Second Reading. But the amendments include a definition for the first time of a dog which is dangerously out of control. A dog that is regarded as being dangerously out of control is one that on any occasion is not being kept under control effectively by an individual and (a) is causing, or has caused, death, injury or other harm to an individual, domestic animal or livestock, or (b) its behaviour gives, or has given, rise to alarm or apprehension on the part of an individual, or the individual's own safety, the safety of another individual or the safety of a domestic animal or livestock and that alarm or apprehension is, in all the circumstances, reasonable. The third broad heading of change is to create some additional criminal offences and to increase the fines for existing offences. At present, it is an offence under the 1961 law only if a dog worries livestock on agricultural land, and the new amendments would make it an offence where a dog is found to be dangerously out of control and the owner or the person in charge of the dog would be guilty of an offence. Fourthly, the law will give some increased powers to the Parishes, in particular it would allow the Comité des Connétables to set by order the fee for a dog licence and, in relation to Centeniers, it would enable a small number of additional minor offences to be dealt with at the Parish Hall rather than having to be taken to the Magistrate's Court. I move the principles of the Bill.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If Members do not wish to speak on the principles, I would ask all Members in favour of adopting the principles to kindly show? The appel is called for. I would invite Members to return to their seats. If Members have had the opportunity to return to their seats, then I would ask the Greffier to open the voting.

<b>POUR: 34</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy S.M. Wickenden (H)		
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				

Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

How do you wish to deal with the Articles?

**Senator P.M. Bailhache:**

Sir, is there any need for Scrutiny?

**The Deputy Bailiff:**

Thank you Senator very much. Deputy Le Fondré, does your panel wish to scrutinise that?

**Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

I apologise for forgetting to ask you. How do you wish to deal with the Articles?

**12.2 Senator P.M. Bailhache:**

I would like to deal with the Articles in 3 sections: Articles 1 to 6, Articles 7 to 9 and then Articles 10 to 13, if that is in order.

**The Deputy Bailiff:**

Yes. I think it is a matter for you, Minister, certainly.

**Senator P.M. Bailhache:**

Article 1 of the Bill is simply the interpretation. Article 2 concerns certain amendments to definitions including, as I mentioned during the debate on the principles, the definition of “prescribe” to mean an order made by the Comité des Connétables. Article 3 of the Bill substitutes a new requirement to have a licence to keep dogs. A licence shall not be issued to any person under the age of 16. Article 4 amends Article 4 of the principal law by requiring, in addition to the name and address, the telephone number and email address to be included in the tag on the collar. Article 5 substitutes the new provision in relation to the fee payable, and Article 6 adds the words on the collar to the relevant provision in Article 6(1). I move Articles 1 to 6 of the draft law.

**The Deputy Bailiff:**

Are they seconded? [Seconded]

**Senator I.J. Gorst:**

They are seconded, Sir. I wonder if I should also confess to being a dog owner, not that it affects the voting in this.

**The Deputy Bailiff:**

No, I do not think people need to declare whether or not they are dog owners, in the circumstances, Chief Minister.

**Deputy S.M. Wickenden:**

Can I ask if we could take Article 1 separately from the rest of them? I can give an explanation as to why I feel that way, if you like? In Article 1 it says you are allowed to destroy a dog, and I cannot, on principle, do that.

**The Deputy Bailiff:**

Is this your speech on Article 1, Deputy Wickenden? Because I am about to invite if any Members wish to speak on the Articles.

**Deputy S.M. Wickenden:**

I thought we would vote.

**The Deputy Bailiff:**

No. Do any Members wish to speak on the Articles? Did you wish to speak on Article 1, Deputy?

**12.2.1 Deputy S.M. Wickenden:**

Yes, please. It is merely to say it is more of a personal thing that in Article 1 it says that the Magistrate's Court has the power to have the dog destroyed if it feels fit, and I cannot condone any such thing, therefore I would like Article 1 to be taken separately so I can vote against that.

**Senator P.M. Bailhache:**

I am sorry, I could not hear the Deputy. Would he mind saying it again?

**Deputy S.M. Wickenden:**

Sorry, Sir. I do not agree with destroying an animal just because it has misbehaved, therefore I would like to vote against Article 1 but vote with all the rest of the law, if that is okay.

**The Deputy Bailiff:**

I think the Deputy is asking would you be prepared to take Article 1 separately so he can register a conscientious objection to the provisions of Article 1 while supporting the rest of the Articles.

**Senator P.M. Bailhache:**

I am not sure whether he is talking about Article 1 of the amending Bill or Article 1 of the law as it will be amended. I think Article 1 of the amending Bill is fairly straightforward.

**The Deputy Bailiff:**

Sorry, I think I might have misled you in indicating it could be. Does anyone else wish to speak on any of the individual Articles? Deputy Kevin Lewis.

**12.2.2 Deputy K.C. Lewis of St. Saviour:**



I have a few minor queries in Article 1 amended, after the definition there. “Collar” includes a harness. Would that also include dogs on a lead? Article 6 of the principal law was that we substitute the words: “Address and telephone number” and they are to be substituted to the collar. So would that not be a data protection issue, somebody running around with their name, address, and telephone number on the dog when most dogs are now chipped? Is this totally necessary?

**12.2.3 Deputy M. Tadier:**

Obviously, I think many of us share some sympathies with the views expressed by Deputy Wickenden, so it might be helpful in summing up to just clarify what the current law already does. I suspect that there is already provision under the current law for the destroying of dogs, which I think is quite an unfortunate and archaic term anyway, which perhaps is not necessarily the best term to use, although that may be the legal one, or in fact whether the amendment today does change that fact at all and whether we can vote on this comfortably because it is not changing anything.

**The Deputy Bailiff:**

Does any Member wish to speak on any Articles 1 to 6? If not, then I call on Senator Bailhache to respond.

