

STATES OF JERSEY
OFFICIAL REPORT
TUESDAY, 31st OCTOBER 2017

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

May I start by welcoming His Excellency, it is always a pleasure to have him. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of Deputy Kevin Charles Lewis of St. Saviour as a member of the Privileges and Procedures Committee

The Bailiff:

Under F, Appointments of Ministers, Committees and Panels, Chairman, I understand there is a nomination which you wish to put forward?

2.1 Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

I am very pleased to propose Deputy Kevin Lewis of St. Saviour as a member of the Privileges and Procedures Committee to replace the Constable of St. John, not that one ever can really replace the Constable of St. John, but of course the vacancy. Deputy Kevin Lewis, as Members will know, is a measured and balanced politician and Member of this Assembly, respected by most, if not all, of his colleagues in this Assembly and indeed has experience of ministerial roles as well as Scrutiny roles and therefore I suggest he is the ideal candidate, and I am pleased to make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Are there any other nominations?

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

I would like to nominate Senator Philip Ozouf for the vacancy.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations?

2.3 Connétable S.W. Pallett of St. Brelade:

I would like to nominate my fellow St. Brelade representative, Deputy Tadier. I think we all know that he has got a long history and an interest in constitutional matters and matters of this House, and I am pleased to put his name forward.

The Bailiff:

Are there any other nominations? I am sorry. Seconded? **[Seconded]** Are there any other nominations? Very well, then we will proceed to a vote. Panel papers are being distributed. I remind Members you can only vote for one person. Pursuant to Standing Order 122(4) and (15) it is a secret ballot and the candidate who receives the highest number of votes will be appointed as a member. If all Members have had a ballot paper, if you collect the votes please.

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

Sorry, did you say it is the highest number of votes or is it one of 50 per cent? Is it the highest number of votes and that is it or does it have to go over the 50 per cent?

The Bailiff:

No, the highest number of votes. First past the post. Have all Members now deposited their votes then I shall ask the Viscount and Chief Usher and go and do the counting. While that counting is being done I shall carry on with the Order Paper.

QUESTIONS

3. Written Questions

3.1 SENATOR P.F.C. OZOUF OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE JERSEY AIRCRAFT REGISTRY: [1(555)]

Question

Will the Minister provide members with an update concerning the Jersey Aircraft Registry, indicating in particular –

- (a) how many aircraft are now on the Registry, including details of any new aircraft registered since the last States question on this subject (Written Question 1(339));
- (b) whether there are any issues with any of the service providers to the Registry and, if so, what those issues are and when were they became known about; and
- (c) what plans, if any, the Minister has to a secure a financially viable and sustainable reputable future for the Register and, in particular, how he proposes to recover the investment his Department has already made in this project?

Answer

- (a) One. No new aircraft have been registered.
- (b) There are not at present any issues with service providers to the Registry.
- (c) Discussions are ongoing regarding the future of the Registry and there remains a need to maintain confidentiality at this stage. The Assistant Minister for Economic Development, Tourism, Sport and Culture will make an announcement once the discussions are concluded. This is not an industry which operates on short timescales. The contract between SGI and Guernsey, for instance, is a 30-year agreement. It is therefore imperative that we take time to ensure that we secure the right long term solution for Jersey.

The Assembly has never been informed that the investment to establish the Jersey Aircraft Registry would be recouped. P.62/2014 agreed by the previous Assembly stated that, once established, that the Registry would be cost neutral to the States not that the investment agreed by the Assembly to establish the Register would be repaid. It has always been accepted that the benefits of a successful aircraft register will be in the ancillary benefits to Jersey's professional services and aviation sectors not in direct benefit to the States.

3.2 SENATOR P.F.C. OZOUF OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING G.S.T. ON PRIVATE AIRCRAFT: [1(556)]

Question

Given that the Goods and Services Tax (GST) is currently theoretically chargeable on the importation of private aircraft, will the Minister advise on how many private aircraft, if any, GST has been paid for each year since it was introduced?

Has the Minister received any representations from the Minister for Economic Development, Tourism, Sport and Culture to consider amending the GST rules on private aircraft, particularly those that are either currently not registered on the Jersey Aircraft Register or that are used for the purpose of business travel to boost jobs and growth in Jersey?

