

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 26th SEPTEMBER 2016

COMMUNICATIONS BY THE PRESIDING OFFICER	6
1. The Deputy Bailiff:.....	6
QUESTIONS.....	6
2. Written Questions	6
2.1 DEPUTY A.D. LEWIS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE TREATMENT OF STROKE PATIENTS: [9605].....	6
2.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING PLANNING APPLICATIONS FOR URBAN DEVELOPMENTS: [9606].....	6
2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE REDUCTION OF THE ADMINISTRATIVE BURDEN ON THE ISLAND'S BUSINESSES: [9607].....	7
2.4 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE PILOT STUDY TO DETERMINE THE FEASIBILITY OF ESTABLISHING A CENTRAL ELECTORAL REGISTER: [9608].....	8
2.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING IMPROVEMENT WORKS AT THE JUNCTION OF LES VARINES AND LONGUEVILLE ROAD:	8
2.6 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE POTENTIAL REVIVAL OF THE HOME LOAN DEPOSIT SCHEME: [9610].....	8
2.7 THE DEPUTY OF ST. JOHN OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE STATUS OF PROPOSITIONS APPROVED BY THE STATES ASSEMBLY: [9611].....	9
2.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING WORK ON THE INCOME SUPPORT AND TAX SYSTEMS TO PROVIDE INCENTIVES FOR PEOPLE TO RETURN TO WORK: [9612].....	9
2.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING POTENTIAL PROBLEMS REGARDING THE PRIOR YEAR BASIS OF INCOME TAX PAYMENT FOR TAXPAYERS NEARING RETIREMENT: [9613]	10

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PAY PROVISIONS CONTAINED IN THE MTFP ADDITION: [9614]	11
2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE POTENTIAL IMPACT OF REVISED ECONOMIC ASSUMPTIONS ON THE DELIVERY OF EFFICIENCY SAVINGS ON RETURN TO WORK SCHEMES: [9615]	12
2.12 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DEPARTMENT’S USE OF AGENCY WORKERS: [9616].....	13
2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PLANS CONTAINED IN THE MTFP ADDITION FOR DEPARTMENTAL USER-PAYS CHARGES: [9618]	14
2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TERMINOLOGY OF THE PROPOSED HEALTH CHARGE: [9619]	16
3. Oral Questions.....	16
3.1 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the Jersey taxation system: [9595]	16
Senator A.J.H. Maclean (The Minister for Treasury and Resources):	16
3.1.1 Deputy M. R. Higgins:.....	17
3.1.2 Deputy S.Y. Mézec of St. Helier:.....	17
3.1.3 Deputy S.Y. Mézec:	17
3.1.4 Deputy M. Tadier of St. Brelade:	18
3.1.5 Deputy M. Tadier:	18
3.1.6 Deputy G.P. Southern of St. Helier:	18
3.1.7 Deputy G.P. Southern:	19
3.1.8 Deputy A.D. Lewis of St. Helier:.....	19
3.1.9 Deputy A.D. Lewis:.....	19
3.1.10 Deputy M.R. Higgins:	20
3.2 Deputy G.P. Southern of the Minister for Social Security regarding occupational pensions: [9622]	20
Deputy S.J. Pinel of St. Clement (The Minister for Social Security):.....	20
3.2.1 Deputy G.P. Southern:	21
3.2.2 Deputy G.P. Southern:.....	21
3.3 Deputy L.M.C. Doublet of St. Saviour of the Minister for Infrastructure regarding road safety around parks and schools: [9626].....	21
Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):	21
3.3.1 Deputy L.M.C. Doublet:	22
3.3.2 Deputy J.A. Hilton of St. Helier:.....	22
3.3.3 Deputy J.A. Hilton:.....	22
3.3.4 Deputy K.C. Lewis of St. Saviour:.....	23
3.3.5 Deputy S.Y. Mézec:.....	23
3.3.6 Deputy M. Tadier:	23
3.3.7 Deputy M. Tadier:	24
3.3.8 Deputy L.M.C. Doublet:.....	24
3.4 Deputy C.F. Labey of Grouville of the Chief Minister regarding the extension of “grandfathered” rights to European Union nationals living in the Island: [9617]	24
Senator I.J. Gorst (The Chief Minister):.....	24

3.4.1 The Deputy of Grouville:.....	24
3.4.2 The Deputy of Grouville:.....	25
3.5 Deputy M. Tadier of the Minister for Education regarding increases in re-sit fees for GCSEs: [9621]	25
Deputy R.G. Bryans of St. Helier (The Minister for Education):	25
3.5.1 Deputy M. Tadier:	26
3.5.2 Deputy T.A. Vallois of St. John:	26
3.5.3 Deputy M. Tadier:	26
3.6 Deputy S.Y. Mézec of the Minister for Social Security regarding the support available for Islanders aged under 25 suffering from a mental illness who have never worked: [9628].....	27
Deputy S.J. Pinel (The Minister for Social Security):.....	27
3.7 Deputy R. Labey of St. Helier of the Minister for Health and Social Services regarding consultants' income from private practice and the provision of administrative support: [9625].....	27
Senator A.K.F. Green (The Minister for Health and Social Services):	27
3.7.1 Deputy R. Labey:	27
3.7.2 Deputy G.P. Southern:.....	28
3.7.3 Deputy J.M. Maçon of St. Saviour:.....	28
3.8 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding the Council's fulfilment of the environmental goals set out in the Strategic Plan: [9630]	28
Senator P.F. Routier (Assistant Chief Minister - rapporteur):	28
3.8.1 The Connétable of St. Helier:.....	28
3.8.2 The Connétable of St. Helier:.....	29
3.9 Deputy M.R. Higgins of the Chief Minister regarding the discontinuation of the Business Tendency Survey: [9596].....	29
Senator I.J. Gorst (The Chief Minister):	29
3.9.1 Deputy M.R. Higgins:.....	29
3.9.2 Deputy G.P. Southern:.....	30
3.9.3 Deputy M.R. Higgins:.....	30
3.10 Deputy S.Y. Mézec of the Minister for Social Security regarding the abolition of the single parent component of Income Support: [9629]	30
Deputy S.J. Pinel (The Minister for Social Security):.....	30
3.10.1 Deputy S.Y. Mézec:	31
3.10.2 Deputy G.P. Southern:	31
3.10.3 Deputy G.P. Southern:	31
3.10.4 Deputy R.J. Renouf of St. Ouen:	31
3.10.5 The Deputy of St. Ouen:.....	32
3.10.6 Deputy M. Tadier:.....	32
3.10.7 Deputy M. Tadier:.....	32
3.10.8 Deputy S.Y. Mézec:	33
3.11 Deputy G.P. Southern of the Chief Minister regarding an arbitration process for the 2015/2016 pay dispute with civil service representatives: [9623]	33
Senator I.J. Gorst (The Chief Minister):	33
3.11.1 Deputy G.P. Southern:	34
3.11.2 Deputy G.P. Southern:	34
3.12 The Deputy of Grouville of the Chief Minister regarding a review of Islanders' rights to work in the European Union: [9620].....	34
Senator I.J. Gorst (The Chief Minister):	34
3.12.1 The Deputy of Grouville:	35

3.12.2	Deputy M. Tadier:.....	35
3.12.3	Deputy M. Tadier:.....	35
3.12.4	The Deputy of Grouville:	36
3.13	The Connétable of St. Helier of the Minister for the Environment regarding the improvement of levels of environmental protection and enhancement in the Island: [9631].....	36
	Deputy S.G. Luce of St. Martin (The Minister for Environment):	37
3.13.1	The Connétable of St. Helier:	37
3.13.2	Deputy M. Tadier:.....	37
3.13.3	Deputy M. Tadier:.....	38
3.13.4	Deputy A.D. Lewis:	38
3.13.5	Deputy A.D. Lewis:	38
3.13.6	Deputy G.P. Southern:	39
3.13.7	The Connétable of St. Helier:	39
3.14	Deputy M. Tadier of the Minister for Social Security regarding the average time taken for redeterminations and appeals against decisions made by the Department: [9632]	40
	Deputy S.J. Pinel (The Minister for Social Security):.....	40
3.14.1	Deputy M. Tadier:.....	40
3.14.2	Deputy G.P. Southern:	40
3.14.3	Deputy G.P. Southern:	41
3.14.4	Deputy M. Tadier:.....	41
4.	Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture	41
4.1	Deputy R. Labey:	41
	Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	41
4.1.1	Deputy R. Labey:	42
4.2	Deputy S.Y. Mézec:.....	42
4.3	Deputy M. Tadier:	42
4.3.1	Deputy M. Tadier:	42
4.4	Deputy G.P. Southern:.....	43
4.4.1	Deputy G.P. Southern:.....	43
4.4.2	Deputy G.P. Southern:.....	43
4.5	Deputy A.D. Lewis:.....	43
4.5.1	Deputy A.D. Lewis:.....	44
4.6	Connétable J.E. Le Maistre of Grouville:	44
4.7	Senator S.C. Ferguson:	44
4.7.1	Senator S.C. Ferguson:	44
4.8	Deputy M. Tadier:	44
4.9	The Connétable of St. Lawrence:	45
5.	Questions to Ministers without notice - The Minister for Housing.....	45
5.1	Deputy M. Tadier:	45
	Deputy A.E. Pryke of Trinity (The Minister for Housing):	45
5.1.1	Deputy M. Tadier:	46
5.2	Deputy J.A. Hilton:.....	46
5.2.1	Deputy J.A. Hilton:.....	47
5.3	Deputy R. Labey:	47
5.4	Deputy G.P. Southern:.....	47

5.5 Deputy L.M.C. Doublet:48
5.5.1 Deputy L.M.C. Doublet:48
5.6 Deputy M. Tadier:48
5.6.1 Deputy M. Tadier:48
5.7 Deputy G.P. Southern:49

ADJOURNMENT.....49

[14:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Deputy Bailiff:

I am sure I do not need to remind Members but we are live webstreaming for the first time. Members will make of that comment what they wish.

QUESTIONS

2. Written Questions

2.1 DEPUTY A.D. LEWIS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE TREATMENT OF STROKE PATIENTS: [9605]

Question

Could the Minister provide information for 2010 and 2015 on the proportion of stroke patients in Jersey who:

- (a) Spend the majority of their hospital stay in a stroke unit;
- (b) Receive a brain scan within 12 hours of arriving in hospital; and
- (c) Receive clot-busting drugs?

Answer

Trakcare (our electronic patient record system) was implemented mid-way through 2011. Therefore, we do not have accessible and reliable data for 2010 and so the response below relates to 2015 only.

- (a) Jersey General Hospital (JGH) does not have a “stroke unit” as found in some UK hospitals as we do not have a high enough number of stroke cases to warrant a dedicated unit. Stroke patients at JGH are admitted, whenever possible, under the neurologist on Corbiere ward for the acute element of their care. They are then transferred to Samares ward for their rehabilitation, if required.

In 2015 there were 86 patients admitted to JGH with a primary diagnosis of stroke. Of these, 75% of their in-patient bed days were spent on Corbiere, 21% of the bed days were on another medical ward and the remainder were divided between other locations such as the intensive care unit and the emergency assessment unit.

- (b) In the time available, it is difficult to give a definitive answer to this question. However, our Clinical Director for imaging has confirmed that if a patient meets our guidelines for an urgent CT scan then they will receive this usually within an hour of the request, 24/7.
- (c) According to our clinical coding data, 6% of patients with a primary diagnosis of stroke in 2015 received thrombolysis treatment during their stay. (Thrombolysis treatment is only given when the clinician is certain that the diagnosis is of a non-haemorrhage stroke.)

2.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING PLANNING APPLICATIONS FOR URBAN DEVELOPMENTS: [9606]

Question

Would the Minister advise whether guidance is provided to applicants for urban developments on the circumstances where, although a development does not meet minimum standards for parking and amenity provision, permission may be granted if significantly more living space is provided than is required by the minimum standards?

Answer

The department provides a range of guidance for developers bringing forward large urban schemes. In particular, there is guidance relating to car parking, internal and external living space standards and general expectations for the density of urban developments. Much of this guidance is currently under review. On some occasions, development briefs particular to a specific site are also produced.

Members will know that all development sites are different and will therefore require their own individual solution. The challenge for town planners is to advise applicants on how the guidance will be applied in any given case. This will depend upon a range of different circumstances which apply on any given site.

Although it is expected that standards should be met in every possible case, there may be occasion when a more lenient or flexible interpretation is required. This might be in order to yield a particular site where the overall contribution of the development accords with policy and where its overall benefit outweighs any potential dis-benefits. In these cases, planners may also look for compensatory contributions from the developer in other elements of the scheme, to offset the perceived shortfall in provision of one part.

2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE REDUCTION OF THE ADMINISTRATIVE BURDEN ON THE ISLAND'S BUSINESSES: [9607]

Question

Would the Minister explain what measures, if any, he has taken since being appointed to reduce the administrative burden on businesses operating within the Island?

Answer

My department, together with all sectors of the economy, continue to identify barriers to growth and productivity and then devise and implement plans to remove them where they exist. Together we have identified a number of areas where out of date, overlapping, and / or confusing legislation exists and have removed it.

I have repealed the requirement for proprietors of hotels and other tourist accommodation establishments to collect and return Visitor Registration Cards to me at regular intervals. I did this with effect from 1st July 2016 by deleting Article 25 of the Tourism (General Provisions) (Jersey) Order 1990. This was an unnecessary duplication insofar as the Immigration Hotel Records (Jersey) Order 1999 still obliges proprietors to keep records of all persons of or over 16 years of age who stay at their premises.

My Assistant Minister is overseeing development of a new draft Liquor Licensing Law in conjunction with the Shadow Alcohol Licensing Policy Group. As part of that development work, he is working to introduce a streamlined online application and renewal system by 2018. Once operational, the new system will, amongst other things, negate the need for existing licensees to take their hard copy licences out of the frame on the wall of their pub or restaurant and physically take the licence to Cyril le Marquand House before the end of each year, pay a renewal fee over the Treasury counter, get the licence stamped to cover the forthcoming year before returning the

licence back to the pub or restaurant. Instead, government will take responsibility for making liquor licences publicly available online. As a result, some existing offences in the existing Licensing (Jersey) Law 1974 will not need to be carried over to the new Law.

In addition to the examples above we support businesses through Jersey Business Limited and by supporting them on the Housing & Work Advisory Group (HAWAG) and on Planning matters. The department works regularly with other departments of the States of Jersey with the aim of reducing the administrative burden on individuals and businesses.