**12.2.4 Senator P.M. Bailhache:**

I think the first question was whether “harness” included a lead. I am not sure that a harness would not necessarily include a lead unless it were wrapped around the dog’s neck in the form of a collar. The purpose of the amendment is simply to make it clear that something which goes around a dog’s neck, which we would generally regard as a collar, will include a harness, if “harness” were to be a better description of it. So I do not think it would include a lead. The second question was in relation to data protection. I am not sure that the addition of a telephone number to the information which the owner is already required to keep on the dog’s collar would involve any difficulties with the Data Protection Law; certainly I am not aware of any difficulties that there would be. So far as Deputy Wickenden and Deputy Tadier are concerned, I think they might be barking up the wrong tree in raising the point at this juncture of the debate. It seems to me that, if there is an issue about the power of the Royal Court to order the destruction of a dog, that will come at a later stage, under Article 11 or one of the additional Articles under Article 11, but not at this stage of the debate. But, as a matter of principle, the court already has the power to order the destruction of a dog so that is not an amendment which is being brought in by this amendment to the Dogs Law. So even if Members were to vote against all the amendments there would still be a power vested in the Royal Court to order the destruction of a dog. I move Articles 1 to 6.

**The Deputy Bailiff:**

Articles 1 to 6 are moved. Would Members in favour of the adoption of Articles 1 to 6 kindly show.

**Deputy M. Tadier:**

Could we have the appel please?

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. I will ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy K.C. Lewis (S)		
Senator A.J.H. Maclean		Deputy S.M. Wickenden (H)		

Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

### **The Deputy Bailiff:**

Articles 7 to 9?

[15:15]

### **12.3 Senator P.M. Bailhache:**

I come to Articles 7 to 9, which include the substance really of the amendments which deal with dangerous dogs. The definition of a dog which is dangerously out of control I think I have already read out to the Assembly. The provision does not include, for the kind of reason that I gave in my introductory speech on the principles of the bill, any protection for wild animals, which is a matter of concern to some but is a matter which I think would need to be dealt with under a different law. A dog is regarded as being dangerously out of control if it has caused death, injury or harm to an individual, a domestic animal or to livestock, or its behaviour has given rise to concern on those counts. The amendments to Article 10 of the law include the provisions about the dog's collar and some fresh provisions about the duties of the Connétable once a stray dog has been taken into his or her possession. Article 8 of the amending law substitutes a new Article 11 of the 1961 law and

introduces a new 11A, 11B, 11C and 11D of the law. There are a number of detailed provisions which deal with the powers of the Magistrate's Court and the powers of the Constables when a dog has been taken into their possession. It would probably be simplest if I simply moved the Articles and expressed myself ready to answer any questions that Members might have.

**The Deputy Bailiff:**

Are Articles 7 to 9 seconded? **[Seconded]**

**12.3.1 Deputy M. Tadier:**

I will just read them as a find them. In Article 7 it talks about the difference between the liability of somebody who owns the dog, or in the case of it behaving incorrectly it will be the responsibility of the person in charge of the dog at the time. Now, it seems to me that in this instance you have occasions which we can all envisage where the owner of the dog is not necessarily the same as the person who is looking after it at any given one time. We may all walk our neighbours' dogs or our friends' dogs, *et cetera*, and it would seem to me you could envisage a scenario where there is a dog who has not been trained properly, and that is ultimately the responsibility of the owner, who commits an act against a human or another animal, and so it would not be the responsibility of the person, I do not think, in any common sense situation if anyone was to judge that because the animal was badly trained, and that the person looking after the animal at the time, doing all the right things, the animal still attacks another animal or person. It seems to me that there could be, albeit a low level, miscarriage of justice there. That begs the wider question about whether or not we have the right regulations in place. It seems to me fairly easy, you pay £5, you get a dog licence and a dog I suspect is quite an onerous responsibility. You can get 2 licences for £10, which is not bad going, although I suspect you only need one. Of course we are not going to resolve all these issues today but it does seem to me in future - and it has to be put in the wider context of animal welfare because we know that in the last few months alone various issues have come up to do with cats being run over, to do with dogs being mistreated on leads sustaining injuries. We know that we have turtles that find their way into our waters and there is no mechanism by which the Government is able to repatriate those turtles, even though it is of a global interest to them and people have to raise money. It seems to me that we do need a rethink about animal welfare. I also notice further up in Article 11 that again we have potentially the same lacuna in this law because it talks again about livestock and humans. What happens if your dog is on a lead and savages another dog, that is clearly an issue. It does not seem to be covered by the Article, although there does seem a fairly vague catchall phrase at the end which talks about what is reasonable, and we all know the difficulties of that. So I just flag those points up at the moment because it seems that we might need to add into that article in future to widen it.

**The Deputy Bailiff:**

Does any other Member wish to speak on Articles 7 to 9? I call on Senator Bailhache to respond.

**12.3.2 Senator P.M. Bailhache:**

I understood the Deputy to make essentially 2 points: the first one was a concern that the owner might be held accountable for the actions of a person who is in charge of a dog, or was it the other way around?

**Deputy M. Tadier:**

It was the other way around.

**Senator P.M. Bailhache:**

The law creates an offence against both the owner and the person in charge of a dog if a dog is dangerously out of control. The law creates a defence for an owner and Article 9(3) is one example

of the defence for the owner, which provides that if at the time the dog was in the charge of some other person whom the owner reasonably believed to be a fit and proper person to be in charge of the dog, then the owner does not commit an offence. So far as the person in charge or in possession of the dog is concerned, that must really be a matter for common sense on the part of the Centenier or the police officer investigating the case. If a dog which is plainly untrained or uncontrollable has been left in the charge of a young person who is unable to control it and it is really the fault of the owner then one would expect that the police would take action against the owner rather than against the person having the possession of the dog. Deputy Tadier raised a second point in relation to Article 11 and asked what would be the position if a dog attacked another dog. I think the answer to that is that another dog is a domestic animal and that would be an offence under the law if it is causing or has caused death, injury, or other harm, to an individual, a domestic animal or livestock. So, if a dog were to attack another dog, then the owner would be responsible for that attack. I move Articles 7 to 9 of the Bill.

**The Deputy Bailiff:**

All Members in favour of adopting Articles 7 to 9 kindly show. Those against? Articles 7 to 9 are adopted. Articles 10 to 13.

**12.4 Senator P.M. Bailhache:**

Finally, I come to Articles 10 to 13 of the amending law. Article 10 increases the penalties for certain of the offences under the law and increases the fines from level 1 to level 2 and inserts also a power in the Centenier to impose a penalty for some of the minor offences in the draft amendment. Article 13B, the new Article 13B, will make the costs incurred by the Constables in carrying out their obligations under the law recoverable as a civil debt from the owner of the dog. The new Article 13C will allow the Assembly to bring future amendments to the 1961 Law by regulations rather than by primary legislation. Article 13 is the usual citation and commencement Article. So I move those Articles and will be happy to answer any questions.