Answer

All private aircraft imported into the Island are subject to GST unless they form part of the personal belongings of an individual who is moving to the Island in which case they are eligible for relief from GST¹. Alternatively Jersey residents can apply for “Temporary Importation relief” from GST when importing any means of transport (including private aircraft) which they own but which is ordinarily kept outside of the Island. This relief is subject to certain conditions² including that the means of transport is only physically present in the Island for a limited period and for a specific reason (e.g. servicing).

The number of private aircraft imported into Jersey on which GST has been paid is as follows:

Year	Number of Aircraft
2011	0
2012	1
2013	1
2014	3
2015	3
2016	4
2017	0

NOTE: This data has been provided by the Jersey Customs and Immigration Service and records only go back 6 years.

The Minister for Treasury and Resources was requested to consider amending the GST treatment of private aircraft in January 2017. However it was agreed that this would require a quantitative analysis of the anticipated benefit. Officers from EDTSC are currently in negotiations with a third party regarding the development of a new business model for the Jersey Aircraft Registry. If such quantitative analysis forms part of the business case then the Minister for Treasury & Resources will give it due consideration.

¹ Subject to certain conditions, all individuals moving to the Island are entitled to relief from GST on their personal belongings which are imported as part of the move (see section 8 of GST Direction 2017/02 “Relief of GST on imported goods”

<https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/PR%20Relief%20of%20GST%20on%20Imported%20Goods%2020171016.pdf>.

² See section 4 of GST Direction 2017/02 “Relief of GST on imported goods”.

3.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING COMPROMISE AGREEMENTS: [1(557)]

Question

Did the States Employment Board give an undertaking that compromise agreements would no longer be issued after the previous Chief Executive of the States of Jersey left and, if not, why not?

Answer

The States Employment Board (SEB) has not given an undertaking that compromise agreements would no longer be issued. As was explained in answer to a [written question](#) on 17th January 2017, in cases where it is appropriate, the agreed termination of a contract of employment may be accompanied by an associated compromise agreement.

Such agreements are carried out in line with the [Utilisation of Compromise Agreements Report](#) issued by the Comptroller and Auditor General (CAG) dated March 2012 and follow up [Report dated 5th May 2016](#).

The 2016 report states – “The ability to negotiate termination of employment within an agreed framework, and therefore the use of compromise agreements, is a vital tool of management, in both the public and private sectors.”

3.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING A CHANGE OF ROLE OF THE CURRENT HEAD TEACHER OF HAUTE VALLÉE SCHOOL: [1(559)]

Question

Will the Minister inform members whether the new post to ‘establish a high-status programme of technical qualifications’, to which the current Haute Vallée Head Teacher was appointed, was advertised and, if not, advise what consultation took place and explain on what grounds this exception to the general policy on States recruitment was made and whether salary protection measures have been put in place in respect of the postholder?

Answer

The need for the Education Department to develop vocational pathways for students is identified in the Business Plan of 2015 and the subsequent Update for 2017-19 (see Action 21). Specialist skills and experience are required for the post to lead this work and meet the key objectives of the role, which are:

- deliver a Key Stage 4 technical offer for schools (curriculum, resourcing, timetabling);
- lead on developing a Digital Strategy, including the coordination of IT in the curriculum;
- lead discussions with the business sector to improve understanding of educational policy and promote closer working in future.

Exceptions can be made to the policy of open recruitment in certain circumstances, including the need for particular specialist skills, which is the case with this position. It is rare for roles to be filled without an advertisement but not without precedent, and this appointment was made within the parameters of existing HR practice.

As was noted in Written Question 1240/5(527) the salary levels of individual staff within the States is confidential.

3.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INTRODUCTION OF A JERSEY LIVING WAGE: [1(560)]

Question

Will the Chief Minister agree to publish a detailed response to P.72/2017 ('States Employment Board – Living Wage 2017') in which I call for a commitment to the adoption by the States of Jersey of a Jersey Living Wage (as set by Caritas), well in advance of 12th December 2017 (the current date set for debate of this important issue) so that members can fully understand the principles and examine the arguments which underpin such a commitment and, if not, why not?

Answer

Yes.

A response to P.72/2017 will be presented in advance of the debate on the 12th December, reaffirming the commitment to the Caritas Living Wage and outlining as far as possible any issues for our public finances.