2.4 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE PILOT STUDY TO DETERMINE THE FEASIBILITY OF ESTABLISHING A CENTRAL ELECTORAL REGISTER: [9608]

Question

Has the Committee completed the pilot study in which the Register of Names and Addresses was to be compared with the electoral register to determine the feasibility of establishing a central electoral register, and, if so, when will the results of the pilot study be published?

Answer

The project to compare the accuracy of the electoral register against the records held within the Names and Address Register, initially authorised by the Assembly's adoption of paragraph (D)(a) of P.110/2013, was concluded in August with the submission of the final report on the matter by John Turner, Chief Executive of the Association of Election Administrators. PPC is evaluating the report with a view to publishing it shortly.

2.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING IMPROVEMENT WORKS AT THE JUNCTION OF LES VARINES AND LONGUEVILLE ROAD:

Question

Will the Minister provide a timeline for minor improvement works to be undertaken at the bottom of Les Varines at its junction with Longueville Road?

Answer

A design has been prepared with implementation planned for Q4 2016.

2.6 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE POTENTIAL REVIVAL OF THE HOME LOAN DEPOSIT SCHEME: [9610]

Question

Will the Minister revive the Deposit Loan Scheme, as initially introduced following the adoption of 'Starter Home Deposit Loan Scheme' (P.131/2012) and if not, why not?

Answer

The Minister can advise that discussions between the Assistant Treasury Minister, on his behalf, and the Minister for Housing have concluded that the Starter Home Deposit Loan Scheme should be repeated. Ministers are now discussing the format and guidelines using lessons learned from the

original Scheme and also identifying an appropriate source of funding and discussing the initiative with potential lenders.

The Minister will keep members updated as the proposal develops.

2.7 THE DEPUTY OF ST. JOHN OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE STATUS OF PROPOSITIONS APPROVED BY THE STATES ASSEMBLY: [9611]

Question

Would the Chairman advise whether the Committee monitors the status of propositions previously approved by the Assembly and explain what the consequences are if an approved proposition is either ignored or if its effect is diluted upon implementation, and would he state how many propositions currently fall within those descriptions?

Answer

The Privileges and Procedures Committee does not presently monitor the status of those propositions which seek action to be taken by a Minister or Department, other than those which apply to itself. The Committee considers that it is up to the Minister and Department concerned to ensure that any requests which are agreed by the Assembly are actioned as soon as practicable and for the Member who brought the proposition to track the progress.

Members can and do regularly ask for updates during question time on matters approved by the Assembly and which a Minister has given an undertaking to address. It should be noted Standing Orders do not provide that Ministers can be directed or required to take any action and propositions are worded so that the Assembly simply 'requests' that a matter be considered. It is therefore not possible to state how many propositions are still 'outstanding' or have been 'diluted'.

2.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING WORK ON THE INCOME SUPPORT AND TAX SYSTEMS TO PROVIDE INCENTIVES FOR PEOPLE TO RETURN TO WORK: [9612]

Question

What work, if any, has the Department undertaken with the Department of Social Security to use the current Income Support and Tax systems to ensure that there are incentives in monetary terms for people to return to work?

Answer

The Treasury has always worked closely with Social Security when developing policy and continues to do so, discussing initiatives in advance to ensure that, as far as is practical, they are joined up. In terms of the incentive to return to work this is a balance between how much the individual will earn from being employed vs how much they will pay out in income tax/Social Security contributions. The Income Support benefit is designed to promote financial independence, a policy which will ultimately reduce benefit expenditure by helping people into employment that allows them to support themselves without government assistance.

Income Support

For working age people, the Income Support scheme contains a legal requirement to be in full time employment, subject to certain exceptions (e.g. for people with severe disabilities). Anyone

required to work who is not in employment is required to engage with the comprehensive Back to Work service which helps people into jobs, offering retraining and in-work support where necessary. Once in work, earnings from employment are disregarded from the benefit calculation to the value of 23%, meaning that each pound earned by somebody on Income Support increases their total household income by 23p. If paid, the value of any Social Security contributions is also disregarded in full. Help is available for low income working families towards the cost of childcare. Taken together this means that a person getting Income Support is immediately better off by moving into even part-time employment. These incentives are also supported by financial benefit sanctions for people who don't do enough to look for work.

Taking all of these factors into account, there are strong legal and financial drivers for unemployed people to return to work, as well as the social and psychological benefits of being in employment. Over the last few years this has been evidenced by a steady decrease in both unemployment and the number of adults claiming Income Support, even during a period of economic uncertainty.

Income tax

The generous reliefs and allowances within the tax system mean that income tax should not be an obstacle to people returning to work. For example, in the context of a single person they need to have an annual income exceeding £14,350 before they pay any income tax. For a single person with an income of £20,000 their income tax liability would be £1,469; equating to an effective tax rate of 7.3%.

In the context of married couples the exemption threshold is £23,000. Furthermore, to encourage participation by both spouses, a second earner's allowance exempts the first £4,500 of the "second spouse's"¹ earnings; meaning that in the context of a married couple where both spouses are working the exemption threshold is actually £27,500.

These exemption thresholds, both for single people and married couples, are also increased (by a maximum of an additional £14,000) where the taxpayer has incurred qualifying childcare costs; reducing their tax liability and supporting parents back into the workforce.

2.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING POTENTIAL PROBLEMS REGARDING THE PRIOR YEAR BASIS OF INCOME TAX PAYMENT FOR TAXPAYERS NEARING RETIREMENT: [9613]

Question

Would the Minister provide details of the number of taxpayers paying on a current year basis and on a prior year basis, and explain what work, if any, has been done to resolve any problems that exist regarding the prior year basis model as it relates to taxpayers nearing retirement?

Answer

It is currently estimated that around 15,000 taxpayers pay tax on the current year basis and around 30,000 on the previous year basis. Taxpayers paying income tax on the "Prior Year Basis" (PYB) pay their taxes one year in arrears. Taxpayers paying income tax on the "Current Year Basis" (CYB) essentially pay tax as they earn income – "pay as you go". Since 2006 (when the Income Tax Instalment Scheme was introduced) all employees newly entering employment in Jersey automatically become CYB taxpayers.

¹ "Second spouse" in this context means the spouse with the lower earnings for the relevant year of assessment.

The proportion of PYB taxpayers relative to CYB taxpayers in the working population continues to reduce yearly as new (entirely CYB) people enter employment and as older (mainly PYB) employees retire. Taxes Office data indicates that, for the 2014 Year of Assessment, around two thirds of employees paid tax on the PYB basis. (The available data for the 2014 Year of Assessment in this regard is currently being validated: there were around 45,000 individuals – including couples – paying tax; and about 15,000 non-taxpayers.)

PYB taxpayers nearing retirement may have concerns over their tax liability, which the Taxes Office has been addressing by offering assistance to taxpayers to move to a current year basis. PYB taxpayers will otherwise – in their first year of retirement - have a tax bill relating to their last year of employment income so, for most people, their first tax bill in retirement could be large relative to their (retirement) income. Some people plan for this eventuality, for example, by increasing the Effective Rate of Tax they pay in the run up to retirement so that they pay off their previous year's tax liability and start to pay off their current year's tax liability at the same time. Many do not - or cannot - afford to take action.

The Taxes Office offers a number of options to taxpayers who wish to switch from the PYB to the CYB basis of payment and information is available on the States website. Occasional media interest has been excited and supported by the Taxes Office to improve public awareness. Previous legislative change has fostered the switch to CYB – for example, in Budget 2015 when the States Assembly agreed to remove the option for people returning to Jersey to elect to remain PYB taxpayers.

Work continues to increase the CYB population. For example, we are currently exploring the scope to require PYB people not currently liable to or paying tax to become CYB taxpayers in the event they do again become liable to pay tax. A longer-term project will also look for the best ways to increase public awareness of this issue and better market the existing options which the Taxes Office can offer to help Islanders make the financial transition into retirement.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PAY PROVISIONS CONTAINED IN THE MTFP ADDITION: [9614]

Question

Will the Chief Minister advise Members of the following in relation to the pay provisions contained in the MTFP Addition:

- (a) How the figures for pay restraint efficiencies in the years 2016 to 2019 were determined and how these savings will be delivered;
- (b) What policy underpins the figures provided for pay awards in 2017 and the indicative pay provision figures for 2018 and 2019;
- (c) To what extent delivery of the MTFP Addition is dependent on continued wage restraint in relation to public sector workers; and
- (d) What analysis, if any, has been undertaken to assess the potential for wage restraint in the Department of Health and Social Services, given the potential impact developments in this area can have on maintaining and improving recruitment and retention?

Answer

- (a) Pay restraint for the MTFP2 period was determined after extensive deliberations of the Corporate Management Board, SEB and Council of Ministers advised by officers from the HR function. They form part of the overall savings plan for balancing the finances of the States of Jersey by 2019, whilst still investing in key strategic priorities such as Health,

Education and Economic growth. The proposed savings (c£25million over the duration of the MTFP) are to be delivered by a mixture of pay restraint, headcount reduction, service redesign and close vacancy management. Experience to date says that all these aspects are contributing to the savings required. On the basis of the pay awards that have been agreed for 2015 and the employer's offer of 1% for 2016, almost £11 million of the planned £25 million planned pay restraint savings have already been delivered.

- (b) The Pay policy of the States of Jersey remains as it always has – to provide for the recruitment and retention of the key skills needed for the provision of effective public services which is affordable and sustainable for the islands tax payers. The Reward team in States Human resources maintains regular monitoring of the reward needs of all services and advises the SEB and departments as necessary. This includes analysis of local and UK markets to ensure that as an employer we maintain our reward outcomes. The importance of developing a fairer and more equitable remuneration structure through Workforce Modernisation is the basis of the pay provisions for 2017-2019.
- (c) All aspects of sustained control of public sector headcount and costs are critical to the delivery of a balanced budget – headcount costs – wages, pensions, social security etc. are the most significant cost factor in public services. Hence they are pivotal to the ability of the States of Jersey to balance its budget in this MTFP. The recent political and economic changes which may well emerge from the “Brexit Process” demand prudence. The delivery of Workforce Modernisation within the pay provisions proposed in the MTFP Addition would deliver the required level of pay restraint.
- (d) The majority of the pay groups in Health and Social Services, including Nurses and Midwives, are included in the Workforce Modernisation review which has as its objective a fairer and more equitable remuneration structure. The HSSD HR team keep the HR reward team up to date with any issues they may be experiencing vis a vis recruitment and retention. Pay in itself is not the only issue which impacts on recruitment and retention in HSSD. Issues such as suitable accommodation, jobs for partners, quality of work and the development of the P82 and new hospital developments all play a part.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE POTENTIAL IMPACT OF REVISED ECONOMIC ASSUMPTIONS ON THE DELIVERY OF EFFICIENCY SAVINGS ON RETURN TO WORK SCHEMES: [9615]

Question

Given that the Fiscal Policy Panel's latest annual report, published in August 2016, revised central economic assumptions downwards with, in particular, employment growth estimated as 0% across 2017 to 2019, would the Minister advise what impact, if any, these revised forecasts might have on the delivery of efficiency savings on Return to Work schemes, explaining the rationale for the anticipated savings, and if there will be no impact, would the Minister explain why not?

Answer

As detailed in the Draft Medium Term Financial Plan I remain confident that my department will achieve the staff and administrative savings of £3.5m, and a reduction of 22.5 FTE by 2019, by increasing productivity and reducing costs. Savings will be invested in the vital areas of health and education as a contribution towards the overall aims of the Medium Term Financial Plan

Social Security will continue helping people into employment through our Back to Work schemes, and rolling out services to extra groups who may experience additional barriers to work, to support the Council of Ministers' Strategic Priorities. The ongoing future investment into Back to Work

will depend on progress against these priorities, the success of lowering mainstream unemployment, and economic conditions. Our expectations are that unemployment will be lower by 2019. It is anticipated that the total expenditure on Back to Work programmes will have reduced by circa £2m per year by 2019.

The department will continue using LEAN methodology to make efficiency and service improvements. The benefits of this are twofold in improving the service that we deliver to our customers and also generating extra internal operational capacity. This can be converted into savings, for example, by not replacing staff who leave. These efficiencies are expected to facilitate a decrease in the number of Full Time Equivalent (FTE) employees over the period across the department.

2.12 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DEPARTMENT'S USE OF AGENCY WORKERS: [9616]

Question

Further to the response to Written Question 9584, will the Minister explain the following in relation to the Department's use of agency workers:

- (a) Whether guidance applicable to zero-hours contracts (in particular, the provisions that there should be genuine variability of weekly hours and 6-monthly reviews) applies to the Department's use of agency workers who have zero-hours contracts but are who expected to work a 37-hour week;
- (b) Why only 12 of 142 agency workers were engaged on 'projects' and how many of those engaged in other roles were temporary posts to cover absences, and how many were permanent posts;
- (c) Why, in July 2016, one third of agency workers had been engaged for over 12 months and whether they had been offered permanent contracts with the Department and access to States terms and conditions, such as sick leave; and
- (d) How the Department therefore meets best practice in its recruitment policies in respect of pension rights and sickness and holiday conditions?

Answer

The Department does not employ staff on zero-hour contracts.

Agency workers are not employed by the Department – they are employed directly by the Recruitment Agencies. The JACS zero-hour contracts guide applies in the context of the relationship between the agency and the zero-hour contract staff that it employs.

Between January 2014 and July 2016 the department has engaged 142 different individuals through Recruitment Agencies. Agency workers are engaged by the Department to cover short-term fluctuations in workloads, to support initiatives and projects, or where permanent need or funding has not yet been established e.g. piloting new approaches to improve service. Through this approach the Department has been able to improve customer service, pilot new innovations and develop the Back to Work programme.

The 12 agency workers classified under the heading 'Projects' in question 9584 were engaged on cross departmental projects and not specifically to a single area (e.g. Back to Work). The remaining agency workers were assigned to projects or short term work within a specific area of the

Department for example in Back to Work there have been a number of initiatives where agency workers have provided valuable input in the initial set up of pilot programmes.

Agency staff are not engaged through an agency with the intention that they will remain on an assignment for extended periods of time of a year or more. However, in some cases, the initial temporary assignment may unexpectedly need to be extended. For example, if the post-holder is on sick leave longer than expected, if the duration of a project has to be extended, or if the person is offered a further temporary assignment to deal with a different project within the Department. A rigorous vacancy management process takes place before seeking to engage agency workers.

Many of the agency workers have secured employment in the Department subsequently. At the end of July 2016, approximately 1 in 4 of the current permanent or Fixed Term Contract staff working in Social Security had previously been engaged through a Recruitment Agency.

The Department does meet best practice in terms of recruitment policies and complies with States of Jersey recruitment policies.