**The Deputy Bailiff:**

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on Articles 10 to 13? Deputy Kevin Lewis.

**12.4.1 Deputy K.C. Lewis:**

I just have a query regarding Article 13: “A person guilty of an offence under Article 5 shall be liable to a fine of level 2 on the standard scale for each dog in respect of which the offence has been committed.” And (2): “A person guilty of an offence under Article 6(2), 8(2) or 9(1) shall be liable to a fine of level 2.” Dangerous dogs out of control, I do not have a problem with these fines. But, if memory serves, level 1 I believe is £50 and level 2 I believe, I stand to be corrected, is £500, which sounds a bit steep if a dog is without a collar, without the I.D. (identification) on it. But, as I say, I do not have a problem for dangerous dogs, but for domestic dogs I think that is a little steep.

**12.4.2 Deputy J.M. Maçon:**

I probably should have asked this earlier, however some Members just reminded me to ask it. But I am just wondering what prompted that caused to do these changes; how many dog-related injuries occur in Jersey, say on an annual basis, and how much this affects Islanders and what the extent of that is and if that could just be explained I would be most grateful.

**The Deputy Bailiff:**

Does any other Member wish to speak on Articles 10 to 13? I call on Senator Bailhache to respond.

### **12.4.3 Senator P.M. Bailhache:**

The Assembly will be aware that we debated and adopted, not very many weeks ago, an amendment to the Standard Scale of Fines Law, which increased the standard scale of fines and simplified it by creating only I think 3 levels of fine. I think the answer to Deputy Lewis's question is that the fines are always a discretionary matter, either in the Magistrates Court or indeed before the Centeniers. But if the Centeniers were to contemplate imposing a fine, which was out of order or unreasonable, then of course the individual has the right to insist that the matter be taken to the Magistrate's Court and dealt with there. Deputy Maçon's point is one that I cannot answer directly I am afraid, but the discussions, which led to the rather heavy possible penalties under Article 13 for offences involving dangerous dogs really reflected some of the things which we have read about in the media or heard about in the media, which have taken place outside the Island. It is a sad fact that some individuals now use dogs as weapons of aggression, as attack dogs, and, although I do not think there is any experience of that having happened in Jersey so far, I am glad to say, it is right that there should be appropriate penalties on the Statute Book to deal with that kind of conduct, and so the Legislation Advisory Panel decided that the appropriate maximum term was imprisonment for up to 10 years for what might be very serious conduct leading to death or injury on the part of some individual. So I move Articles 10 to 13.

[15:30]

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

The appel is called for.

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

Sorry, could I ask for 13 to be taken separately? I would like to vote against that, but not against the rest?

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

Very well. It is open to Members to ask for particulars, but Article 13 is the citation and commencement I think, is it not? I do not think that Deputy Tadier can mean that Article, does he?

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

No, I think I am looking at 13B, which is contained within 11. I think I am mistaken, so I think if I could ask for 11 to be taken separately, it is the amendment clause under 11 I believe.

#### **Senator P.M. Bailhache:**

I am sorry. I am not clear what the request is. That 13B should be taken separately, the expenses in the Magistrates Court?

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

That is the part I have an issue with.

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

That would mean taking Article 11 separately.

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

Yes, that is right, so if I could ask for that?

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

You will be voting against all of the provisions of Article 11 if that was what your wish was?

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

Thank you.

**The Deputy Bailiff:**

Very well. We will deal first then with Article 10. The appel is called for.

**Senator P.M. Bailhache:**

Just before the Chair accedes to that request, may I just ask the Solicitor General, catching him rather on the hoof, but I just want to ensure that if this Article were by any chance not to be adopted, whether that would make a nonsense of the law as a whole. What is being asked is that Article 11, which adds Article 13A, 13B and 13C, to the Law, should be taken separately. It may be all right, but I would just like, before the Assembly goes down that path, to ask the Solicitor General whether he is satisfied that the law would make sense even if Article 11 of the Bill were to be rejected. Perhaps I am making a fuss about it for no avail. I think perhaps it is open to the Assembly to vote on each Article and perhaps if the Article were rejected then obviously I would have to consider whether I would deal with the matter in Third Reading.

**The Deputy Bailiff:**

Yes. Solicitor General, can you offer any assistance there?

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

I think, as regards to the proposed Articles 13B and C in the new Article 11, which the Assembly is being asked to vote on today, I do not see an issue with those if Members were not to vote in favour of those 2 Articles. But 13A I have some doubts about. I think I would need just a little time to think about that further, but certainly 13B and 13C, 13A probably not, but I would just like a little more time to think about that.

**The Deputy Bailiff:**

I think the position is that if Members were to vote against Article 11 of the amendment, then 13A, B and C, will all fall away, because they cannot be severed. So it will be a matter for Members, having heard the advice of the Solicitor General, which is the effect, as I understand it, that there would be no difficulty with the operability of the law in losing 13B and C, but there may be a difficulty with the operability of the law in losing 13A. Does that characterise your advice to the Assembly at this time, Mr. Solicitor?

**The Solicitor General:**

Yes, Sir, thank you.

**The Deputy Bailiff:**

In which case, let us take the Articles then, as agreed, separately. Article 10, those Members in favour of adopting Article 10 kindly show. The appel is called for and I invite Members to return to their seats. I would ask the Greffier to open the voting.

<b>POUR: 39</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy S.M. Wickenden (H)		
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				

Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

### The Deputy Bailiff:

I now turn to Article 11 and I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.M. Wickenden (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				

Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

We come to Article 12 and I ask the Greffier to open the voting.

<b>POUR: 39</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Senator Z.A. Cameron		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy of St. John		
Deputy J.M. Maçon (S)		



Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

Do Members with for the appel for Article 13, which is the citation? All Members in favour of adopting Article 13 kindly show. Those against? Do you move the matter in Third Reading?

**12.5 Senator P.M. Bailhache:**

I move the matter in Third Reading.

**The Deputy Bailiff:**

Seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Bill in Third Reading? Very well. Those Members in favour of adopting the Bill in Third Reading kindly show. Those against? The Bill is adopted in Third Reading.

**13. Jersey Police Complaints Authority: re-appointment of Chairman (P.158/2015)**

**The Deputy Bailiff:**

The next item is Jersey Police Complaints Authority: re-appointment of Chairman, lodged by Minister for Home Affairs and I would ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion, in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, to reappoint Advocate Deborah Prosser as chairman of the Jersey Police Complaints Authority, for a further period of 3 years.