3.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT IOVERPAYMENTS: [1(561)]

Question

Given that the Income Support system places the onus upon the individual to advise Social Security of every single change in circumstance, could the Minister advise what obligation the Department has to ensure timely changes of these details so that overpayments do not reach a substantial sum?

Answer

Income Support benefit is always paid in advance, on either a weekly or four-weekly basis. Any change of circumstance that occurs after a payment has been made and during the period paid for, which affects the value of the claim rate, will result in the need for a payment adjustment in respect of the over or under payment. The alternative would be to provide payments in arrears which could cause hardship to vulnerable clients.

The most common reason for an adjustment (an over or under payment) is a change in employment/ earnings. This could either increase or decrease the level of Income Support payment. In some cases, all the details of the change will be known in advance and the claim can be amended to pay at the correct rate for a future date. However, there is often a short delay before the claimant provides all the details to the Social Security Department, this is the responsibility of a claimant when accessing Income Support. When this change is processed, an adjustment will be included to take account of the underpayment or overpayment during this time.

To improve accessibility for customers and improve the speed of changes being actioned, the Social Security Department has introduced several initiatives to improve the service provided for customers in this situation and to minimise the size of any overpayment that does occur.

Process improvements have enhanced the customer experience and the speed at which changes can be actioned. The processing of many changes can now be completed as soon as they are received.

The Income Support team now has an increase in staff capacity in customer facing areas with changes of circumstances being completed at the front desk, whenever possible.

The benefit of this method is that changes are completed with the customer present, the changes in rate can be explained in full to the customer and written confirmation is handed to the customer regarding their change of circumstance. This is helping customers understand the impact changes can make on claims.

The introduction of an online form for Income Support is also enabling customers to complete change of circumstances online at a time convenient to them, reducing the time taken to communicate and action a change of circumstance.

Further improvements in processing between Back to Work and Income Support have also been completed so that a customer starting work has their claim processed with the minimum of delay.

The Department has also introduced an assisted digital area within the main reception. Two computers are available for customers to use with help available from the Customer Service Centre staff as needed. This was set up to help customers who do not have access to their own PC or need support completing forms or changes to claims.

All Social Security applications forms and customer letters detail the terms and conditions regarding Income Support and the responsibility of claimants to notify the department regarding changes to circumstances.

3.7 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF THE NEW CHIEF EXECUTIVE OF THE STATES: [1(562)]

Question

With the appointment of a new Chief Executive, could the Chief Minister advise whether the role as laid out under the Employment of States of Jersey Employees (Jersey) Law 2005 will continue within such a framework or whether there will be a requirement for change?

Answer

There will be a need for change. The final report of the Care Inquiry is the most recent report to highlight the failure to tackle a silo mentality among public-sector agencies, whereby departments and institutions have been characterised by territorialism and protectiveness, rather than openness to pooling resources and learning.

In addition, the Review of Ministerial Responsibility in relation to the Jersey Innovation Fund recommended the streamlining of decisions regarding transfers of responsibilities between ministers and departments.

Proposals are, therefore, under development.

3.8 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE RATE PAID TO PRIVATE NURSERY PROVIDERS FROM THE NURSERY EDUCATION FUND: [1(563)]

Question

1. In determining the £5.15 per hour rate that is paid to private nursery providers from the Nursery Education Fund, can the Minister advise how this sum was calculated and which, if any, of the following overheads were factored into this estimate, providing a detailed breakdown where applicable?

- a. Rent
 - b. Utilities – water, electricity, telephone and post
 - c. Rates
 - d. Staff Costs/Training
 - e. Insurance
 - f. Cleaning
 - g. Equipment/Consumables
2. What consultation, if any, was originally undertaken with private nursery providers to determine this rate and has this been revisited in recent times and if not, why not?

Answer

1. The hourly rate for the Nursery Education Fund (NEF) was originally set in 2009 when the fund was set up to assist parents in Jersey. The figure was reached in consultation with nursery owners at the time and was broadly based on a reasonable average hourly rate.

Until the academic year 2014-15 the hourly rate was increased annually in line with the non-staff inflation that was added to the Education Department’s non-staff budgets. Since 2015-16 the hourly rate has remained at £5.15 in order to meet the Department’s commitment to the savings programme that has taken place across the public sector.

It is important to note that the NEF is a discretionary grant which is funded from a fixed budget, and which is currently overspending because of a rise in the number of children and the number of private nurseries in the scheme. Despite this, the Department is meeting these cost pressures from other areas of its budget to ensure places remain available to children in the pre-school year.