2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PLANS CONTAINED IN THE MTFP ADDITION FOR DEPARTMENTAL USER-PAYS CHARGES: [9618]

Question

Will the Minister provide Members with the details of plans to raise approximately £600,000 through user-pays charges over the three years covered by the MTFP Addition?

Answer

A detailed analysis and reconciliation of estimated income from user pays charges over 2016 to 2019 was provided to the Health and Social Services Scrutiny Panel in July 2016 and is reproduced below. User pays charges in the MTFP Addition over 2017-2019 largely relate to increasing private patient income, reflecting the proposed establishment of a trading operation, reviews of existing charges and better utilisation of capacity in the laundry service.

The MTFP Addition sets out the following User Pays targets for HSS:

	2017	2018	2019
	£'000	£'000	£'000
2015/2016 User pays	685	685	685
More equitable application of subsidies and means testing, targetting those most in need and maximising income where appropriate	225	425	625
	910	1,110	1,310

More detail on those proposals, including current plans for delivery, are given below.

Current programme

The Safely Removing Costs (SRC) programme focuses on delivering savings through improving efficiencies and productivity, with an overall focus on patient and client safety. Schemes are therefore proposed, investigated, revised and / or rejected on an ongoing basis as detailed work is done. This process is iterative – HSS is committed to delivering the level of reduction in cash limits set out in the MTFP Addition, and continues to work hard to identify the best ways to deliver this.

The summary proposals set out in the MTFP Addition reflected the position at a point in time but these can now be updated to reflect current plans. A key change between the previous and current position is the re-phasing of projects into later years. HSS is still committed to delivering the 2016

cash limit and is identifying non-recurrent means for delivering targets this year while projects are finalised.

Currently, the user pays elements of the savings proposals are as follows. Further detail is set out below the table. Work on these proposals is ongoing and charges will only be amended or introduced where appropriate to do so:

		2016	2017	2018	2019
		£'000	£'000	£'000	£'000
1	Review travel subsidy policy to introduce more equitable approach	75	150		
2	Raise Private Patient charges to market rates by establishing a Trading Operation		102	104	108
3	Review and update hospital policies including those where subsidies / primary care are provided:				
3a	Community dental review		128		
3b	Increase ITU / HDU income target	25			
3c	Charge for homebirthing pool	1			
4	Review laundry services		150		
5	Reduce subsidies / introduce more means testing / other efficiency savings				
5a	Private patient prescriptions admin charge		25		
5b	Other review of existing charges (eg scans)	10	50	50	-
5c	Non-recurrent savings in 2016	574	574		
5d	Other efficiency savings - to be identified		194	46	92
	By year	685	225	200	200
	Cumulative	685	910	1,110	1,310

1. Travel subsidy – review of current policies to introduce more equitable approach which will also improve experience for those with multiple journeys. Expected achievable saving has been revised and (mostly) deferred to 2017 and remains under review.
2. Introduce trading operation to allow HSS to raise private patient charges to market rates (rather than the current States policy of cost recovery). No income expected in 2016 as States decision is required to approve the setup of a trading operation. More detailed work on the proposals has suggested future additional income could be £500,000 with £314,000 deliverable by 2019.
3. a – review the community dentistry provision. Review being undertaken by the cross-departmental Dental Action Group – this is ongoing.
b - Increase private patient income target to reflect likely level of activity going forward. This project has been completed.
c – charge for use of birthing pool for homebirth. This project has been agreed.
4. Consider options for utilising capacity in the laundry to generate revenue – review ongoing. Pilot work being undertaken in 2016 – will be further assessed and proposals, if viable, brought forward in 2017.
5. a – Wider project on patient prescriptions is ongoing – part of this may see the introduction of an administration charge for private patient prescriptions
b – Review of existing charges for scans and other services. This is due to commence in 2016 and it is expected could deliver additional phased income in 2017 and 2018.
c – Delivery of non-recurrent savings in 2016 to meet existing targets
d – Difference between MTFP Addition user pays targets and current planned levels of user pays charges. HSS continues to seek recurrent additional efficiency schemes to deliver the overall reduction in cash limits.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TERMINOLOGY OF THE PROPOSED HEALTH CHARGE: [9619]

Question

Will the Minister explain what link, if any, there will be between liability for the proposed 'health charge' and usage of the services it will fund and, if there is no discernible link, will he commit to referring henceforth to the 'charge' as a 'tax'?

Answer

As outlined in the MTFP Addition 2017-2019 the Minister will bring forward in the 2017 Budget arrangements for control over the use of the additional revenue raised from the health charge. Although unlikely to have a contributory principle (i.e. certain health services will not be restricted to those individuals who have contributed through the health charge); the intention is that the revenues raised will be ring fenced and specifically used for health purposes, rather than general revenues, with tight controls over the health care services that can be met from those revenues.

This hypothecation of the monies raised through the health charge is one of the primary reason why the Treasury has determined that the measure should be described as a charge. The monies raised from the Island's taxes (income tax, GST, land transactions tax, Island-wide rates, etc.) are all paid into general revenues and used to fund the range of public services provided by the States; whilst social security contributions and long term care contributions are paid into separate ring-fenced funds which can only be used for specific purposes. From a Treasury perspective, particular in terms of managing the consolidated fund, the health charge is more akin to those contributions rather than a tax measures.

The Treasury's decision is further supported by the existence of the cap on the income that is taken into account for the purposes of calculating an individual's liability under the health charge. This limitation of liability, rather than an open-ended liability, is more consistent with the principles underlying social security contributions and long term care contributions than the Island's taxes and hence it is appropriate to describe it in the same way.

3. Oral Questions

The Deputy Bailiff:

We now move on to oral questions. Deputy Higgins, 2 oral questions were deferred from the last sitting of 13th September due to illness and therefore in accordance with the standard procedure have been added to the listing for this meeting. The oral question from Deputy Labey of St. Helier to the Minister for External Relations which was listed on the principal Order Paper has been redirected and deferred at the Chief Minister's request and will appear on the Order Paper for the next meeting. Questions this meeting have therefore been renumbered accordingly. Deputy Higgins, I invite you to ask your question.

3.1 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the Jersey taxation system: [9595]

In what ways is the Jersey taxation system fair and equitable and what proposals, if any, does the Minister plan to bring to the Assembly to improve the current system and when?

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

It is very nice to see Deputy Higgins back in the Assembly having not been well at the last sitting. **[Approbation]** No tax system is perfect and fairness is clearly subjective. However, the Jersey tax

system does seek to protect those on the lowest incomes. The generous allowances and reliefs offered means that the 30 per cent of the population with the lowest income pay no income tax whatsoever. Those same people do not pay long-term care contributions and will not pay the proposed health charge. We also protect the lowest earners from the burden of G.S.T. (Goods and Services Tax) on food through a combination of enhanced income support and the food cost bonus. The total tax burden falls significantly on highest earners. The top one-fifth of earners pay 70 per cent of all personal income tax. This demonstrates how our tax system takes the least from those with the lowest income while taking the greatest contribution from those with the highest income. I hope the Members can agree that this is the basis of a fair tax system. In terms of improving our tax system, there is a great deal of policy review work continuously being undertaken. As an example, we are fundamentally rewriting the tax compliance framework, the incentives, the sanctions, the penalties that affect taxpayers' behaviour and encourage full compliance. I announced in the last budget that Members will start to see measures coming forward in future budgets.

3.1.1 Deputy M. R. Higgins:

Supplementary? When I asked this question I had in mind the difference between tax paid by corporations and the tax paid by individuals. Now, we all know that since Zero/Ten came in no companies are paying tax, with the exception of financial service firms at 10 per cent and utilities at 20. All other companies are not paying tax and therefore the burden has been placed fully and squarely on personal income taxpayers. Does the Minister think that is right, is that the correct position, and if he thinks it is wrong when is he going to do something about it?

Senator A.J.H. Maclean:

The Deputy is effectively talking about our Zero/Ten tax regime, one that took a number of years to develop and, I might add, in conjunction with other jurisdictions the Crown Dependencies all operate a similar tax system. It is a system that ensures that we maintained and sustained our essentially important financial services industry and what is now something like 13,000 jobs in the Island. I believe it is the right system at the moment, there are no intentions to change the Zero/Ten structure as it exists. It has served the Island well. No system, as I have said, is perfect but we are in a competitive world and we need to bear that strongly in mind for when considering how we apply tax.

[14:45]

3.1.2 Deputy S.Y. Mézec of St. Helier:

Is it not the case that this Minister for Treasury and Resources is intent on making our tax system more unfair because he intends to introduce stealth taxes at which the tax rate decreases the higher somebody's income is?

Senator A.J.H. Maclean:

No, that is completely untrue.

3.1.3 Deputy S.Y. Mézec:

The Minister has just said that is not true, that is true. The health tax, the rate reduces the more you earn, so he cannot stand up in this Assembly and say it is not true. That is perfectly true.

The Deputy Bailiff:

Is there a question, Deputy?

Deputy S.Y. Mézec:

Yes, of course there is, Sir. Why is the Minister for Treasury and Resources seeking to increase taxes on low and middle earners when he promised at the last election he would not do that? Why is he now standing in this Assembly and denying that the highest earners will not be asked to contribute proportionately the right amount?

Senator A.J.H. Maclean:

In my opening remarks I made it clear that the highest earners in our community make this most significant contribution in terms of taxation. That is the case and that will remain the case. Broadly the measures that the Deputy is talking about, independently assessed, are progressive.

3.1.4 Deputy M. Tadier of St. Brelade:

Of course, to put it the other way around, the highest earners in our society get the biggest tax breaks on their disposable income and under this Minister and under this Council of Ministers he is maintaining their tax-free status. Let us talk about the 20 per cent rate which only applies to the highest earners, everybody else in our Island is going to be paying up to 21 per cent.

The Deputy Bailiff:

Deputy, could you ask a question, please?

Deputy M. Tadier:

In fact, already is, so does the Minister agree that there is much scope for improvement when it comes to the Council of Ministers own mantra of low, broad, simple and fair taxes, especially on that last point of fairness?

Senator A.J.H. Maclean:

Again, I made this point, I think, in my opening remarks. There are always opportunities to improve the taxation system, that is why there have been a number of reviews in recent years: 2010, 2012, 2014. There are a number of policy reviews under way as we speak. That is quite understandable because we are continually looking at ways in which we can improve the tax system, ensure proper compliance from it and improve the yield. That is as Members would expect.

3.1.5 Deputy M. Tadier:

On that basis, given the fact that there is so much goodwill towards doing these reviews which are underway already in some cases, will the Minister be supporting the proposition that is on the table from his colleague on the right to have a proper review of our tax system, a wholesale review, and if not, why not?

Senator A.J.H. Maclean:

I do not know for one minute why the Deputy thinks that the reviews undertaken to date have not been, as he puts it, "proper reviews". There have been some very good reviews undertaken and the policy work that continues to be undertaken, much of it internally in the Taxes Department by an extremely professional, excellent team of individuals, does, when appropriate, call upon external advisers. I have had some very instructive discussions, together with the Chief Minister, during the course of the last week with Senator Ferguson and her proposition. Members will see, as a result, that there is a fairly detailed comments paper which has now come out, hopefully Members will have it with them, it was delayed. I apologise you did not have it at the end of last week but it did take additional time to work on, and in that you will see exactly what has been undertaken in terms of reviews in recent years, what is currently underway and, indeed, what we intend to do over the coming months and years to further review and improve our tax system.

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

The Minister for Treasury and Resources cannot possibly be allowed to get away with what he just said. Does the Minister not accept that as part of the Council of Ministers he is proposing a health charge which is capped at £164,000 and that above that cap the tax is in fact regressive? The more you earn above the cap, the lower your effective rate of tax is. Does the Minister not agree, that that indeed is an unfair tax system and is regressive?

Senator A.J.H. Maclean:

The Deputy is perhaps seeking to have the debate that we are going to have on Deputy Mézec's amendment in the next few days. I am sure that all the arguments will be presented at that particular point. As I have said, independently, the health charge has been assessed and as such it is broadly progressive. The point that the Deputy makes over a capped level, yes, of course that is going to have a different impact but then again it follows the contributory system that operates within the social security system. It is the same system that was used for long-term care, and although the Council of Ministers recognises that the cap itself needs to be reviewed, and indeed is each year anyway, it started at £150,000, it continues to be uprated from an R.P.I. (Retail Price Index) perspective and further work is being undertaken by Social Security with regard to that cap, and I have no doubt that it will be amended in due course. That is the proper way to do it based on the evidence.

3.1.7 Deputy G.P. Southern:

Does the Minister not accept that above the cap his proposed tax, his Council of Ministers' proposed tax, is in fact regressive? The more you earn the less effective rate of tax you pay?

Senator A.J.H. Maclean:

If you wish to look at it in that isolated way, of course, that would be a correct interpretation, but you have to look at the broad package of measures that are being proposed and therefore you get the context and the rationale behind the measures that have been presented.

3.1.8 Deputy A.D. Lewis of St. Helier:

The marginal tax rate of tax is deemed as the States attempt at a progressive tax system. It is criticised by many as being complex and difficult for people to understand. Does the Minister accept this and, if so, what will he endeavour to do about this? Will he review it? This is a cumbersome system of tax, is he prepared to review this and does he accept that it is such?

Senator A.J.H. Maclean:

I certainly accept that at face value our marginal relief system is complex, and there are many people who do not properly understand it. In fact, I have discussed with the Treasurer and the Comptroller that we are going to undertake some more briefings for States Members. Clearly the understanding among Members will be far greater than the main population, but it is not as well understood as it should be. I will tell Members, though, that it is the view of the relatively new Comptroller of Taxes that in fact our marginal relief system is, as he describes it "the jewel in Jersey's tax crown". If you look at the average effective rate of tax from those within the marginal relief area, it is 10 per cent. It recognises the priorities of this Assembly and Members of supporting families and consequently ensures that ultimately it is a relatively fair system in terms of outcomes but not well understood sadly.

3.1.9 Deputy A.D. Lewis:

Supplementary? Is the Minister therefore saying that somebody that has earned over £130,000 and is still not paying a full 20 per cent in tax is acceptable?

Senator A.J.H. Maclean:

It is impossible to look at individual cases. Yes, it can extend up to £120,000 or £130,000 depending on the circumstances of the individual. So if you have somebody, for example, with 4 or 5 children, a mortgage and so on, then of course it recognises the support to the family, and that is the fundamental building block of the system that was put in place in the first place. As I have said, the Comptroller of Taxes, with wide experience of not just our system now but also elsewhere, in particular in the U.K. (United Kingdom), thinks that broadly the marginal relief system is something that we should be proud of. Now, that does not mean that it does not need to be reviewed and I would say to Members that with independent taxation on the horizon the review or a review of the personal tax system will be necessary in order to further the independent taxation, which is targeted for 2020.