**13.1 The Deputy of St. Peter (The Minister for Home Affairs):**

I should like to begin by paying tribute to Advocate Prosser who has very ably served as a member of the Jersey Police Complaints Authority since January 2008 and has been chairman since October 2012. The Authority has benefited greatly from Advocate Prosser’s experience, wisdom, and in-depth knowledge if the role and I am therefore pleased to recommend to the Assembly that she be reappointed as chairman. As outlined in the report to the proposition, the Advocate’s reappointment as chairman of the J.P.C.A. (Jersey Police Complaints Authority) has been approved by the Jersey Appointments Commission. The chairman wishes to continue in the role in order to provide continuity while a number of important projects currently being undertaken, including changes to the Police Complaints and Disciplines Law 1999 are brought to a conclusion. Members will note, however, that Advocate Prosser has indicated her intention to stand down before her 3-

year term concludes and has suggested the end of this year as a likely date. I am grateful to her for the advance notice, which the Advocate has provided us with, and wish to confirm to Members, and particularly to Deputy Wickenden, that an earlier succession plan will be implemented following this appointment, should Members support the proposition of course. **[Approbation]** Members will note that the Police Complaints and Discipline (Jersey) Law 1999 gives no flexibility as to the chair's term of office and requires the appointment of the chairman to be a term of 3 years. In view of Advocate Prosser's wide experience and in-depth knowledge of the role, and the need to provide continuity while important reforms are enacted, I strongly encourage Members to vote in favour of this proposition. Thank you.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? All Members in favour of adopting the proposition kindly show.

**The Deputy of St. Peter:**

May I ask for the appel please, Sir?

**The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier				Deputy M. Tadier (B)
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Peter				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				

Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

#### **14. Draft Health and Safety (Management in Construction) (Jersey) Regulations 201-(P.159/2015)**

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

The next item of Public Business is the Draft Health and Safety (Management in Construction) (Jersey) Regulations - P.159 - lodged by the Minister for Social Security and I will ask the Greffier to read the citation.

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

Draft Health and Safety (Management in Construction) (Jersey) Regulations 201-. The States, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989, have made the following Regulations.

##### **14.1 Deputy S.J. Pinel (The Minister for Social Security):**

The draft Regulations before us today are intended to replace the existing Construction Safety Provisions (Jersey) Regulations 1970, which, being over 45 years old, are outdated and no longer fit for purpose. The existing Regulations do not reflect current industry standards, employment relationships in the industry, or address health and safety throughout the life of a construction project. The call for revised Regulations came from the industry itself a number of years ago and the Health and Safety Inspectorate has worked closely with the working party established by the industry representative body, the Jersey Construction Council, to develop the draft set of Regulations. I would like to take this opportunity to thank the Jersey Construction Council and the members of the working party, in particular, for their commitment and efforts in getting us to where we are today. Their active involvement in reviewing and developing the draft Regulations has been instrumental in achieving my goal of having an effective set of Regulations, which are fit for purpose and proportionate to the risks associated with this high-risk industry. The Regulations place responsibility on almost all those involved with the construction project, including commercial clients, designers and contractors, to sensibly plan construction work so that the significant risks involved are managed from start to finish and ensure that the construction project is safe to build, use, maintain, and eventually demolish. Addressing health and safety at the earliest stage of the construction process has been shown to be a key factor in improving the health and safety performance of the industry. With statistical information produced by the U.K. Health and Safety Executive identifying that, following the introduction of equivalent requirements into U.K. legislation in 2007, there was a reduction in work-related fatal and other accidents in construction. Adoption of these Regulations today should help provide our construction workers with a safer and healthier workplace. The draft Regulations before you have been subject to, and refined through, extensive stakeholder and public consultation, which has shown a high level of support for the proposed structure and approach to regulation of this high-risk industry. To avoid any confusion, I would confirm that domestic clients, i.e. private householders, who have work carried out on their home, or are having a house built for them to live in, are exempt from the Regulations. I propose the principles.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those Members who are keen to adopt the principles kindly show? Those against? The principles are adopted. Deputy McDonald, I think you are the only person from the Health and Social Security Scrutiny Panel there to answer the question. Does your panel wish to scrutinise?

**Deputy T.A. McDonald of St. Saviour:**

The boss has just walked in. **[Laughter]**

**The Deputy of St. Ouen (Chairman, Health and Social Services Scrutiny Panel):**

No, we do not wish to scrutinise this piece. Thank you.

**The Deputy Bailiff:**

How do you wish to propose the Regulations?

**14.2 Deputy S.J. Pinel:**

I would like to propose the Regulations *en bloc* please.

**The Deputy Bailiff:**

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Deputy Hilton.

**14.2.1 Deputy J.A. Hilton:**

I am just seeking clarification. I believe the Minister just said that these Regulations do not apply to domestic clients, but I was looking through it earlier and Regulation 7 is headed: "Clients' duties." So can she just elaborate a little bit on that for me because I read "Clients' duties" I might be missing something here, but I just want to be assured that a private homeowner who employs sub-contractors to do work are not privy to these Regulations.

**The Deputy Bailiff:**

There may be someone else who wishes to speak on the Regulations. Does anyone else wish to speak on the Regulations? Deputy.

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

A general point from me. I understand that, of all accidents in a workplace in Jersey, 28 per cent do relate to construction, which comprise 10 per cent of the workforce. It is therefore a highly accident-prone job and I wonder if sufficient resources are given to the Health and Safety Inspectorate to enable them to prosecute and educate the construction industry in their performance.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Regulations? Then I call on the Minister to respond.

**14.2.3 Deputy S.J. Pinel:**

In answer to Deputy Hilton, the size of the project is now taken into account, being a large project or a small project, if it is a domestic one, and in the case of a domestic or household project in clients' duties the responsibility rests with the designer of the project and, in the absence of a designer or architect, then the contractor has the responsibility for Health and Safety.

[15:45]

In answer to the Deputy of St. Mary, about the health and safety, we introduced an A.C.O.P. (Accepted Code of Practice) and the industry has been widely using this interim measure while the

Regulations were developed. So none of this is coming to any surprise to the industry and the industry have been consulted fully and are fully behind the updated Regulations.