NEF hourly rates

Year	NEF Rate	Hourly
2009/10	£4.55	
2010/11	£4.66	
2011/12	£4.78	
2012/13	£4.90	
2013/14	£5.02	
2014/15	£5.15	
2015/16	£5.15	
2016/17	£5.15	
2017/18	£5.15	

2. The original NEF hourly rate was agreed following consultation with the private and voluntary sector nurseries for the commencement of the NEF in 2009-10. As stated in the answer to question

1, increases to this hourly rate have been made in line with non-staff inflation until 2014/15. Due to increased budgetary pressures within the both the NEF budget and across the education service as a whole this rate has been held at £5.15.

A number of meetings have been held over the past 12 months between officers of the Education Department and representatives of the private nursery sector to determine the NEF hourly rate for the current academic year and discuss other issues. It is hoped that consultation with private nursery owners will continue to take place in future.

3.9 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE CREATION OF A PUBLIC SERVICES OMBUDSMAN: [1(564)]

Question

What plans, if any, are there to introduce a Public Services Ombudsman, as recommended by the Clothier report and now within the Law Commission's Review on Administrative Justice?

Answer

The Jersey Law Commission published on 18th October 2017 its Report on *Improving Administrative Redress in Jersey* (Topic Report No. 1/2017/TR). The Report's recommendations cover a number of inter-linked areas, including oversight of the administrative redress processes; the tribunal system, appeals and reviews to Ministers; the States of Jersey Complaints Panel; the establishment of a Jersey Public Services Ombudsman; the role of the Royal Court in the administrative justice system and judicial review; and, using alternative dispute resolution. The recommendations will need to be considered as a whole and it is hoped that an initial response to the Law Commission's Report will be provided by December 2017.

https://jerseylawcommission.files.wordpress.com/2016/04/jsylawcom_topicreport_adminredress_final.pdf

3.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF 4 INTERIM CONSULTANTS: [1(565)]

Question

When was the decision made to bring in four Consultants from the UK alongside the new Chief Executive of the States of Jersey to assist with the transition and will the Chief Minister provide a full breakdown of the expected cost?

Answer

The formal decision to hire the transition team was taken at a meeting of the States Employment Board on 3rd October following a presentation by the CEO designate and the chair of the Commission.

The selection process, overseen by the Chair of the Jersey Appointments Commission took place during late September 2017.

The costs of the team are envisaged to be in the region of £700k excluding travel, accommodation and related expenses.

3.11 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE LEGAL COMPLIANCE OF THE PROPOSED RETAIL TAX: [1(567)]

Question

What legal advice, if any, has the Minister received as to the compliance of the proposed Retail Tax with the international tax rules which have so far prevented Jersey from taxing businesses under the 0/10 system?

Further to this, what economic impact assessments, if any, have been undertaken to predict the impact of this new proposed tax?

Answer

It is assumed the reference to ‘businesses’ in the question is referring to ‘companies’ and the importance of maintaining the position that the standard rate of corporate income tax in the Island is 0%.

There is no need for legal advice in the context of the proposed future taxation of larger corporate retailers. In 2011 the Code of Conduct Group was satisfied that the 0% corporate income tax rate was the standard rate as it applied to the majority of companies and the majority of profits subject to Jersey corporate income tax.

The analysis of the number of companies and amount of profits subject to tax at the 0% rate vis-à-vis the 10%/20% tax rates has been refreshed in advance of the Budget proposals being lodged. The conclusion of this analysis is that the extension of the 20% rate to “larger corporate retailers” would not significantly disturb the balance of profits which are taxed at the 0% rate compared to the profits which are taxed at a positive rate of tax and also that the vast majority of companies would still be taxed at the 0% rate.

Broadly similar approaches were adopted by the Isle of Man and Guernsey when they previously introduced their equivalent retail taxes.

Economic and distributional analysis of the Budget proposals to extend corporate income tax to more companies was completed by the Economics Unit. Their report is published in Appendix 11 of the Draft Budget Statement 2018³.

3.12 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE MAINTENANCE OF THE AIRCRAFT REGISTRY: [1(567)]

Question

Since the beginning of this year, how much has been spent on maintaining the Jersey Aircraft Registry?