3.1.10 Deputy M.R. Higgins:

I believe a figure that was quoted by the Minister was that the top 15 per cent are paying most tax. The truth of the matter is the top 1 per cent or 2 per cent are paying less tax than the rest of us. Does the Minister not agree with that and think that it is totally inequitable?

Senator A.J.H. Maclean:

There was a little bit of noise behind me, I did not quite catch his question. If he would not mind repeating it, it would be very helpful.

Deputy M.R. Higgins:

I said that the Minister said in his answer, I believe, said the top 15 per cent are the ones who are paying most of the tax. The truth of the matter is the top 1 per cent or 2 per cent are paying considerably less than most people. So the point is that there is a special rate for the very, very rich in this Island and there is another rate that penalises the people in the centre. Is that not correct?

Senator A.J.H. Maclean:

It is a very easy soundbite for the Deputy to use but we have to be realistic about this. There are some very high earners that if you wanted to apply the same rate of tax, and I am talking in particular the high net worth individuals that we attract to this Island that we greatly value, and I might add, I was at the Jersey Hospice Ball at the weekend, there were huge numbers of inward investors and high net worth individuals there and more than £250,000 was raised for Jersey Hospice Care. **[Approbation]** These are the types of unseen benefits that many people perhaps do not appreciate, the value that these high earners bring and why most jurisdictions around the world seek to attract such wealth creators. I do not think much more needs to be said about that particular area, I think our taxation system generally seeks to attract inward investment and, as such, support the local economy and that is what we should be seeking to do.

3.2 Deputy G.P. Southern of the Minister for Social Security regarding occupational pensions: [9622]

How many people aged over 65 depend on a partial or full States pension combined with income support for their total income, how many such people in receipt of a partial or full States pension combined with income support also have a private or occupational pension, and what measures, if any, is the department considering in conjunction with the Treasury and Resources Department to increase the availability of occupational pensions?

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

The Social Security Department publishes information on the number of pensioners receiving income support each year. Our annual report is due to be published next week and this will show

that 99 per cent of low income pensioner households have a pension. This amounts to 1,759 households at the end of 2015 out of a total of 1,776 income support households in this category. Members will be aware that a commitment was given in the Medium Term Financial Plan approved last year that Social Security and Treasury and Resources would work together to promote financial independence in old age. In October I will be issuing a consultation paper which considers how we provide for ourselves in retirement and how the Social Security Fund should adapt to an ageing population. One topic which will be discussed within this consultation is the availability of occupational pensions. This is the start of a major review of the social security scheme and I hope that Members will take the opportunity to participate in the consultation and engage in a broad discussion to identify the best options for Jersey.

3.2.1 Deputy G.P. Southern:

The review of the contributory benefit scheme is due to take place over a number of years, I believe. Is it or is it not the case that the introduction of occupational pensions is a priority of this review and will be done in the early stages or not?

Deputy S.J. Pinel:

It is due to start next week inasmuch as the Guernsey Government have already agreed to introduce an occupational pension, not in force yet but is agreed, and we have a meeting with Guernsey next week when we will discuss the possibilities.

The Deputy Bailiff:

A further supplementary, Deputy? This is the final supplementary I should note as no one else has asked a question.

3.2.2 Deputy G.P. Southern:

I accept that, Sir, I was not even arguing this time. Can the Minister outline for Members why she reduced the disregard on those without an occupation pension, those on the lowest pensions and thus making them £9 a week worse off in the short term in her Medium Term Financial Plan?

Deputy S.J. Pinel:

The Deputy alludes to the 23 per cent disregard that was introduced in the M.T.F.P. (Medium Term Financial Plan) agreed by the States last October. It was a change from previous pension disregards inasmuch as it was a fixed sum of £55 and those pensioners already receiving that £55 then have an option to change to 23 per cent of their income or the £55 disregard of their income. This is a way to encourage people to save for their own retirement because in a lot of cases 23 per cent of their income is considerably higher than the fixed sum of £55, and any pensioner now entering the scheme will have to have the 23 per cent, the £55 is not an option any longer, apart from those who have a pension already.

3.3 Deputy L.M.C. Doublet of St. Saviour of the Minister for Infrastructure regarding road safety around parks and schools: [9626]

Following the recent fatal accident near Millennium Park, what measures will the Minister take across the Island to improve road safety for children and other pedestrians, particularly around parks and schools?

[15:00]

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

Improving road safety for our children and other pedestrians, particularly around parks and schools, has been and will continue to be one of my key priorities. For example, during the past 2 years my Assistant Minister and I have delivered significant road safety improvements around many of the Island's schools such as St. Mary, St. Lawrence, St. Martin, Bel Royal and Grouville Primary Schools as well as outside De La Salle and Beaulieu. Over the remaining life of this M.T.F.P., naturally subject to Members supporting the funding as proposed later this week, I will continue to prioritise road safety for other children and for other pedestrians as this is some of our most important work. A full list of the schemes delivered during my term in office as the Minister for Infrastructure to date and those actively being developed for implementation during the remainder of this M.T.F.P. - again subject to funding - will be distributed to Members later this afternoon.

The Deputy Bailiff:

Senator, I think we had the benefit of hearing from your iPad once again and I wonder if it could be switched off. If you cannot control it, if you could switch off. Thank you very much, and thank you for your further contribution to the fund.

3.3.1 Deputy L.M.C. Doublet:

A supplementary? I thank the Minister for his response and I ask because this area is of increased public concern at the moment. It is always a concern in our Parish of St. Saviour, and I seem to have had had an increase of constituents requesting that changes happen immediately. I think people understand that there are things planned but is there any way the Minister can bring forward some of these planned changes so that we can avoid any further fatalities. Also regarding the list of planned improvements, it would be lovely to have for Members but could the public see that list as well so that they can perhaps be reassured about some of the things that are being planned?

Deputy E.J. Noel:

If I can take the last bit first; absolutely, I intend to publish that list. Only earlier this morning, I signed off the Ministerial Decision to build a pedestrian crossing at the junction of Chasse Brunet and Deloraine Road, which will enable the children at Grainville and at FCJ to safely cross St. Saviour's main road.

3.3.2 Deputy J.A. Hilton of St. Helier:

The Minister very kindly met with myself and the Head of Haute Vallée School earlier this year to discuss road safety improvements. I am a little bit disappointed to see that the only road safety improvement that has taken place at the particular crossing opposite the Pet Cabin is a flashing school children sign, which from the west side at New St. John's Road ... if you come from the Queen's Road end there is no indication whatsoever that children cross there. So I would like to ask the Minister if he could go back to his department and relook at what they have put in place and improvement on it, please. Thank you.

Deputy E.J. Noel:

Deputy Hilton is referring to signage that has been there for a considerable amount of time. It has been there for several years. I have been advised by my officers that the new signage creating a temporary 20 mile an hour limit for that stretch of road while the schools are arriving in the morning and leaving in the afternoon, is now in Island and waiting to be put into place in the coming weeks.

3.3.3 Deputy J.A. Hilton:

A supplementary. When I have driven past the school at 8.00 a.m. that sign does not work or maybe it does not start working until much later. It needs to be working much earlier - if it does - than it is currently.

The Deputy Bailiff:

Deputy Hilton, was there a question there?

Deputy J.A. Hilton:

Could the Minister please go back to the department and ask them to look at that?

Deputy E.J. Noel:

I will pass that information on. It is to the school because it is the school that controls the timings of the warning lights. Again, I repeat, new signage will be going in place there and that will become a new 20 mile an hour zone during school pick up and drop off times.

3.3.4 Deputy K.C. Lewis of St. Saviour:

When I was Minister for Transport and Technical Services I made the order to put the 20 mile an hour signs with flashing lights outside of the Island's primary schools. Given the level of accidents that we are having in St. Saviour and St. Helier, Mont Millais, Vic College, J.C.G. (Jersey College for Girls) and the surrounding area, does the Minister think there is a case for extending this to secondary schools. There are flashing lights outside of Vic College but that is just to warn that schools are coming out. There is not a 20 mile an hour zone.

Deputy E.J. Noel:

I am surprised by Deputy Lewis that he does not know that exactly is one of the measures that we are going to be bringing in in the road safety plan for all of the schools around St. Saviour. We have had several meeting with the Parish and Parish officials over that and that is one of the phases that we are going to be delivering in the next 2 or 3 years. Yes, that area, all around the colleges will be, during school pick up and drop off time, a 20 mile an hour zone.

3.3.5 Deputy S.Y. Mézec:

The example that is referred to by Deputy Doublet in this original question is in my constituency and I know that the campaigners have been frustrated at how long they feel that it has taken to find a solution to this. Broadly speaking, does the Minister agree that it would be a good idea to devolve more powers to the Parishes so that they can take on issues like this when people come to them and express their concerns, because they are closest to the local communities, know the views of the people there who see these problems day-to-day and anticipate where there might be a dangerous circumstance? Would he support devolving more authority to the Parishes so they can deal with that and do things a bit more quickly?

Deputy E.J. Noel:

While the police investigation is ongoing I will not make any type of statement on the Tunnel Street incident other than to express my deepest condolences to the family of Clinton Pringle. I would remind Members that, in fact, Tunnel Street is already a Parish by-road.

3.3.6 Deputy M. Tadier:

Can the Minister state whether or not there is an ongoing review into Island-wide speed limits and, if not, is that something that the Minister may be putting on the table shortly?

Deputy E.J. Noel:

It has been discussed over the last year or so. We have had 2 workshops with the 13 road authorities and the 13 police forces in this Island because the public infrastructure only makes up one of those authorities. Yes, it has been discussed and there has been general agreement to implement 20 mile an hour speed limits within the centres and for the benefit of those in St. Helier No. 1 District, that will include the Havre des Pas area. So, yes, we have been discussing that with

the Constables, with their road committees and with their Chefs de Police, along with the States police.

3.3.7 Deputy M. Tadier:

Just to clarify, it can be confusing for your average member of the public if they want to make an enquiry or suggestion when it comes to road safety and speed limits, given the fact that there are, as the Minister says, 13 road committees effectively, if you like, in the Island, not to mention the increasing number of quangos that have land in Jersey as well. If a member of the public does have a concern or a suggestion about a particular speed limit or road safety concern on a road, whom should they contact in the first instance? Can the Minister ensure that he will pass on those concerns?

Deputy E.J. Noel:

That is a very good question from Deputy Tadier and I would encourage Islanders to download the Love Jersey app, to take their phone and to take an image of the area that they are concerned about because that will automatically be directed to the appropriate roads authority.

3.3.8 Deputy L.M.C. Doublet:

I thank the Minister for his answers. Just to further press him on the planned improvements in St. Saviour and other improvements, is there any scope for the Minister to bring those forward at all so that we can avoid further accidents and also could we have a timescale on when the 20 mile an hour limit outside the secondary schools will be in place, please?

Deputy E.J. Noel:

The department is spending just short of £900,000 for the previous year, this year and for 2017 and 2018, particularly in St. Saviour. The 20 mile speed limits are designed to be coming into place hopefully next year. By that I mean 2017. So we will hopefully see significant improvement in the pick up and drop off times and road safety around all of St. Saviour's secondary schools.

3.4 Deputy C.F. Labey of Grouville of the Chief Minister regarding the extension of "grandfathered" rights to European Union nationals living in the Island: [9617]

When will "grandfathered" rights be given to European Union nationals living in the Island, as the Chief Minister announced post-Brexit, and under what criteria?

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

As I mentioned in my statement on 28th June, there will be no change in the formal relationship between Jersey and the E.U. (European Union) as set out in Protocol 3 before the U.K. leaves the E.U. In the meantime, the rights of E.U. citizens to live and work in Jersey will be unaffected. Discussions on the terms of the U.K.'s future immigration arrangements with the E.U. will not formally start until after the U.K. has triggered Article 50. We are, however, closely involved with the U.K. Government, and in particular the Home Office, on immigration and related matters such as the common travel area. The Government's position, however, is clear. We want those who have contributed to Jersey and made Jersey their home to stay. The process will take some time, immigration involves the U.K. and we will be part of the discussions with the E.U. but I want to reassure E.U. citizens in Jersey that they remain welcome here.

3.4.1 The Deputy of Grouville:

Supplementary. Is the Chief Minister aware that since the Brexit vote and his announcement about grandfathered rights there has been a marked increase in E.U. nationals arriving in the Island usually by boat with their families and more than a weekend's worth of luggage?

Senator I.J. Gorst:

We know that we have ebbs and flows of E.U. nationals coming to our Island during the course of the year. One would expect in the summer months for there to be increased levels. If those levels are out of kilter with previous years of a similar time then we will certainly review that. Of course, this was always, right across the British Isles, who would be affected potentially by the Brexit decision, a possibility. But I shall check with the border control officials and with those who analyse such figures to give the Deputy some certainty.

3.4.2 The Deputy of Grouville:

Does the Chief Minister have a means of measuring the numbers, firstly, and does he not appreciate that the sooner we work to a given point in time that will give people a certainty ... he is shaking his head but I believe it would give people certainty, so perhaps he would like to comment on that?

Senator I.J. Gorst:

I think the Deputy knows that the U.K. must trigger Article 50 before they can start their negotiation. But the groups considering what it is that the United Kingdom may wish to negotiate for, one of them that we are involved with and our officials are involved with is this very issue. But there will be no certainty, I would suspect, until much further down this process. There are some challenges around the common travel area, for example, there are some challenges about whether the United Kingdom wants to be in the single market and whether there will be a *quid pro quo* for free movement of people. All of those issues will form part of the negotiation. We do not yet know even when the United Kingdom will trigger Article 50, so the certainty is that our relationship, nor has the United Kingdom's relationship, yet changed with the E.U. and therefore E.U. nationals can remain here on the same basis as they did prior to the vote.

The Deputy Bailiff:

That was the finally supplementary, Deputy.

The Deputy of Grouville:

Yes, but he did not answer the first part of my question. I asked if he has a means of measuring numbers entering the Island.

The Deputy Bailiff:

Then it is the fact that if the Chief Minister did not answer it, he did not answer it. His answers must be a matter for him, Deputy.

3.5 Deputy M. Tadier of the Minister for Education regarding increases in re-sit fees for GCSEs: [9621]

What increases in fees, if any, have occurred in the last year for people wishing to re-sit G.C.S.E.s (General Certificate of Secondary Education), when did those increases take effect, and, if there were such increases, what consultation and assessment, if any, was undertaken in respect of the potential impact on the uptake of re-sits?