**Deputy J.A. Hilton:**

I am sorry to come back, but I believe the Minister just said that under that Article, clients' duties, that the Regulation would apply to a designer of the project or the contractor of the project. But, if there is a private individual who are engaging separate ...

**The Deputy Bailiff:**

Are you seeking a point of clarification?

**Deputy J.A. Hilton:**

Yes, I am. Yes, sorry. So, as a private individual, if you are engaging sub-contractors to do the work, you do not have a designer and you do not have a main contractor, and that was my concern.

**The Deputy Bailiff:**

Are you able to offer any further clarification at this point, Minister?

**Deputy S.J. Pinel:**

I am not quite sure what the Deputy is asking. This is health and safety, so once a project has started, depending on the size of the project, if it is a small domestic project, then it would be the designer or architect or the contractor, once the project has started.

**The Deputy Bailiff:**

I do not think this can be the subject of an exchange, Deputy. In fact the debate is closed and the Minister has summed up. Very well, those Members in favour of adopting Regulations 1 to 9 and the Schedules, please show. Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading?

**14.3 Deputy S.J. Pinel:**

Yes please.

**The Deputy Bailiff:**

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Deputy Hilton.

**14.3.1 Deputy J.A. Hilton:**

I am not convinced that my query has been addressed for all those individuals out there who employ sub-contractors to do work on their property, so I am going to have to vote against this today.

**Deputy S.J. Pinel:**

Could we ask for the appel, Sir?

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? Senator Routier.

**14.3.2 Senator P.F. Routier:**

Would it be useful if the Solicitor General was to perhaps advise on whether it was to apply to individuals?

**The Deputy Bailiff:**

Are you able to assist the Assembly, Mr. Solicitor?

**The Solicitor General:**

I am looking at draft Regulation 6: “Regulations do not apply to owner builders of dwellings.” There is express provision in Regulation 6 that: “The Regulations do not apply to construction work performed in person and otherwise in the course of furtherance of a business on a dwelling by a person who is an owner or occupier of the dwelling.” So I think that goes some way to answering the Deputy’s concern. In addition, in the definition section, in the interpretation clause, I am looking at the definition of “client” and “commercial client”. Client means: “If the construction work is being undertaken for a domestic client then that is the designer, or, if none is involved, the relevant contractor, or in any other case a commercial client.” Then there is the express definition of “commercial client”. So, as a matter of construction, it is difficult to see how, if there were to be a breach of these Regulations, an individual owner of a domestic property would attract liability for that breach, in view of these provisions. I hope that assists.

**The Deputy Bailiff:**

Very much. Does any other Member wish to speak in Third Reading? I call on the Minister to respond. Do you wish to respond in Third Reading, Minister?

**14.3.3 Deputy S.J. Pinel:**

Yes please, Sir. I just call for the appel please.

**The Deputy Bailiff:**

The appel is called for. I invite any Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy J.A. Hilton (H)		
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## **15. States of Jersey Development Company Limited: appointment of Chairman (P.1/2016)**

### **The Deputy Bailiff:**

The next item of Public Business is the States of Jersey Development Company Limited: appointment of Chairman - P.1/2016 - lodged by Minister for Treasury and Resources and I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion (a) to approve the appointment of Ms. Nicola Palios as chairman of the States of Jersey Development Company Limited for a period of 3 years, with effect from 2nd February 2016, in accordance with Article 21(b) of the Memorandum and Articles of Association of the States of Jersey Development Company Limited; and (b) to authorise the Greffier of the States, for and on behalf of the States, to deliver a notice to the States of Jersey Development Company Limited in accordance with Article 21(b) of the Memorandum and Articles of Association, to give effect to the appointment.

### **Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

I am going to ask my Assistant Minister, who has responsibility for this area, to be rapporteur.

### **15.1 The Connétable of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):**

Today we are seeking States Members' approval on the appointment of Nicola Palios as independent non-executive chairman of the Board of the States of Jersey Development Company for a 3-year period, with effect from today, 2nd February 2016. This is an important appointment at an important time for the company. Both the Minister for Treasury and Resources and I are confident that Nicola Palios will provide strong and considered leadership, combined with technical experience, excellent communication skills, and shareholder engagement. These skills attributes and experience are vital to delivering success as the company develops and delivers the challenging remit that we, the States of Jersey, have set it. Nicola Palios has been a non-executive on the J.D.C. (Jersey Development Company) board since its inception on 20th June 2011, and therefore has a thorough understanding of the issues and challenges facing the company. I believe that we are extremely fortunate she has applied for this role and, in doing so, enabled us to build and benefit from her experience and the clear drive and determination that she has demonstrated. Before referring to her C.V. (curriculum vitae), it would be appropriate to say a few words about the appointment process itself. It is important to stress that the entire appointment process was overseen by the Jersey Appointments Commission and they are satisfied that the appointments process has been properly conducted. Indeed, a member of the Appointments Commission was

part of the panel that conducted the interviews. In addition, a candidate search was undertaken by a leading local recruitment firm with extensive experience of recruiting non-executive directors and chairmen. Turning now to Nicola Palios and the background to her career. Nicola is a Jersey Advocate who lived on the Island for 20 years until returning to the U.K. in 2007. From her early career in law to 15 years of international business leadership, she brings with her proven commercial insight and a huge success in delivering major strategic projects. She joined Mourant in 1988, becoming its then youngest ever partner in 1995. From 2003 to 2010, she was a chief executive of Mourant where she delivered the firm's strategic vision for incorporation, growth and expansion, which transformed the Jersey law firm into a provider of multinational legal and financial services and business process outsourcing. Now living in the U.K., she is part owner and director of a consultancy firm offering a variety of services to private equity houses, primarily relating to governance and due diligence in the offshore financial services industry. She has maintained a close contact with Jersey and has a detailed knowledge and understanding of the issues facing the Island, considerable experience working on the Island in the finance sector coupled with her knowledge of corporate and commercial law that provide a useful input to the States of Jersey Development Company board during her tenure. She is a chartered director, holds a law degree from St. Hilda's College, Oxford and a Master's degree from Cardiff University, and she was admitted as an advocate of the Royal Court of Jersey in 1991. This House has twice previously given its approval to appoint Nicola Palios as a non-executive director of the board. I would ask that it now give its approval to her appointment as chairman. Thank you.