Answer

³ <http://www.statesassembly.gov.je/assemblypropositions/2017/p.90-2017%20full%20budget%20statement.pdf>

£11,292.39

This is comprised of:

£2886.09 Technical Service Provider

£255.00 Registrar

£8151.30 Insurance (Annual Premium for 2017)

3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RESULTS OF THE SOCIAL SECURITY REVIEW: [1(568)]

Question

Does the Minister consider that the summary of results from part 1 of the Social Security Review accurately represents the views of the public when the second most popular option (71% of respondents) that ‘employers should pay more’ is not highlighted?

Can the Minister justify the absence of any mention of increasing employer contributions (by removing the earnings cap for example) in part 2 of the consultation?

Does she consider that this omission casts doubt about the validity of the review and, if not, why not?

Answer

In October 2016, the Minister for Social Security launched the first part of a major review into income in retirement and the Social Security scheme.

“Living Longer: Thinking Ahead” asked for public feedback on the issues of income in retirement and the Social Security scheme as a whole. It marked the start of a public conversation that will help to set the direction of Jersey’s Social Security scheme and how people save for retirement for the next thirty years. The Minister published a summary report, and a more detailed report, of the responses, comments and ideas on 15 May 2017 on the [Social Security Review webpage](#).

The summary report clearly and accurately sets out the main themes and opinions of those who completed the questionnaire.

Part 2 of the Social Security Review looks at some of the changes in society since the current scheme was set up. In September 2017, the Minister published a questionnaire that asks for the public’s views on maternity and bereavement benefits. This consultation is ongoing and can be viewed at the [Social Security Review webpage](#).

In 2018 and 2019 we will build on the results of these surveys together with other planned work to provide overall options for the future of the Social Security Scheme so that it continues to provide benefits that people value and is sustainable for future generations. This will include options for contributions as well as benefits as the overall scheme is only sustainable if these remain in balance.

Each part of the review is equally valid and all the results will be included in the final report.

3.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SOCIAL WORKERS: [1(569)]

Question

- (a) Will the Minister advise how many Social Workers (SWs) were employed annually during the period 1st January 2015 to 31st January 2017?
- (b) Will he provide an organisational chart of SWs indicating whether they are managers, case workers or other specialists and the numbers in each category together with their grades, titles and duties?
- (c) What was the total cost of employing SWs during 2016 and for the period 1st January to 30th September 2017?
- (d) For each SW engaged in case work (anonymised) would the Minister provide the following information in a tabular form -
 - (i) the caseload of each SW indicating separately the number of people for whom they had both sole and shared responsibility;
 - (ii) sickness absences during the period;
 - (iii) annual leave taken during the period;
 - (iv) days spent on training courses during the period as well as the nature of the courses attended?
- (e) How many Case Workers from Jersey are working with Jersey people in the UK, how many people are they dealing with and how often do they visit the UK to supervise their clients?

Answer

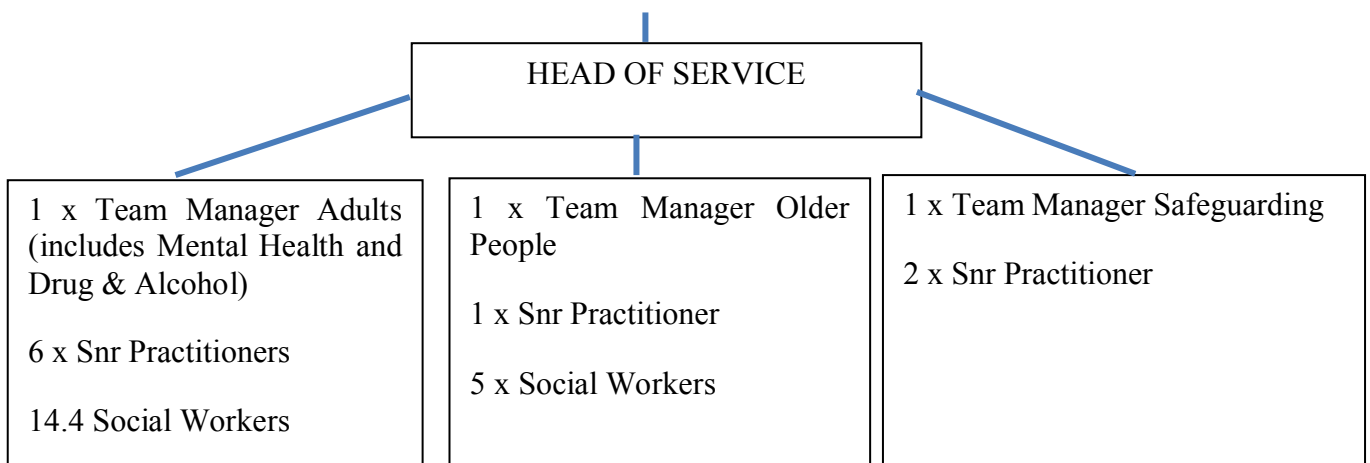
- (a) The number of Social Worker posts on establishment, including those designated as senior practitioners and social workers, are detailed below:

Year	Full-time equivalent (FTE)
2015	81
2016	81
1.1.2017 to 30/9/2017	86.4

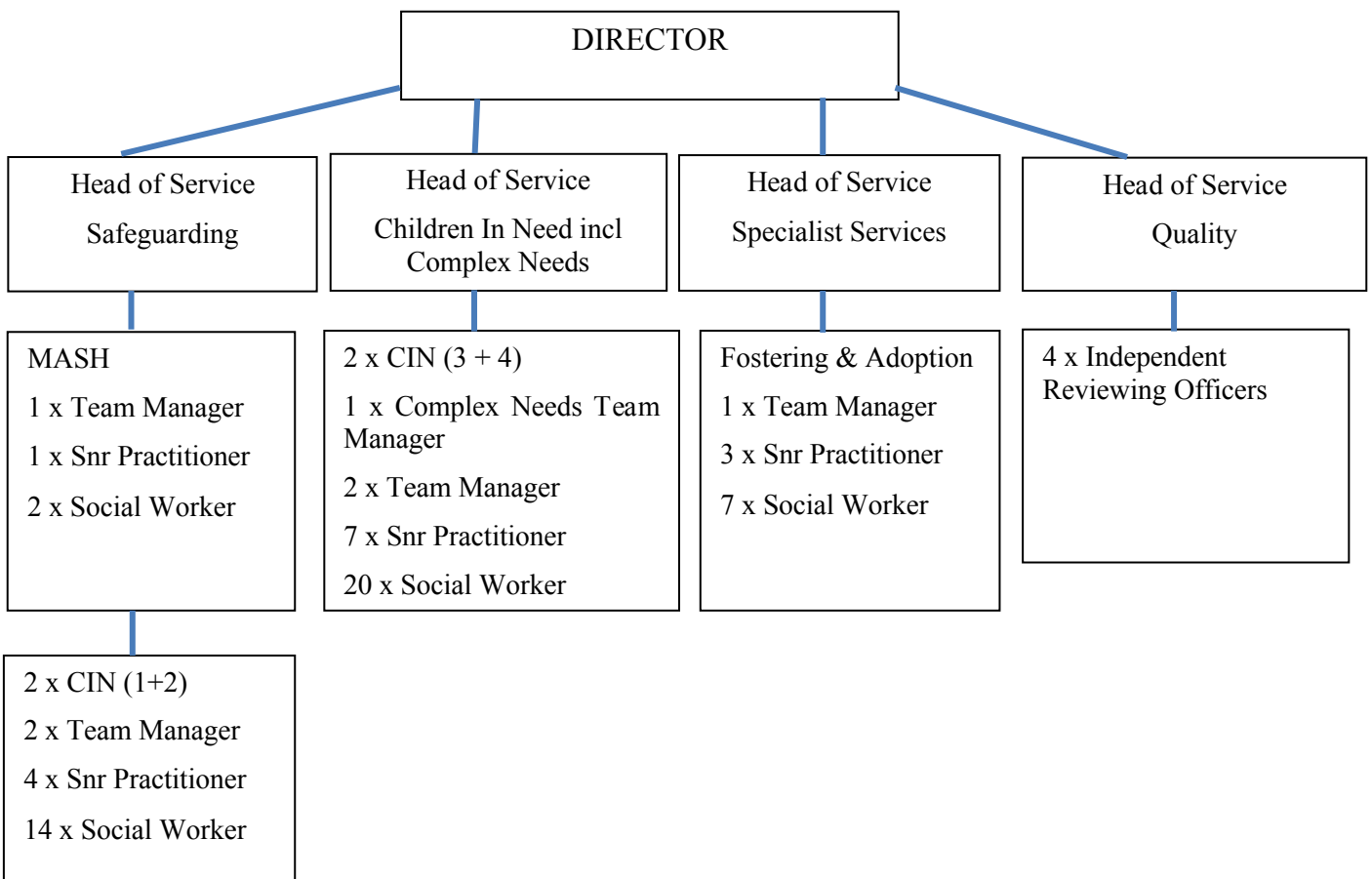
- (b) The core role of a social worker is assessing need and risk, and planning, delivering and reviewing intervention and case management in line with legislation, policy and professional registration. This is the case irrespective of whether a social worker works with children or adults. Social workers receive professional supervision and line management from officers who are appropriately qualified. Managers throughout the service provide operational oversight and set standards and procedures. Staff in Children’s social work are required to participate in a standby and on-call rota to provide a service outside core business hours in addition to their daily duties.