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

Thank you to the Deputy. This is a matter that is dealt with by the schools rather than the department but I can report there has been no increase in re-sit charges to students in state schools over the past year. The fees for G.C.S.E. re-sits are set by the exam boards in the U.K.; Jersey has no input into or influence over the level of the charge so it is not something we can consult on. If, however, the Deputy has a particular concern, I would be happy to look into it for him.

3.5.1 Deputy M. Tadier:

Just for clarification, the Minister has mentioned in state schools, does that extend to Highlands College? Could he put on record whether or not the re-sit charges have increased or are about to increase for re-sits in G.C.S.E.s undertaken at Highlands College?

Deputy R.G. Bryans:

I am sorry, I cannot answer that question. I do not know that information so I will have a look at it and come back to the Deputy.

[15:15]

Deputy M. Tadier:

Can I just add for the record, it seems quite unsatisfactory the Minister does not have that information.

The Deputy Bailiff:

No, that has been a supplementary, you will have a final supplementary, Deputy.

Deputy M. Tadier:

Can I put it on record it does not seem a good use of States time when it has been lodged for the requisite time from Thursday and the Minister should have looked into all re-sits including Highlands College.

The Deputy Bailiff:

I am sorry, due to that interjection I missed the note of others who wished to ask a question.

3.5.2 Deputy T.A. Vallois of St. John:

Can the Minister confirm whether the funding for re-sits for G.C.S.E. are taken out of the inflation budget of the schools or whether they have a specific amount dedicated for that particular re-sit?

Deputy R.G. Bryans:

Once again, just to repeat, it is the schools that deal with that. They decide in their own budgets. Just to clarify the issue to some extent because it is worth amplifying where we are with G.C.S.E.s at the moment. The number of re-sits varies considerably depending on what type of G.C.S.E. is taken. If it is still an old style modular course with lots of different elements marked throughout the 2 years, then there will be more re-sits or re-marks. However, almost all G.C.S.E.s are now moving towards the new linear course with exams at the end of 2 years so there will be fewer re-sits or re-marks. This year in particular our students have taken a mixture. It is the changeover period from one system to another. In future the number of re-sits and re-marks will go down. But to answer the Deputy's question, it is the schools themselves that make the decision where the money comes from.

3.5.3 Deputy M. Tadier:

The reason I asked this question is obviously based on information which I have been given to seek to clarify from the Minister, so I would ask the Minister if he can circulate any information that he finds particularly about Highlands College and the re-sits, particularly those in the linear format that he talked about. We are looking at maths and English primarily. People need to re-sit often for higher educational purposes or just for general chances for their C.V.s (*curricula vitae*), *et cetera*. So I would be grateful for the Minister to provide that in short order.

Deputy R.G. Bryans:

Of course I am happy to pass it around the Assembly.

3.6 Deputy S.Y. Mézec of the Minister for Social Security regarding the support available for Islanders aged under 25 suffering from a mental illness who have never worked: [9628]

What support, if any, is available for Islanders below the age of 25 who, because of suffering from a mental illness, are not able to work and have not been able to work since leaving education and have therefore not paid any social security contributions?

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

Prior to school leaving age the family of a young person with a significant mental or physical illness or disability may be able to receive financial support through the Child Personal Care Benefit. This is available independently of household income. From school leaving age a young person who qualifies for one of the higher levels of the personal care award is entitled to make their own income support claim; again independently of whether or not their parents are a low income household. For those with less serious conditions financial assistance through the income support scheme is available providing that they are a member of a low income household. Alongside financial assistance, Back to Work offers specialist assistance to help people into work where long-term illness or disability represents a more significant barrier to employment. We have dedicated specialists who have specific experience of working with mental health and other conditions and can support the management of such condition. We also work closely with colleagues in the health service and the Jersey Employment Trust to determine the best approach for the individual customer.

3.7 Deputy R. Labey of St. Helier of the Minister for Health and Social Services regarding consultants' income from private practice and the provision of administrative support: [9625]

Does the Minister receive regular information on how much income the department's consultants make from private practice, and can the Minister advise who pays for the administrative support provided to those consultants, such as patient contact and the booking of clinics and theatres?

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

I do not receive information about our consultants' income from their independent private practice business. However, I do have access to the quantum of income that their private practice contributes to the running costs of the hospital. Our consultants' private practice, which is carried out on our premises, contributes £8 million per year to the service. This is through charges we apply to cover the cost of using our facilities, staff and equipment. Most private consultations occur within the consultant's private rooms where staff that are used are not H.S.S.D. (Health and Social Services Department) employees. Where activity does take place on our property with our staff we recover all the costs associated with this activity.

3.7.1 Deputy R. Labey:

As the Minister will probably have guessed, my question was prompted by N.H.S. (National Health Service) England and their initiative to compel all N.H.S. hospitals and trusts to publish an earnings register, the private earnings of their consultants. I just wondered if the Minister thought there might be merit in that idea for Jersey.

Senator A.K.F. Green:

I am aware the U.K. is exploring this option but do not currently have any plans to implement this in Jersey. We would not expect others to declare their private income to their employer or to the public. But we do expect them to declare whether they have additional jobs or business interests.

3.7.2 Deputy G.P. Southern:

My understanding is that in the U.K. private practice takes place in the practitioner's spare time and that they are duty bound to offer their spare time in the first instance to the N.H.S. trust for which they work. Is that the case in Jersey?

Senator A.K.F. Green:

What happens in Jersey is that all consultants are contracted for 40 hours. Many do much more than that for the public sector. They do their own work in their private time and, as I say, they are contracted for 40 hours. They do 40 hours and much, much more. You are much more likely to see a consultant at the weekend here than you would be in the N.H.S.

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

Of the charges the Minister gave to the Assembly, can he explain how often they are updated and renewed and when the last time they were renewed?

Senator A.K.F. Green:

I am not too sure of the last time they were renewed but it is a regular review. Just as a matter of interest; we are only, under the law, allowed to recover the costs. The Minister for Treasury and Resources is working on bringing legislation forward to enable us to make a surplus to that cost.

3.8 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding the Council's fulfilment of the environmental goals set out in the Strategic Plan: [9630]

What assessment, if any, will the Council of Ministers undertake of the report *The Environment in Figures: A report on the condition of Jersey's environment 2011-2015* (R.92/2016) and the Council's fulfilment of the environmental goals set out in the Strategic Plan, and what action, if any, will the Chief Minister take to ensure any improvements required are made in order to achieve those goals?

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

I would like to ask Senator Routier to answer this please.

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

The *Environment in Figures* report is an important document looking back at trends in our environment. As the report says, we enjoy a high quality environment but we need to do more. This is partly why the Strategic Plan commits to developing a long-term vision to balance our environment, our community and our economy. Indeed, the My Jersey survey, which we ran just before the summer recess, placed the environment at the top of people's priorities. People reported how pleased they are with the condition of our environment. 4,000 people responded to the survey and the Council of Ministers will be considering its results next week, alongside the *Environment in Figures* report. This will help inform the final vision which will include specific and achievable goals, including for our environment.

3.8.1 The Connétable of St. Helier:

The forward to the report written by the Minister for Environment says: "It is a matter of concern that this report is not more positive." Will the Assistant Chief Minister undertake to come back to

the Assembly with specific actions which will make sure that the report that is given next time is much more positive than “could do better” which seems to be the tone of the present report?

Senator P.F. Routier:

I certainly share the Minister for Environment’s concerns about where we can do better and certainly I am very pleased that next week the Council of Ministers will be spending some considerable time looking at that report, together with the findings of the My Jersey survey and we will... no doubt the Minister for Environment will be pressing us, as a Council of Ministers, to ensure that actions are taken.

3.8.2 The Connétable of St. Helier:

When the Strategic Plan was first presented in draft form to the States the Environment, Housing and Technical Services Scrutiny Panel, as it was then termed, spent a considerable amount of time working up a series of amendments, which were successfully brought to the Strategic Plan. I would simply ask the Assistant Chief Minister: was the Scrutiny Panel wasting its time or is the fact that the environment was put up the priority list, particularly in the areas of economy, health and education, a matter that the Council of Ministers is going to take very seriously indeed?

Senator P.F. Routier:

Certainly from my point of view, and I know from many of the colleagues, in fact I am sure across all the Council of Ministers, we are all very keen to put into action the words which are in various reports; the Strategic Plan, the *Environment in Figures* and also the Scrutiny Report, and all those documents will be of value to ensure that we will be working to a better outcome and resources being put to the environment.

3.9 Deputy M.R. Higgins of the Chief Minister regarding the discontinuation of the Business Tendency Survey: [9596]

Will the Minister advise whether the Business Tendency Survey has been discontinued and if so, for what reasons this has been done, whether the Fiscal Policy Panel agreed with the decision not to collect this economic data, and explain how equivalent economic data will be gathered?

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

The Business Tendency Survey is an important survey and should take place. I am sure the Fiscal Policy Panel would concur. Nevertheless we do need to reduce the cost to the public sector and this can be difficult. We are working with the chief statistician on savings, including bringing public health statistics into the Statistics Unit and finding other efficiency savings wherever possible. As part of this we do now intend to reduce the savings required for the Statistics Unit, so hopefully Members will have seen our comment to the second M.T.F.P. amendment. This will enable the Business Tendency Survey to be reinstated.

3.9.1 Deputy M.R. Higgins:

Could the Minister tell us why, other than cost, they decided to discontinue this particular survey because the Business Tendency Survey filled an important gap in the data that was collected on the economy. We all know that we have insufficient data on the economy and to see how well government policies are working. Will the Minister explain why, other than cost?

Senator I.J. Gorst:

I think, as I said in answer to questions from Deputy Southern at the last States sitting, there was some confusion about what funds were going to be available, what savings were going to be requested of the Statistics Department and how any redesign could be delivered. That confusion

between the independent Statistics Unit and officers in my department has now been clarified. Vacancies that were in place are in the process of being filled and that is why I say that the Business Tendency Survey will be reinstated.

3.9.2 Deputy G.P. Southern:

Just for clarity's sake. Could the Minister inform Members that in fact what is taking place is that a post which was already lost by a departing statistician, moving to another department, will now be replaced as soon as possible, and that is likely to be in December, so that the Stats Department can eliminate the backlog, which they have already got in terms of publications, and get on with their main job?

Senator I.J. Gorst:

That is my understanding although it is a moving situation, as I sit here this afternoon in preparation for Deputy Southern's amendment tomorrow. But that is now my understanding.

3.9.3 Deputy M.R. Higgins:

Just reflecting on the answers the Chief Minister gave. Did he or his department consult with the Fiscal Policy Panel before they took the step to do away with that survey?

Senator I.J. Gorst:

I did not make the decision to do away with the survey and I therefore did not consult the Fiscal Policy Panel.

Deputy M.R. Higgins:

Could the Minister just elaborate and explain whether anybody spoke with the panel beforehand?

The Deputy Bailiff:

I think your original question was: was the Fiscal Policy Panel consulted? So, Minister, are you able to answer that?

Senator I.J. Gorst:

I am not aware that they were.

3.10 Deputy S.Y. Mézec of the Minister for Social Security regarding the abolition of the single parent component of Income Support: [9629]

Given the conclusion of *Living on Low Income* (S.R.4/2016) that the decision to abolish the single parent component of income support was "unsound", what measures, if any, has the Minister taken to improve the decision-making processes with which she is involved?

[15:30]

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

The Scrutiny Panel has provided its opinion. Members will not be surprised if I state that in my opinion the decision was perfectly sound. As is usual practice, I will be making a full written response to the Scrutiny review within 6 weeks of its publication. In this case the response will be provided by 19th October. The lone parent component is included in legislation which was debated and approved in the States Assembly. Last year I put forward an amendment to the legislation to change this aspect of income support. As is the right of any elected member, Deputy Mézec lodged an amendment to my proposals and these were debated in October 2015. Following the debate,

States Members supported my proposition and the law was amended. The decision-making process is clear and democratic and I have no plans to seek to change it.

3.10.1 Deputy S.Y. Mézec:

A supplementary question. Of course the debate which took place in October last year occurred before the publication of the Income Distribution Survey, which showed that 54 per cent of single parent households live in relative low income. How can she possibly describe a decision-making process which ignores the fact that over half of these people were already living in relative low income and therefore could not be included in the decision to take away what is, for some of them, over £2,000 a year; how could she possibly describe that process as sound when she made that decision without the most important piece of information she would need before making it?

Deputy S.J. Pinel:

The timing of the M.T.F.P. debate last year and the timing of the release of the new evidence referred to by the Deputy of living on low income and the Scrutiny Report of that and the Income Distribution Survey, the timings of these were completely out of my control. However, both present different types of evidence, some of which will undoubtedly shape future policy development. However I can unequivocally say that neither of these would have affected my decision to propose a phased reduction in the extra amount paid to lone parents. I would have made the same case to this Assembly and I am confident it would have been accepted.

3.10.2 Deputy G.P. Southern:

Does the Minister accept that the decision she made to reduce or eliminate the lone parent component was made on the basis of no evidence but merely on the prejudice of some officers in her department? Will she in the future pay due attention to the results of the independently produced report on income distribution and reconsider her decision in the light of this fresh evidence?

Deputy S.J. Pinel:

This measure does not unfairly target single parents. By 2018 all single parents receiving income support at that time will be in a comparable position to couples with children. All single parents will still receive an adult component to cover their personal living costs, a rental component to cover rent, a household component to cover household bills and a child component to cover the costs of a child's living. They would also be able to claim help with childcare costs when they return to work and receive specialist support from the Back to Work team to get them back into the workforce.

3.10.3 Deputy G.P. Southern:

The Minister again did not answer my question. The question was: will she pay careful attention to the new evidence produced in the Income Distribution Survey and reconsider her decision?

Deputy S.J. Pinel:

I think I said in my previous answer that both the Income Distribution Survey and the *Living on Low Income* will support future policy development but there is no question of a change in the way that we dealt with the lone parents.

3.10.4 Deputy R.J. Renouf of St. Ouen:

When making her decision to withdraw the single parent supplement did the Minister go back to consider the principles of income support, which were adopted by this Assembly in the early days of the income support scheme, and for what reason did the Minister reject the findings set out in

those principles that single parents do have additional costs which should be covered by the income support scheme?

Deputy S.J. Pinel:

I think the Deputy is referring to the law of 2007 prior to the Income Support Law of 2008 coming in. That may have been considered necessary at that time. The evidence and the investigation and research that we have done at this time, considerably further down the route, does not produce any evidence to say that it is more expensive for a lone parent than it is for a couple with children.

3.10.5 The Deputy of St. Ouen:

The Minister refers to her evidence and research and I should be grateful if she would provide the Scrutiny Panel and Members with it, and I would ask that she does so; she has not previously done so on this subject.