**The Deputy Bailiff:**

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

**15.1.1 Deputy J.A.N. Le Fondré:**

Just as Members will be aware, the Corporate Services Scrutiny Panel are still performing its review into the Jersey International Finance Centre and still trying to get core documentation from the States of Jersey Development Company on a confidential basis, which to date has not been produced. The panel will also be assessing whether the conditions set by this Assembly have been complied with, possibly by the board of directors of this company, one of whom is the individual who is the subject of this proposition. Therefore, given that the individual and her actions are therefore part of a live review I do not consider it appropriate for me as chairman of the panel to participate in this debate, if there is one. It is a matter for individual panel members to exercise their role as States Members, but as chairman of the panel I shall be abstaining.

**15.1.2 Deputy S.M. Brée of St. Clement:**

I am speaking as an individual Deputy as opposed to a member of the Corporate Services Scrutiny Panel and I would like Members to understand my position is purely a personal one in what I am about to say. I am highly concerned that this candidate has been put forward to become chairman of the States of Jersey Development Company for a number of reasons. Firstly, as a current non-executive director this candidate naturally has supported the actions of her board in not allowing the scrutiny process to continue as it should do, and I would hate to consider that her stance would therefore continue as chairman. But more importantly, I agree with the Assistant Minister that this is a very important appointment at this moment in time. We have the States of Jersey Development Company attempting to develop the finance centre. They are attempting to develop the old Girls' College site. Yet, we are being asked to support the appointment of the candidate who has not lived in the Island since 2007. Does not reside in the Island. If it is that important an appointment surely the States of Jersey Development Company should have a chairman or chairperson who is resident in the Island, who is available for comment, who is available for Members of this



Assembly to ask questions of, who is available to anybody who is a member of the public. The fact that her salary will be, if approved, £40,000 for 24 days, does that mean therefore she will only be in the Island 24 days out of every year? Now I consider it very important the work that the States of Jersey Development Company has been mandated by this Assembly to do. Therefore, I consider it very important that the chairman of such an important States-owned body is here. I have concerns over whether or not the candidate being put forward by the Assistant Minister will be able to perform her duties adequately.

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

Basically, and I am sure the Assistant Minister has not replied, but he was given notice this morning by Deputy Maçon about this amount of money, and I am sure he has checked. Will the individual in question be paying any social security contributions and tax on this £240,000? Also can he please enlighten me again? I tried to push him this morning, can the Assistant Minister tell me the difference between the States of Jersey Development wholly owned company by the States of Jersey but then goes on to say there are no financial ... I understand the manpower implications but how can we have no financial implications? I know it is the same amount of money that was paid and then it was agreed in 2011, but this statement seems to say to me: "Do not worry, it is not coming out of taxpayers' money." Taxpayers own the States of Jersey Development Company by our being an individual arm of the States of Jersey. Can the Assistant Minister elaborate on that because I think this is dressed-up to look like it is costing the taxpayer, and it is costing them 24 times at least £40,000.

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

I am standing up to say what I am going to say after hearing Deputy Brée and Deputy Le Fondré and Deputy Kevin Lewis. The States has been involved for some time in dispute with the States of Jersey Development Company on whether they are going to provide information to a Scrutiny Panel.

[16:00]

I believe that we should be taking a stand as an Assembly and saying we expect Government-owned bodies or other bodies to provide full information to Members of the States so they can do their job. Now I believe that the States of Jersey Development Company are trying to frustrate the States of Jersey and I believe that we should not be making any appointments until such time as they do comply. So therefore I would ask the Minister to withdraw this proposition and if he does not I will vote against it. We have got to stand up for the States and for the roles that we have to hold government agencies to account.

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

It is very much along similar lines. When I was coming in initially my stance on this, and I will explain the rationale as to abstain, and that is because basically we are appointing - we take the analogy of a ship - a new captain to the head of the ship to steer it through the choppy waters that may come in the next few years. But there is a more fundamental problem because the ship is not seaworthy. It has got a massive hole in it and it does not really matter who we appoint as the chair of that ship so long as we do not fix the ship in the first place because it is going to sink. I think when we talk in parliamentary terms, in democratic terms, the hole is the fact that the bow, the democracy and accountability of this entity has been completely shot now. Sometimes we have short memories in politics but we know what has been happening with the Waterfront development. We know how the goalposts constantly have been changed to the point where the public who are often politically disengaged on certain matters can see it for themselves and will protest and will sign petitions and come out and say this is not right. Not simply because they did not like the

flagship development that has been forced on this Island against public will and against Scrutiny's ability to look at the facts but because we seem to have been misled, and S.o.J.D.C. are complicit in this with the Minister for Treasury and Resources who failed time and time again to stand up for the wider public interest because the S.o.J.D.C. and that site is owned by and on behalf of the people of Jersey. So that is the issue I have got. That notwithstanding, I think after what we have heard today, the only option is to vote against this because we have heard from Deputy Brée that this individual is not just a new person who is being parachuted in here. She has been part of that anyway up until now, so I am not voting on the fact that she is going to be paid £1,670 a day, and I suspect the answer is will she be coming to Jersey 24 days in the next year. I suspect she may not need to because some of the work could be done by Skype, from wherever it is that she resides ordinarily. I am not going to say it is because of the £1,670 a day, which is good work if you can get it, or the fact that it should be somebody from Jersey, but because we can have no confidence in this entity and we can have no confidence in the person who is being put forward today. I would prefer if the Minister withdrew this but in the absence of that possibility I think it is incumbent on all of us who have respect for our constituents, wherever they live in this Island, to despatch this and not vote for it.

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

I just wanted to make a few observations, if I may, on some of the points that have been raised. I think it is only right that I should just make some of these comments. First of all, the applicant who has been recommended, having gone through a set process overseen by the Appointments Commission, is already a non-executive director of this company and consequently if Members are not supporting this particular proposal she will still remain as a non-executive director of the company, so there is no benefit as such in not supporting what has been proposed. There has been a set and clear process. She has been identified as the best qualified individual to lead the company with the experience she has had in recent years with it, and I clearly fully support that or the proposition would not have been before Members as it is today. The other point, turning this into a matter which is the Executive against Scrutiny or a company such as S.o.J.D.C. against Scrutiny. That could not be further from the truth. There are of course difficulties, as Members will be aware, in terms of the management of wholly-owned businesses by the States and I will point one of those out. We set up this Assembly, and using the analogy of Deputy Tadier where he talked about S.o.J.D.C. not being seaworthy. That is completely untrue. That particular ship was launched by this Assembly. The captain of the ship and all those who sail within her are simply following the instructions of this Assembly, to maximise the value of States assets. That is what we asked them to do and that is exactly what they are doing. Now, I understand the difficulty insofar as the scrutiny process is important and it is set up to make sure that it oversees what Ministers are doing, and also of course what wholly-owned subsidiaries such as this are doing. I understand the sensitivity. I do not want to spend a long time on this because Members are aware that the issue about commercially sensitive data is critically important. It is important in many ways. Because we recognise that and the companies recognise that, that was the reason that an N.D.A., a non-disclosure agreement, was agreed with the Corporate Services Scrutiny Panel, but more importantly, with their professional advisers. The professional advisers had all the commercially sensitive data under an N.D.A., they have seen it all. There was nothing in terms of holding information back, it was all presented to them and the interim report that was delivered to States Members and the public gave the conclusions of that particular panel. I would urge Members to bear in mind that the States of Jersey Development Company is our company, it is a company wholly owned by the States, wholly owned by the people of Jersey, it is maximising the value of the assets that we have and it is important that it has the right board with the right expertise to lead it, so it can continue to deliver on the objectives that have been set for it by this Assembly. I would finally conclude by saying that College Gardens, which was mentioned a moment ago, is a

fine example of where the company is doing an excellent job in terms of producing much needed housing. I was only commenting this morning in question time about the need for more housing, more affordable housing, and what do we have here? The S.o.J.D.C. have launched the project at College Gardens and they already have 50 per cent or so of those units under offer or with commitments made on them. That is something that we should congratulate them for. I would simply conclude by saying that I hope Members can support this appointment of Nicola Palios as chairman. She has done an excellent job to date. She is supported by the Appointments Commission, and I believe that she will lead the company in a very efficient and effective and professional way. I would further add to Members that assuming the approval of her as chairman a further proposition in due course will come for a further appointment of an N.E.D. (non-executive director) to replace her; the focus will be very much defined additional balance and expertise for the board, perhaps in the area of accountancy or perhaps property development. But that is a matter that will go through due process in due course. But I ask Members to support this proposition.

**15.1.7 The Connétable of St. John:**

I must declare an interest, I am a member of the Corporate Scrutiny Panel, who is investigating the Jersey Finance Centre. The Minister for Treasury and Resources quite rightly said that we have produced an interim report but what needs to be made clear is that the findings in that report, and while our experts have produced a report, the actual mathematics is based on market averages and not on the actual agreed contracts. There could be a very big difference between the actual contracts agreed and the market averages. As a Scrutiny Panel it is our duty to see what that duty is, what that difference is between the market averages and the actual case. That is our duty to scrutinise it and we have been denied this information. P.73, I think it was, which set up S.O.J.D.C., made it absolutely clear that they must co-operate with Scrutiny. That is why we have a scrutiny process. I appeal to this Assembly to make it absolutely clear that we cannot do our job and we might as well abandon Scrutiny altogether unless we are going to get the information needed to find the truth, not the market averages. We can get the market averages by just walking out there and asking local specialists. We must have the actual figures. I would ask the Assistant Minister to withdraw this until we have more information or until this matter is resolved. Alternatively I would appeal to the Assembly to support the duties that this Assembly places upon Scrutiny and reject this proposition.

**15.1.8 Deputy S.M. Wickenden:**

I just thought I would like to point out that even though the Scrutiny Panel's experts were given the information under an N.D.A. they were not allowed to disclose any information to the Scrutiny Panel or talk to them, so they did have the information but likewise they were not allowed to discuss what was within that information with the Scrutiny Panel. I think that is fair to make it clear that even though the experts had it, the panel were still not getting the information, therefore they could not give the report the way they could because they were not allowed it.

**15.1.9 Deputy G.P. Southern:**

I suppose we are returning to question 12 asked by Senator Cameron earlier in the day: does this person have the capacity to fulfil this demanding job? The answer is that that must be in question because she has currently, I believe, 6 non-executive positions when the recommended maximum for these types of positions is that you stop at 5. The question for me then becomes: does the person have the capacity and are there doubts about that, and there are sufficient doubts about that for me to vote against this proposition.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? Then I call on the Assistant Minister to respond.

**15.1.10 The Connétable of St. Peter:**

In the hope I do not lose my voice before the end of this, I think what I must say right at the very outset, this is not a matter of a States body ignoring the right of Scrutiny. They have complied with Scrutiny, attended many, many Scrutiny hearings, they have attended to Ernst & Young and their report, and Ernst & Young equally have maintained the commercial confidence of some elements of the workings behind the International Finance Centre. But I have to also say that Nicola Palios, nor any other member of the board, have denied access to the information they are requesting from DTZ. DTZ are now Cushman & Wakefield. Cushman & Wakefield are the people who are saying they are not prepared to let their workings be seen without a non-disclosure agreement. In the past Scrutiny has signed hundreds of non-disclosure agreements. This panel does not want to sign one. For whatever reason they do not want to sign one. It is Cushman & Wakefield, DTZ, who are saying they will not release their report to Scrutiny without an N.D.A. This is not, as I said at the very outset, an argument about a States body trying to overcome the role of Scrutiny. It is entirely the opposite. Moving on to the other items, I made some very quick notes trying to get them down. There was an item that came up, I think it was Deputy Brée raised it, she is not local therefore potentially may be not available to answer questions, only here 24 days a year. The previous chairman was living in the U.K., Mark Boleat. Yes he was Jersey born but he lives and works in the U.K., and yet it worked perfectly well with Mark Boleat. So why will it not work with Nicola Palios? Coming back partly to Deputy Martin's question about is this being dressed-up just to hide the fact it is costing money? No, it is not. This money is coming out of the actual profits of S.o.J.D.C. which they hold themselves. It is profits which the company have generated itself, it is being paid out of their profits. Yes, we own it, so therefore, yes, in a way, that company is paying out that money. It is paying it out anyway. It is paying out to the past chairman, Mark Boleat. There is no new money. There is no money coming out of taxpayers' pockets to pay this lady's or any other board member's wages. I cannot think of anything else I need to pick up from the ... No, I cannot see any other thing I really need because the arguments that have been put forward have been more or less totally about the failure to disclose the N.D.A.