Deputy S.J. Pinel:

The Deputy, also Chairman of the Scrutiny Panel, has asked for evidence. This was all done in the department which is without doubt the best place versed to do this because we are dealing with these situations every day. As a result of our change in the lone parent component there have been 2 questions to the department from the public ... this was introduced in November. One was merely a query, one was a complaint, and I personally, in the last 3 weeks, have had one email. So there is no evidence subsequent to the introduction of this change to say that it is proving a problem.

3.10.6 Deputy M. Tadier:

Does the Minister accept that it is completely inappropriate and misleading to make comparisons with parents who are in a joint relationship because in fact their potential for increasing their earning power is much greater than that of a single parent who is very limited when it comes to the use of their time to seek alternative employment and to increase their funds and that is why, in particular, this Scrutiny Panel found that they have been targeted disproportionately. Remember, a group who already is in a bad position to start off with being made even worse off by this Minister's cuts. Does the Minister accept that point?

Deputy S.J. Pinel:

No, I do not accept the point because there is a huge amount of support given to lone parents. Our research shows that lone parents very rarely stay in that position; 20 months is the average in that position, with one in 3 staying in that position for less than a year. The emphasis on trying to find them suitable jobs is huge, with the Back to Work team, and also childcare costs are covered to allow them to get back into the workplace.

3.10.7 Deputy M. Tadier:

Does the Minister accept that it is completely irrelevant for how long a single parent remains a single parent? If one is on one's bones for 20 months or so that is a significant period of time during which they absolutely need the correct level of income support claims to help them and their family in that situation. Will the Minister agree that that is a completely spurious argument she is putting forward, irrespective of how long one remains a single parent. That could be for a matter of months or a matter of years. During that time they should be adequately supported, is that not correct?

Deputy S.J. Pinel:

I have already outlined in a previous answer that the adult component, the rental component, the child component, the household bill component, are all paid to a lone parent on full receipt of income support so it is not as if they are on their bones, as the Deputy said. The whole reason for

the savings in the benefits in last year's M.T.F.P. was to support health and education, and already Education are rolling out the pupil premium in schools which will support a lot of these children.

3.10.8 Deputy S.Y. Mézec:

The Income Distribution Survey of course also pointed out the appalling rates we have of pensioners who live in relative low income in the Island as well, another group which her department sought to cut support for. My question is: does her department bother to do any investigation whatsoever to find out what she is doing to the poorest people in our society and what will she say inevitably when the next Income Distribution Survey comes out that will show that the measures she has taken in office have made life even more difficult for the people in this Island who are already the poorest and most vulnerable. What does she say to that?

Deputy S.J. Pinel:

I seem to keep answering the same question time and time again with a similar answer. There were not cuts to pensioners, as the Deputy refers to, and the lone parents on income support are very, very well supported with all the components I have referred to earlier, plus the childcare costs, plus support to get them back into work and give them financial independence.

Deputy S.Y. Mézec:

Can I raise a point of order on that last question? I believe that the Minister has just misled the Assembly when she has said there were no cuts to support for pensioners. Her department did in fact reduce the disregard for income support for people who are pensioners, meaning there was a cut. To say otherwise is simply to deceive the Assembly.

The Deputy Bailiff:

What is the point of order?

Deputy S.Y. Mézec:

That she has misled the Assembly.

The Deputy Bailiff:

That is not a point of order, Deputy. A point of order is something on which the Chair has to make a ruling and the Chair obviously cannot make a ruling on what she said. I am working on the assumption that you are suggesting that the Minister may have unintentionally misled the Assembly. But I do not think that is a point of order. I cannot make a ruling upon on it.

3.11 Deputy G.P. Southern of the Chief Minister regarding an arbitration process for the 2015/2016 pay dispute with civil service representatives: [9623]

At last I have got a smile on my face. It is warming up a bit. Will the Chief Minister inform Members whether the States Employment Board has refused to accept arbitration to resolve the 2015/2016 pay dispute with civil service representatives and, if so, explain why, and will he further state what action, if any, will be taken to ensure that a productive process for pay talks is put in place for 2017?

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

States Employment Board officers met with civil service union representatives at the Jersey Advisory and Conciliation Service as part of the pay and negotiations for 2015/2016. The meeting at J.A.C.S. (Jersey Advisory and Conciliation Service) was part of the agreed dispute procedure which is still in progress. During the meeting the S.E.B. (States Employment Board) were asked to consider binding arbitration as a possible outcome to the negotiations. Officers made it clear that

given that binding arbitration could reach an outcome outside the budgeted mandate for pay in 2015/2016 it was not appropriate to consider as the extra costs might need to be provided for by either a reduction in jobs or an impact on services which was not an acceptable outcome. There is an agreed framework process for pay negotiations signed by all leading unions when they accepted the 2012 to 2014 pay award, which included a 4 per cent pay award for continuing involvement in workforce modernisation.

3.11.1 Deputy G.P. Southern:

The Minister states that S.E.B. refused to accept binding arbitration because it might exceed the limits they had been set. Is it not the Chief Minister's opinion that situation is likely to happen again should we accept the Medium Term Financial Plan, which suggests a substantial reduction in the pay for newly qualified teachers. Will they not be faced with the same situation where this House possibly instructs them that there is a limit, that £500,000 less for those workers and will have exactly the same situation, a complete breakdown in the situation and an absence of proper negotiation? Does the Chief Minister not think that is the risk?

Senator I.J. Gorst:

I hope it is not. There is pay restraint in the M.T.F.P. and there are some changes to the way the workforce would be remunerated but there is money set aside and we will hope to deliver pay awards within those parameters. I have got to say, of course, there are a number of amendments that if they were accepted might lead to the outcome that the Deputy is suggesting.

3.11.2 Deputy G.P. Southern:

Is it not the case that rather than negotiate in good faith the S.E.B. is showing its true colours and insisting on forcing through, in the face of a lack of agreement, imposing pay restraint on various groups of workers in the Island?

Senator I.J. Gorst:

There is no doubt that the parameter being set, and which was set, is challenging but that is what Members of this Assembly want us to do in order to ensure that the growth of the cost of government does not continue to increase. We had a briefing only at lunchtime from a Scrutiny Panel suggesting that we were not controlling the growth in the cost of government enough. But there is, as I said in my opening response, an agreed framework process and I hope that that will during 2017 allow us to reach amicable agreement.

3.12 The Deputy of Grouville of the Chief Minister regarding a review of Islanders' rights to work in the European Union: [9620]

Given the Chief Minister's announcement that the rights of E.U. nationals currently resident in the Island would be "grandfathered", what reciprocal rights, if any, will the Chief Minister seek at post-Brexit negotiations for Jersey residents, especially those Islanders with a stamp in their passports denying them an automatic right to work in the European Union?

[15:45]

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

As I mentioned in my answer to the Deputy's earlier question, negotiations over the terms of the U.K.'s future immigration arrangements with the E.U. will not formally start until after the U.K. has triggered Article 50. Again, as I said on 28th June, the overarching objective of the Government for the forthcoming Brexit negotiations is to preserve the benefits that we currently enjoy under the arrangements with the E.U. Freedom of movement falls away when the U.K.

leaves the E.U. and whatever arrangements that will have been negotiated for all Jersey citizens will come into effect. We will be seeking to ensure that those new arrangements are for the benefit of all Jersey citizens.

3.12.1 The Deputy of Grouville:

Why cannot Jersey, as a self-governing jurisdiction or indeed collectively with the Crown Dependencies, devise our own measures for free movement in the common travel area before Article 50 is invoked?

Senator I.J. Gorst:

We do already overlay our own controls. We often discuss whether those controls are suitable in this Assembly and I said when I made a statement, I think at the last States sitting, that I envisaged that we will continue to lay over our own controls but if we want to change the common travel area or our relationship with the common travel area, if we want to change our relationship with regard to free movement of people, these are things which would need to be negotiated. We are not in the E.U. The U.K. is the sovereign state which is undertaking the negotiations. We find ourselves in the same position as the other Crown Dependencies and the devolved administrations in this regard, but we are taking part in those groups which are considering what it is that the United Kingdom Government will seek to negotiate. Of course during that negotiation process we will then, I imagine, be thinking about the controls that we would wish to overlay, which may need to change.

3.12.2 Deputy M. Tadier:

I suppose another way to phrase this question, which is slightly different to the first question that was asked, is: can the Chief Minister ensure that those Jersey people with a stamp in their passport will have an equal right to go and pick potatoes and do hard manual labour in Eastern Europe for a minimum wage and also have the right to live in substandard accommodation in those countries, continuing in the future just as those Europeans have that right to when they come to Jersey? And also not be able to claim a benefit for 5 years when Jersey people go and live in Europe ...

The Deputy Bailiff:

Deputy, this is turning into a speech which is not within the ambit. Do you have a direct question for the Chief Minister?

Deputy M. Tadier:

I think that is the question, Sir. We are talking about equality in terms of rights. Will those rights afforded to those Europeans who come and enjoy such privileges in Jersey be afforded to those other Jersey systems on those same conditions?

Senator I.J. Gorst:

The Deputy is trying to make a point but I think he is pointing to history. Many industries which benefit from the free movement of people overlaid because of the common travel area have, over many years, improved the accommodation that they provide, improved the rights. We now have minimum wage legislation as well. I think the Deputy is pointing to history rather than current experience in that regard albeit there are some improvements to be made, and I know the Minister for Housing is minded and is aware of those and is bringing forward improvements in that regard. The point, I think, of the Deputy's initial question is that we will be seeking to get a fair and equal deal for all Jersey citizens.

3.12.3 Deputy M. Tadier:

Does the Minister recognise that of course it is a delicate area in which to tread? If we look to the U.K. we know that, for example, there is not fairness when it comes to the rights of Jersey people to

work in the U.K. who have an absolute right to go and work, live and claim benefit in the U.K. whereas U.K. residents who come to Jersey have to wait 5 years for their work qualifications, 10 years for residency rights, and unable to claim benefits for 5 years. That these whole issues can be up for question when we are looking at renegotiating a relationship either with the E.U. directly or with the U.K., and that of course these negotiations are important. They need to be handled very sensitively.

The Deputy Bailiff:

I am sorry, I am not sure I understood what the question was, Deputy.

Deputy M. Tadier:

I suspect the Chief Minister may have.

The Deputy Bailiff:

I am not sure that helps the Assembly.

Senator I.J. Gorst:

I recognise that these are controversial issues, which is why I made the point that I do not imagine we will find ourselves in any situation other than a similar approach to the one that we have now, which is a renegotiated position that the United Kingdom Government has delivered with an overlay of our own controls and legislation as well. We know that one of the renegotiated positions that the United Kingdom Government made with Europe was around an emergency break on benefits to other E.U. citizens. They are delicate, they are difficult but what we seek to deliver is a fair deal for the benefit of all Jersey citizens.

3.12.4 The Deputy of Grouville:

It is indeed about rights and equal rights and the point of my question was to have the Chief Minister's assurance that when he goes into negotiation that we have his assurance that he will fight robustly for Jersey residents' rights as we have not enjoyed since 1973.

The Deputy Bailiff:

That brings us to question 13 ...

Senator I.J. Gorst:

Would you like me to answer?

The Deputy Bailiff:

I beg your pardon, Chief Minister.

Senator I.J. Gorst:

The Deputy makes a very good point and the answer is yes, we will. It is critically important. We are working on the premise of course that without any renegotiation in this particular area all United Kingdom citizens would have the equivalent stamp in their passport that some Jersey citizens now have. I do not think that that would be an acceptable position for the United Kingdom Government and it certainly cannot be an acceptable position for Jersey Government going forward.

3.13 The Connétable of St. Helier of the Minister for the Environment regarding the improvement of levels of environmental protection and enhancement in the Island: [9631]

Given the Minister's statement in the report *The Environment in Figures: A report on the condition of Jersey's environment 2011-2015* (R.92/2016) that: "It is a matter of concern that this report is not more positive", what steps, if any, will the Minister take to improve levels of environmental protection and enhancement in the remaining period of this Council of Ministers?

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

The *Environment in Figures* report is an excellent document that looks back at trends in our environment. As the report says, we all enjoy a high quality environment but progress in some areas has been slower than I would like and we need to do more, hence my concern. The Strategic Plan committed us to developing a long-term vision for our environment, our community and our economy and earlier this year My Jersey survey was undertaken, which will put, I am informed, the environment firmly at the top of people's priorities. The Council of Ministers, as we have already been told this afternoon, will shortly review both that survey and the *Environment in Figures* report. But to answer the Constable's specific and, I hope, achievable environmental goals I would just say this: I am undertaking to bring forward a new water plan to address nitrate and pesticide levels. I am also doing an ongoing piece of work on the implementation of the energy plan to reduce carbon emissions. I am updating the strategy to protect our biodiversity and I am also co-ordinating the work, I hope, on a climate change adaptation plan. I look forward to Members support in these and other environmental initiatives I might bring in the rest of this session.

3.13.1 The Connétable of St. Helier:

The Minister singles out in his forward the failure of the States to tackle congestion, which was supposed to be reduced by 15 per cent by last year and has achieved 1.6 per cent reduction. In the summary of the priorities for the next period the Minister states that he wants to see continued progress towards the 15 per cent reduction in peak-time congestion. Will the Minister work with his fellow Minister at the Department for Infrastructure to take some important steps to make this goal achievable because clearly nothing is happening at the moment and we are going to have another failure in 5 years unless some action is taken?

The Deputy of St. Martin:

I do not need to start working with the Minister for Infrastructure because I already am working with him and I work with him frequently. I also work with the Constable of St. Helier on the Future St. Helier project. We tackle these issues on a regular basis. The Sustainable Transport Policy certainly set out a number of goals. It is unfortunate that in the past the States Assembly has chosen to remove some of the teeth that were in that policy, which would have given us more opportunity to reduce the congestion charges. I would say to the Constable, I feel that we are slowly getting there. Certainly we have a bus service which is much improved. It is better than it ever has been with more routes [**Approbation**] and more buses and I am as bad as anybody. I am a Jerseyman who loves to drive his car and it takes a lot to persuade me out of it. But I am persuaded and I hope others will be too. I look forward to working with the Constable and the Minister for Infrastructure in the coming couple of years to try our very, very best to increase the use of public transport in order to reduce congestion.

3.13.2 Deputy M. Tadier:

Is the Department for the Environment under-funded in the opinion of the Minister?