[16:15]

That is not the case. We, the Treasury, do not have a position on this. The board currently do not have a position on this. They are being held by the confidentiality agreement required by DTZ, Cushman & Wakefield. Ernst & Young have seen all that detail. They signed an N.D.A. to be able to get that information, and they have reported in general terms to the Scrutiny Panel. That is where we are. It is the Scrutiny Panel, as I say again, that have refused to sign an N.D.A., which has been done by many, many panels in the past.

**The Connétable of St. John:**

On a point of order, Sir, that is not true about the panel not signing the N.D.A.

**The Deputy Bailiff:**

That is not a point of order that is a point of contradiction.

**The Connétable of St. John:**

Could we have clarity on that?

**The Deputy Bailiff:**

If you raise a point of order you are asking for a ruling from the President, so what is the ruling you are asking me to make, Connétable?

**Deputy M. Tadier:**

It is misleading.

**The Connétable of St. John:**

He is misleading the House, Sir, I believe because the non-disclosure agreement that we have been asked to sign contravenes parliamentary privilege and to say that we have refused to sign it, I do not believe is correct.

**The Deputy Bailiff:**

Have you concluded your remarks?

**The Connétable of St. Peter:**

I have, Sir. I would just like to ask the Members right now, at this particular time, to try in any way to destabilise the work that is going on down at the International Finance Centre is not in the best interest of the Jersey people or the Jersey economy. I have to say to Members, not many of them attended last week. I attended the Jersey Finance annual review and the confidence that is out there looking towards Jersey, inward businesses, is increasing. The profitability from finance has increased by £290 million in 2014. We have a number of businesses looking to relocate into Jersey this year and they need facilities to move into. They want the Grade A office space which the Jersey International Finance Centre is delivering. This is the real issue here, is do we want to provide the necessary infrastructure for our economy to continue to grow, to continue to employ the number of school leavers, 390 were employed. School leavers in the finance industry in the last year. This is a great success story about finance and finance need the infrastructure to be able to deliver that.

**Deputy M.R. Higgins:**

Point of clarification of the last speaker? He made quite a play that the money was coming out of the profits of the S.o.J.D.C. and it was not coming from States funds, however when one considers that all the assets were given to them for nothing it is quite easy to make a profit. It is our money.

**The Deputy Bailiff:**

I am sorry, what was the point of clarification, Deputy?

**Deputy M.R. Higgins:**

Would he not agree with my statement?

**The Deputy Bailiff:**

No, that is not a point of clarification. That is simply making another speech.

**The Connétable of St. Peter:**

Could I just clarify, the company's assets are owned by the States of Jersey.

**Deputy J.A. Martin:**

I did ask the Minister, I do not know if he chose to ...

**The Deputy Bailiff:**

The debate has been closed when the Minister concludes his remarks ... in fact when I call upon the Minister to respond the debate effectively is closed. Points of clarification can arise and the Chair can, at its discretion, accept those points of clarification but at this point the Minister has concluded his remarks and the matter should, at this stage, I think be put to the vote.

**Deputy J.A. Martin:**

Mine was a point of information and if the Minister chose not to answer the question on is this salary taxable in Jersey and social security, and if he did not choose to answer it, it would indicate which way I am possibly going to vote.

**The Deputy Bailiff:**

Yes, that is a question you raised with the Minister before.

**The Connétable of St. Peter:**

I apologise to Deputy Martin. I did say I would let her know later on today, and I have been in contact with our Treasurer of the States. He has confirmed to me that they are like a single trader, they are required to declare all of their income and their social security to the relevant department.

**The Deputy Bailiff:**

All Members in favour of adopting the ...

**Deputy J.A. Martin:**

The appel please.

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 25</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 5</b>
Senator P.F. Routier		Senator Z.A. Cameron		Connétable of Grouville
Senator A.J.H. Maclean		Connétable of St. Saviour		Deputy J.A. Martin (H)
Senator I.J. Gorst		Connétable of St. John		Deputy J.A.N. Le Fondré (L)
Senator L.J. Farnham		Deputy G.P. Southern (H)		Deputy L.M.C. Doublet (S)
Senator P.M. Bailhache		Deputy J.A. Hilton (H)		Deputy S.M. Wickenden (H)
Senator A.K.F. Green		Deputy M. Tadier (B)		
Connétable of St. Helier		Deputy of St. John		
Connétable of St. Clement		Deputy M.R. Higgins (H)		
Connétable of St. Peter		Deputy J.M. Maçon (S)		
Connétable of St. Brelade		Deputy S.Y. Mézec (H)		
Connétable of St. Martin		Deputy R. Labey (H)		
Connétable of Trinity		Deputy S.M. Brée (C)		
Deputy of Grouville		Deputy T.A. McDonald (S)		
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

That brings Public Business to an end. Before we move on to Future Business I would just inform the Assembly that R.12/2016 has been presented to the States by the Minister for Social Security: that is the annual report for 2015 for the Jersey Advisory and Conciliation Service. We now move on to the arrangement of future business.

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **16. The Connétable of St. Clement:**

The items for future business are as per the Consolidated Order Paper with the exception of the addition of projet 156, which was postponed from today to 8th March. Business for the next sitting on 23rd February should take one day, but I do see one or 2 interesting items on there so there is a potential for 2 days. In fact Members should put aside 2 days for the sitting on the 23rd.

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

Connétable, do you have something on arrangement for future business.

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

I wondered if Members would agree to take projet 3, on the People's Park: removal from list of sites under consideration as the first item of business because I know there will be members of the public who would like to observe that debate, which will be beginning shortly before lunch, if that could be done please.

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

With regard to P.140 there are 2 things: I am happy to do that for my part, even though mine is first on the Order Paper, just to briefly explain why I have moved it back. It is partly due to events that were out of my control around Christmastime but also due to the fact that I have been consulting with members of the public and I will be bringing an amendment to P.140, which I hope will slightly clarify the direction. I anticipate talking to the Minister as well between now and the 23rd, so that we can see what can be done.

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

Chairman, do you have any observations on the request for changing the positioning in the Order Paper?

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

No, Sir, it is totally up to Members. I have no comment to make on that.

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

Are Members in favour of adopting the arrangements for future business as proposed by the chairman of P.P.C. with the addition of moving the item, as requested by the Connétable of St. Helier, up the Order Paper for the next sitting? Very well. That concludes the business of the Assembly. The States stands adjourned until 23rd February.

## **ADJOURNMENT**

[16:22]