The Deputy of St. Martin:

If the Deputy wanted to use other words and say: "Would the Minister like more money to run his department and initiate new polices?" the answer would certainly be yes. Any Minister would be the same. We all have a job to do and we all want to do as much and as best we possibly can. The more money we have the easier that becomes. But I have to be realistic, the Council of Ministers

have prioritised health and education and Future St. Helier, and those are all very, very, important subjects as well as developing the economy. I do what I can. I have money and I use it to the best of my ability. But the answer to the Deputy: would I like more? Yes, we would all like more but we have to be realistic. We do the best we can with the resources available.

3.13.3 Deputy M. Tadier:

I am sure that the Minister, like me, and many others, believes that the environment is of utmost importance, not simply locally to us but obviously the global challenges that we face as a world together. Also that the environment covers the many current aims that the Council of Ministers have to do with education and health, which are all affected one way or the other by the maintenance of a healthy and sustainable environment. With that said, will the Minister state what stance he took against fighting in the cuts in his own department, which I believe is already underfunded and many others believe to be the case. Did he stand up to the cuts that were proposed or did he simply say: “Yes, I will accept the cuts to be made”?

The Deputy of St. Martin:

The Government of this Island has made a commitment to reduce where it can its expenditure. The public of the Island want us to do that. It is made very clear day after day that people want us to spend less in order to take less from them. When the Council of Ministers spent the 8 or 9 months already we have had this year trying to work out the best way forward we all set ourselves targets and I, like every other Minister, went back to his ministry to see what could be achieved. I have made a decision that we will reduce the amount of advice we give, become more regulatory. We looked at ways of reducing the expenditure and we have come up with a way of meeting the targets that were set for everybody. I have to say, I think I have been extremely fortunate. I have had members of staff reaching retirement age and I have managed to find ways of reducing my budget. I have met the targets that were set for me and I feel that moving forward I will be able to continue to deliver the service but in a more efficient way in the future.

3.13.4 Deputy A.D. Lewis:

The Minister will know that of course one of the ways of reducing congestion is encouraging more cycling. Is the Minister prepared to somewhat throw the rule book out the window with regards to planning and really come up with some blue sky thinking as to how cycle tracks can be put in place, such as allowing or insisting that all land owners adjacent to main roads have to provide or allow to be provided within their fields cycle paths so we can create a proper network? Would the Minister consider such radical thinking?

The Deputy of St. Martin:

I would venture to suggest that if I was a Minister who decided to throw the rule book as regards planning out of the window I would not be the Minister for Planning for very long. But I take on board what the Deputy says. I cannot see myself or my department being as creative as he suggests with forcing people to put cycle paths in their fields. But certainly I look forward to working, as I said, with the Minister for Infrastructure and the Constable of St. Helier on how we can be more creative in the way that cyclists are allowed to use St. Helier itself. Certainly when you travel abroad and we travel into the U.K. you see roads now where cyclists are allowed to travel in both directions where cars may be only allowed to travel in one.

[16:00]

That is the sort of blue sky thinking and initiative that I look forward to bringing to this House in the near future.

3.13.5 Deputy A.D. Lewis:

The Minister is talking there about urban cycling but the Constable was talking about commuter traffic congestion in St. Helier. How does he expect to resolve the issue of cars coming into St. Helier if one of the options is cycling but there are very few cycle tracks to use to get in St. Helier. Can he think of some blue sky thinking to make that happen quicker?

The Deputy of St. Martin:

I take on board the Deputy's comments. It is a challenge for cyclists coming in and out of St. Helier from the rural areas. Our main roads are not great. They are not wide and they do handle a large amount of traffic. Cycling is not the easiest when you have cars, lorries, travelling past you at high speeds, and I take his point on board about providing cycle ways. It may be about using lane networks. It may be about where the opportunity arises using parts of fields but it is certainly not something that I could advocate wholesale in the future.

3.13.6 Deputy G.P. Southern:

To what extent does the provision of a Hoppa bus service or its equivalent play a part in his thinking about congestion, particularly in the urban areas, especially St. Helier?

The Deputy of St. Martin:

The Hoppa bus service is something which comes under the Minister for Infrastructure's portfolio. But, certainly in my view, I know in discussions I have had with LibertyBus in the past they have ideas about buses crossing town as opposed to going around town at the end and the beginning of certain routes. I would seek to talk to them again about Hoppa bus services to see what we can do. I think in the past a Hoppa bus service, a standalone Hoppa bus service, has not been as profitable as it might have been but there certainly are some scopes for a normal route being extended, either at the beginning or at the end of that route, to encompass a Hoppa bus-type service.

3.13.7 The Connétable of St. Helier:

If I could take the Minister back to his report, he says, and I quote: "... without a significantly revised approach achieving anything close to the target of a 15 per cent reduction in peak time travel will be impossible." I welcome the Minister's willingness to work with the various departments responsible but will he also confirm that the suggestions in the report that we need to put up parking charges to tackle congestion would be extremely unfair, given that half of those driving into town every day are not going to public car parks at all but are accessing private non-residential parking? Will he undertake to work with the Minister for Treasury and Resources to see what can be done to levy some kind of charge on these car parks, which are not helping the shopper at all; they are helping the commuter who does not need to worry about parking charges going up. Thank you.

The Deputy of St. Martin:

The Constable will know when I have in the past attended with him areas like the Havre des Pas working group, users group, and others similar, parking is always an issue at the top of people's agenda. Whether you live in town, when you come into town, everybody is concerned about parking. It has recently come to my attention that the standards that we apply to parking on planning applications are not up to scratch and we need to do more. We are working on that at the moment. Yes, I take on board the Constable's suggestion, we need to look at parking, and continue to need to look at parking, in St. Helier as a way of helping to solve the congestion problem. But certainly I would point out to the Constable that maybe one of the areas we could look at is school buses. You do not need to be an expert to find out that the time it takes you to get into town in a car in the school holidays is considerably easier than it is when schools are in. So there is work to do in all parts of parking and traffic, and school buses could be one solution.

3.14 Deputy M. Tadier of the Minister for Social Security regarding the average time taken for redeterminations and appeals against decisions made by the Department: [9632]

Will the Minister advise Members of the average time taken for redeterminations and appeals against decisions made by the department to be completed, and will she state what is considered to be a reasonable timeframe for redeterminations and appeals to be addressed?

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

Most areas of benefit legislation include a 2-stage review process. The claimants can request a review known as a redetermination normally up to 21 days after receiving the department's decision. In many cases, a simple phone conversation will resolve the issue and no further action is needed. In other cases, a different officer will examine the original decision and make a written decision which is sent to the claimant. If the claimant remains dissatisfied, they can ask for the decision to be referred to an independent tribunal. They have 14 days to make this request. The department processes tens of thousands of claims a year but only a tiny fraction need resolution at this level. For example, in 2015 the department received just 40 formal appeals. The time that is taken to process redeterminations and appeals varies significantly, depending on the complexity involved in revisiting the decision. For example, job-seeking sanctions are undertaken within a very short timescale. The claimant has 7 days rather than 21 to request a review and the first-stage review is normally completed by the department in less than 5 working days. At the other end of the scale, some complex medical reviews can take several months to complete, as the claimant is given the opportunity to submit expert evidence at each stage of the process once the original request for review has been lodged. Thank you.

3.14.1 Deputy M. Tadier:

The Minister will be aware, as I am, of a 63 year-old man who I believe was incorrectly sanctioned from his job. His family are now facing financial hardship in very real terms. His redetermination request was submitted on 6th July and it is already over 2-and-a-half months now. This couple in fact are still waiting for that redetermination to take place and that is before we even get into an appeal. Does the Minister think this is acceptable, is this happening a lot in her department, and is there perhaps a lot of pressure when it comes to the variety of redeterminations and appeals that are taking place in her department?

Deputy S.J. Pinel:

As the Deputy would expect, I cannot possibly give a comment on an individual case, and it is very difficult to answer his question without doing that, so I have given an overall description of the various ways of determining cases and, in the extreme, then a tribunal. Giving up work, the principle is absolutely correct that an individual should not leave a paid job in favour of claiming benefits, I think everybody would agree, and the incidence of this case I cannot discuss any further.

3.14.2 Deputy G.P. Southern:

The Minister said that appeals or second determinations on sanctions issues take a relatively short time, will she produce for Members an average of how long a redetermination and a tribunal appeal takes for this particular type of sanction?

Deputy S.J. Pinel:

I think I have already mentioned it is 21 working days for appeals to the Social Security Tribunal and Income Support Medical Appeal Tribunal and 28 working days for appeals to the Social Security Medical Appeal Tribunal. The process of appealing to an external tribunal is managed by the Judicial Greffe and is independent of the department.

3.14.3 Deputy G.P. Southern:

Does the Minister have the figures which indicate how long it takes for the department to take a second view or a tribunal on an issue of sanctions? Does she have those figures? If not, will she liaise with the Judicial Greffe and acquire them and distribute them to Members?

Deputy S.J. Pinel:

There is no average time taken to see tribunals or, for that matter, a redetermination. As I said in my opening remarks, if it is a medical situation the evidence has to be produced by the claimants and the medical practitioner which is obviously a lot more time-consuming than any other way of producing evidence. There is no average timeframe which the Deputy is asking for.

3.14.4 Deputy M. Tadier:

We have a strange system with sanctions in particular where you are presumed guilty until you can prove that you are innocent and in that time it may take a very long time with you having been financially penalised, losing your benefit, if you can finally prove your innocence, if you like. Does the Minister agree that the principle of “justice delayed is justice denied” is salient in this case? Will she undertake, both in this case if there is something going wrong and more generally, to make sure that redeterminations and appeals are done as quickly and as smoothly as possible so that all involved can have a fair and reasonable outcome?

Deputy S.J. Pinel:

Of course and the case to which the Deputy refers is being dealt with by the department as we speak. There is no reason why the department would delay in any way to get something realised or redetermined or to the satisfaction, if possible, to the claimant. If the advice that we give is disputed and then the claimant can come through with evidence to support the case, then we would remove the problem of his claim.

4. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture

The Deputy Bailiff:

Very well, that brings questions with notice to an end. We now come to questions to Ministers without notice. The first question period is to the Minister for Economic Development, Tourism, Sport and Culture.

4.1 Deputy R. Labey:

Returning to the subject of Condor Ferries, what is the latest position on assuring reliable sailings? Guernsey has seen something of a dramatic downturn in sea transport figures. Could the Minister advise how Jersey sea passenger arrivals have been affected?

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

The position is exactly the same as the last time I reported to the Assembly insofar as we have seen significant improvements with Condor this year but there is still some way to go. The comprehensive service report is due out imminently and I hope that will answer a lot of questions and set Condor on a new course for success. The Deputy also does know that sea passenger arrivals are significantly down in all of the Channel Islands, which is a concern. Having said that, I am pleased to announce that air arrivals are up significantly which more than compensate for the sea arrival figures.

4.1.1 Deputy R. Labey:

How ongoing are discussions with our Guernsey counterparts in this area and how radical is the thinking? Have both Islands considered commissioning an all-weather vessel and sticking it in on a Weymouth route, for example?

Senator L.J. Farnham:

The short answer to that question is no, nor would I ever consider asking the States of Jersey to consider investing in shipping to that magnitude. Condor, myself and my counterparts in Guernsey, the President of the Committee for Economic Development, are in regular contact; we have regular discussions. We meet more than monthly with Condor and I can say we are having some productive and encouraging talks about how Condor might improve their fleet moving forward. But again we have to wait for the result of the comprehensive service review and take it from there but I am hopeful that we will find a solution. I very much hope that Condor will continue to value their business enough in the Channel Islands to invest in improving the fleet.

4.2 Deputy S.Y. Mézec:

It is well known that you can support economic development by introducing measures to increase people's disposable income, money which they will then go and spend in the local economy which can help with economic growth. Would this Minister agree, however, that arguing to improve the disposable income of States Members the day before this Assembly is due to discuss drastically reducing the disposable income of teachers and savage cuts to our public services is an insensitive thing to argue?

Senator L.J. Farnham:

What I do wish is the Deputy would sometimes read the article and not just the headline. He is pretty good at making headlines but he does not often go further than that. I have not said, for the record, I have not called for anything. In response to an interview with the *J.E.P. (Jersey Evening Post)* last week which I thought I was doing for an upcoming Saturday interview, I was asked my opinion on States Members' pay. If the Deputy and other Members are interested in my opinion, then they should read the article in full which is very accurately written. For the record, I said that some Members' pay, in my opinion, should be reduced and some should be increased but that is a debate for another day. I had no input whatsoever to the *J.E.P.* deciding to publish that on the eve of the debate.

4.3 Deputy M. Tadier:

Would the Minister be able to clarify the legal basis on which Swissport got temporary staff to come over to Jersey in order to deal with their contingency for the strike which was ongoing at the airport on 24th September just this month?

Senator L.J. Farnham:

No, I am afraid I cannot because I personally have not been involved in that.

[16:15]

But I will consult with the relevant department which I think should be the Chief Minister's, if I understand the question correctly. Was it in relation to licences he was asking?

4.3.1 Deputy M. Tadier:

There was a suggestion by a union representative questioning the legal basis on which staff were brought over temporarily. The Minister will obviously know that generally speaking in Jersey there is a 5-year licence required and it would be interesting to know on what basis the temporary staff came in to replace those who were striking on that day.

Senator L.J. Farnham:

As I understand it, you do not need a licence for a day and I am pleased to say minimal disruption was caused by the strike and the airport remained open.

4.4 Deputy G.P. Southern:

I must ask the Minister for Economic Development, Tourism, Sport and Culture how he considers my rate of pay to be? Should I be paid more or less?

The Deputy Bailiff:

Well I do not allow that question, Deputy, on the basis that in fact this is a question for the Minister for Economic Development, Tourism, Sport and Culture as the Minister for Economic Development, Tourism, Sport and Culture and not as a Member expressing a view on a political matter not within his remit. So I do not allow that. Any other questions for this Minister? Yes, Deputy Southern.

4.4.1 Deputy G.P. Southern:

My original question, in the light of predictions for zero job growth and zero economic growth in the years 2017 to 2019, what initiatives does the Minister have under consideration to boost and promote job growth and economic growth in the Island?

Senator L.J. Farnham:

Firstly, I do not agree that we are going to see zero growth. It has plateaued and it is maintaining at a much better level than we have seen for a number of years. My department will continue with the policy and strategy that we have engaged with, working closely with the Chief Minister's Department and the Treasury to make sure confidence is returning to all business sectors across the economy and we continue to create new jobs and employment and career opportunities across all sectors of the economy.

4.4.2 Deputy G.P. Southern:

Does the Minister agree or not with the conclusions of the F.P.P. (Fiscal Policy Panel) which I understand said zero economic growth and zero job growth? He has just blithely said he is going to grow some jobs. Well F.P.P. say it is going to be very difficult.

Senator L.J. Farnham:

Yes, it is going to be difficult and that is why we have got to work very, very hard to make sure we continue, we continue to create jobs and employment opportunities. I cannot argue with the logic and the opinions of the F.P.P. I hold them and their views in the highest regard, as do most of my colleagues here in the States Assembly. But to reiterate, yes, to answer your question, I do agree with the forecasts but I also think that with the good work that a number of States departments are doing, we are going to buck the trend they predict.

4.5 Deputy A.D. Lewis:

I wonder if the Minister could update us on the success or not of the Aircraft Registry. How many new aircraft are being registered in Jersey and what does he feel extra could be done to encourage the registry to be the success that I know he would like it to be?

Senator L.J. Farnham:

I thank the Deputy for that question and the Deputy and I do discuss the Aircraft Registry. I think we both think it has great potential and I think we have to play a bit of a long game with it. I will have to double-check how many aircraft have been registered. I think it is only 2 at present. But, having said that, at the beginning of Air Display Week there was an exhibition at the airport of

private aircrafts with some of the world's leading suppliers exhibiting. The senior executives, all of which felt that Jersey had significant potential for developing this area, were reporting sales of aircraft worth tens of millions of pounds into the Jersey economy. There is some way to go but there is great potential and I will continue to discuss opportunities with Deputy Lewis.

4.5.1 Deputy A.D. Lewis:

A supplementary? I wonder if the Minister could say whether he feels that Jersey is a competitive jurisdiction for the registry of aircraft, as obviously it is a very competitive market, and to date there are very few registered. Is it because we are not competitive or are there other reasons?

Senator L.J. Farnham:

I think we are competitive but we are late into the game. There are a lot of other very established aircraft registries around the world that we have to compete with and I think we are going to start to do that and we are going to do it sooner rather than later. But there are some areas I think that could make us more competitive and perhaps some opportunities to work with others more closely.

4.6 Connétable J.E. Le Maistre of Grouville:

The Minister's department receives the accounts of all farms receiving support. Does his department ever investigate the effects on profitability of various levels of the minimum wage?

Senator L.J. Farnham:

Sorry, I am afraid I do not know the answer to that question but I will find out and get back to the Constable.

4.7 Senator S.C. Ferguson:

Visit Jersey is primarily involved with promotion of the Island. Would the Minister like to give us a summary of the work that his department does with planning in order to improve tourism facilities and destinations?

Senator L.J. Farnham:

If we go back a number of years before I was the Minister for Economic Development, Tourism, Sport and Culture, the Senator may recall that a lot of work was done on behalf of tourism from a planning point of view to remove, for example, the prime site policy which locked tourism venues into the sector for years and years and years without giving them the opportunity to realise their potential and plan for the future. I think the industry has benefited tremendously from that policy being changed as we have seen hundreds of millions of pounds of new investment in new hotels in the last decade. I have not worked with the Minister for Environment directly on any new policies recently but we are always very mindful of opportunities that lie ahead. I would also point out that we are due to see a new hotel open in St. Helier, part of a global chain, in 2017.

4.7.1 Senator S.C. Ferguson:

A supplementary? Has the Minister worked with the Environment Department and the planning officers in order to ensure that tourism destinations remain tourism destinations and are not ruined?

Senator L.J. Farnham:

If the Senator is asking if I am going to interfere with planning and suggesting that they refuse tourism accommodation, any planning permissions to do anything else than be a hotel, then the answer to that is no. I could not think of anything more damaging for the industry.

4.8 Deputy M. Tadier:

The Minister talked about creating jobs and admitted that it is going to be very difficult to create jobs in the current economic climate as suggested by the panel that deals with that issue. Would the Minister be able to tell us what jobs are being cut in his department and how many?

Senator L.J. Farnham:

I think the Economic Development, Tourism, Sport and Culture Department has been a leader in many of the States departments in achieving reductions in F.T.E.s. If you remove the impact of Sport and Culture coming into the department, we have approximately, like for like, half our headcount, half the number of F.T.E.s, which is no mean feat when you consider the amount of work that Economic Development, Tourism, Sport and Culture is doing. I will not go through it all now but there are dozens and dozens of areas that we are responsible for direct delivery, we are responsible for a number of grant-funded organisations and almost 80 areas of legislation. But the answer to your question is we have halved our headcount from in the 30s down to just below 20 point something.

The Deputy Bailiff:

I am sorry, there is only time now for one more question really, so I think I must move to the next person who came on my list which is the Connétable of St. Lawrence.

4.9 The Connétable of St. Lawrence:

From a cultural perspective, how is the Minister's department involved with the promotion and the retention of Jèrriais as a living language?

Senator L.J. Farnham:

That is a topic that has been fairly high on our agenda almost since we took over the responsibility. It is an area managed by Deputy Norton and I am pleased to say that we have not only agreed to fund a full-time teacher for the teaching of Jèrriais but working with the Chief Minister's Department we are going to fund 2 in the short term. We all think at our department that the retention of Jèrriais is absolutely vital. While we are increasing the number of teachers, there are other projects we are looking forward to putting in place with the Chief Minister's Department, including the digital sector, just for that very purpose. But I can assure the Constable and other Members of the Assembly that we think it is absolutely important, more than important, it is vital that we retain Jèrriais for future generations.

5. Questions to Ministers without notice - The Minister for Housing

The Deputy Bailiff:

That brings the period for questions allocated to this Minister to an end. That brings us on to the next question period which is for the Minister for Housing.

5.1 Deputy M. Tadier:

The Minister will be aware hopefully of the Scrutiny Report that came out which has already been mentioned today from the panel dealing with social services which found that it is housing costs in Jersey which are crippling low-income families. Does the Minister accept that there is an absence of affordable housing in Jersey and because we will not be able to build it quick enough to meet the demand that there is out there already that we need some desperate action to be taken when it comes to rents in particular to be made affordable? If she does, what steps does she have that she will be taking to make this happen, if any?

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

Regarding the Health and Social Services Scrutiny Panel Report, I, like the Minister for Social Security, am looking at the recommendations and will respond accordingly but one aspect obviously was the rate of affordable housing. Yes, it is an issue and something that we need to look at. But the most important thing to help that is to build, to keep the supply, and to keep the supply going. We know that through income support that people do get the housing component support as and when they need it. But, yes, the Scrutiny Panel Report is something that I will be looking at and responding to in due course.

5.1.1 Deputy M. Tadier:

A supplementary? The Minister must accept like anybody living in the real world that we simply cannot build new housing quickly enough to deal with the current population, let alone the highly-increased population that the Council of Ministers want to bring to the Island. So on that basis will the Minister consider perhaps a moderated rent control system whereby rent control is applied across the board at the rate which is set by Social Security but with the ability for landlords to become exempt from rent control if they can prove that their property is in such a condition that it merits attracting a higher rent? Would that not be something which should be considered given the urgent housing crisis and rental crisis that we have currently in the Island?

The Deputy of Trinity:

The Deputy talks about urgent rental crisis and rental prices are high but with income support that support is there necessary for people and families who have difficulties. Deputy Tadier always asks me the question about rent controls and, I am sorry, I shall be giving him the same answer as I have given him in the past. My position is not to regulate private sector rents. The Economic Unit undertook a review last year and they published that report back in 2015. The evidence shows that it has knock-on effects, it could limit the incentive for private landlords to build and that is the last thing that we want because it reduces the availability of rental accommodation; therefore, it will push up the prices. Therefore, it is the people that you are trying to help who have more of a problem if the rents are increased because there is no supply. So the answer, as it was previously, is: not at this moment, no.

5.2 Deputy J.A. Hilton:

What difficulties, if any, does the Minister believe exist in her quest to deliver 1,000 social housing units over the period of the Medium Term Financial Plan 2016 to 2019?

The Deputy of Trinity:

That is a very big question.

[16:30]

We know that there are approximately 1,000 houses that need to be built which were approved in the Island Plan 3 years ago which goes up to 2020. The major sites are at La Collette, the low-rise there, Samarès Nursery, Summerland, Ann Court, College Gardens, to name but a few. I suppose the main difficulty is time, the time that it takes, especially the States-owned land. Property Holdings works very efficiently with Andium who have got most of those properties to hand over there but that does take time. By the time they have consulted the area and put plans in and if it goes to the Planning Panel and then there is a third-party appeal, that all adds time and, unfortunately, it is just one of those things. So time is most important, the time it does take. Because with Housing we have now got the bond, the £250 million bond, so Andium can now get on and build where before they could not because they did not have any money to build because it was low on the capital priorities, so there has been an inconsistency of supply. When we begin to build, Ann Court will hopefully come through to planning.

The Deputy Bailiff:

Minister, I appreciate it was a very wide question but ...

The Deputy of Trinity:

Sorry, Sir.

5.2.1 Deputy J.A. Hilton:

A supplementary? The Minister alluded to the delays experienced, particularly on States-owned sites, does she feel that possibly if the resource is increased in Property Holdings, these sites could be delivered a little bit more quickly?

The Deputy of Trinity:

It is not the case of resources to deliver them quickly, it is just the hurdles that it has to go through and, quite right, because this is States-owned public land. All that does take time to go through the plans and to tender it does take time. Property Holdings do a good job and work extremely well with Andium. But it is also consistency of supply that once we start building it needs to be consistent, not up and down like a yo-yo.

5.3 Deputy R. Labey:

Has the Minister's department collected any data or research to support the widely-held view that a resurgent buy-to-let market has property speculators, developers and investors hampering the chances of local families, young couples, or first-time buyers getting on the housing ladder?

The Deputy of Trinity:

I found out this is a very complex area. To answer the first part very quickly, no data is recorded because people, whether they buy share transfer or go to court, do not say what they are going to use the house for, whether they are going to live in it or whether they are going to let it out for buy-to-rents. No company can buy a property without acceptance by the Population Office but if a developer wants to sell some properties by share transfer, then companies can purchase that. Work was done back in 2000, I understand, when there was really, really pressure in house prices but at that time no evidence showed especially out-of-the-Island companies were purchasing properties to buy-to-let. Anecdotal evidence still shows estate agents saying that there is an increase in buy-to-let but not with companies. It is private people, residents of Jersey, who are buying them to let and you can understand that because with the interest rate as it is ...

The Deputy Bailiff:

Once again, Minister, I must ask you to bring it ...

The Deputy of Trinity:

Sorry. With the interest rate as it is, it is a good investment.

5.4 Deputy G.P. Southern:

Can I have a short answer to this one? One of the markers for housing or affordability is the ratio between the average house price and the average wage. Does the Minister have an up-to-date 2016 figure for that ratio and can she say whether it is going down or going up?

The Deputy of Trinity:

I have not got that figure with me, so it is a very short answer, but I am sure I will provide the Deputy with the answer.

Deputy G.P. Southern:

As well as for Members, please.

The Deputy of Trinity:

Oh, yes, certainly.

5.5 Deputy L.M.C. Doublet:

Does the Minister agree with me that landlords should be required to install fire alarms in their rented properties and, where appropriate, carbon monoxide alarms? If so, when will she bring this change forward, please?

The Deputy of Trinity:

I thank the Deputy for her question; that is a very good question. I would have thought that they would have to do that but again I will check. I know the Fire Service do a lot of promotion on that, also through Rent Safe, which is a new scheme started by the Environment Department. I shall have a look too if that is one of the criteria to be an accredited landlord, that it fits in there.

5.5.1 Deputy L.M.C. Doublet:

A supplementary? So just to confirm the Minister does agree that that should be a requirement and if it is not already, she will ensure that it is changed so it is a requirement?

The Deputy of Trinity:

I would have thought it should be a requirement but I will look into it and come back to her.

5.6 Deputy M. Tadier:

Given the fact that there is no longer a Housing Department and seemingly the only thing we can do about the affordability and supply of houses is leave it to the free market or to the whims of the Planning Regulations, does the Minister perhaps think now is the time to get rid of the position of Minister for Housing in this Assembly?

The Deputy of Trinity:

I feel quite hurt this afternoon that someone wants to get rid of me. **[Laughter]**

Deputy G.P. Southern:

It is not personal.

The Deputy of Trinity:

But there you go, I can rise above that. I think it was this Assembly that decided that it still wanted a Minister for Housing in the Housing Transformation proposition that came 2 years ago. It does provide that very important link because housing is important. It is important for every single resident here in Jersey. It is now a social policy group also doing housing policy, which has perhaps been put to one side for many years looking after the Housing portfolio, but I am at the whim of this Assembly.

5.6.1 Deputy M. Tadier:

Does the Minister not agree that everything to do with minimum standards is being pushed to the Health Department, Environmental Health? We have a Strategic Housing Unit which comes under the Chief Minister's Department and it seems that time after time the Minister stands up in this Assembly being reluctant to do anything meaningful to improve the lives of real people in the Island who are facing hardship, substandard accommodation, very high rents, not to mention all the other difficulties that are associated with living on a relatively low income in Jersey. Is it not time

for the actual Minister to be more proactive in her stance and deliver on what a Minister for Housing should be doing?

The Deputy of Trinity:

I do not know where Deputy Tadier has been over the last months. We have done a Housing strategy which was last year and the 4 main points were affordability, communities, to name but 2. We are delivering. We are a Strategic Housing Unit of policy-making trying to get affordable rents in place, to get out there to try and lower rents, and to build. That is the most important thing, supply of housing. It is joined-up government which I am sure is what this Assembly would like to see, to work very closely with the Minister for Environment and the Minister for Infrastructure as well as with Senator Routier. Housing has an effect whether it is health, to maintain the health and wellbeing of somebody, or to go and build, so it has a very important point right in the heart.

5.7 Deputy G.P. Southern:

Following the gradual introduction for new tenants of the 90 per cent of the private sector rent in Andium Homes, does the Minister know what proportion or number of tenancies are now being charged the 90 per cent rate?

The Deputy of Trinity:

Yes, I do, it is 23 per cent of Andium tenants pay the 90 per cent rents but you have got to think of the reason behind the 90 per cent. When this House debated the Strategic Housing Transformation and the investment to put in to build more houses, to bring those units of accommodation which were well below standard ... as a previous Minister for Housing would say, he would not let his mother live in them. I would not let my mother live in one of those. They were terrible. Slowly, Andium are doing a good job to refurbish them and bring them up to decent home standards which they will hopefully have 100 per cent by the year 2020. That is a major achievement but it has got to be paid for and that is where the 90 per cent rents come in and that was also looked through with the Scrutiny Panel at that time.

The Deputy Bailiff:

That brings the question time available for this Minister to an end. There is nothing under J and K and, accordingly, I think in accordance with the decision taken by the Assembly at last occasion, the States now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[16:41]