Adults and Older People

DIRECTOR



Children's



c) The total cost of employing social workers (including agency staff) in 2016 was £7,078,635 and in the period 1 January 2017 to 30 September 2017, £6,667,459.

(d) The information requested for questions (i) to (iv) is not collated and readily available on an individual basis, but information at a broader level is provided:

(i) Caseloads vary from social worker to social worker and will alter at frequent intervals as support/intervention commences and concludes, and referral rates increase and decrease, alongside consideration of the experience, knowledge and skill of the individual staff member. The number of ‘cases’ should not be used as a definitive guide as each individual’s circumstances and assessment of need varies and has different degrees of complexity. Not all social workers hold caseloads in the same manner e.g. social workers in the adoption and fostering service do not usually have case management responsibility for children requiring a social work service, rather they are responsible for the service and support of carers (including connected carers).

Service	Social workers	Senior Practitioners
Adults	16	10
Children’s	17	7

(ii) Sickness

Grouping	Sickness Days	% Working Days Lost Due To Sickness
Social Workers	407.4	4.2%
Senior Practitioners	145.0	3.2%
Managers	98.0	5.4%
Total	650.4	4.1%

(iii) Entitlement to annual leave is set out within the States of Jersey HR policy and allocated in line with contractual terms and conditions. Annual leave should be taken within the leave year, although there is provision, in exceptional circumstances, to carry forward a small amount of annual leave (5 days) to the next year with the appropriate permissions.

In 2016 and 2017, staff have been able to apply to buy additional annual leave.

Case-holding social workers and senior practitioners are employed on Civil Service Grades 10 and 11. Part-time staff are entitled to annual leave on a pro-rata basis. Annual leave entitlement ranges from 18 to 28 days at Civil Service Grade 10, and 20 to 28 days at Grade 11.

(iv) Data is not collected across the States of Jersey that provides a breakdown of numbers and types of training days on an individual basis. Records of training are held in different places such as Health & Safety, Safeguarding Partnership Board, training programme sign-in sheets, individual supervision records and form part of the Performance, Review and Appraisal (PRA) process.

Areas complete an annual Training Needs Analysis (TNA) to identify areas of need in order to inform the planning of training.

The service organises training and development using definitions of statutory, mandatory and professional and includes specialist professional/subject-specific, organisational, management and leadership training sessions.

The introduction of the 'Virtual College' on-line training system will assist with the production of management reports.

The replacement States of Jersey human resources system will be capable of recording the detail of training for and by staff and is scheduled to be implemented in Q2 2018.

(e) The number of individuals in placements off-island varies according to individual assessed need and circumstances. At 30 September 2017, there were 39 people in placements outside Jersey (22 children, 12 mental health, five adult social care placements). Each individual has a social worker or case co-ordinator allocated; many of them also have other professionals working with them such as a consultant psychiatrist, support worker, mental health nurse, independent reviewing officer, advocacy worker, best interest assessor or supervising social worker (of carer). This varies according to need and providing a total number would only reflect an accurate figure at a particular point in time.

Visits are carried out on a basis appropriate to the individual's needs. This includes attendance at tribunals, care programme approach reviews and looked after reviews. Some individuals may well be settled and engaged in treatment/intervention and require less contact, while others require more support and contact. Family contact is supported and at times supervised or facilitated. Staff in Jersey work to the standard accepted and applied in England for statutory visits to looked after children.

3.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING AGENCY STAFF: [1(570)]

Question

With reference to Agency staff, will the Minister provide the following information for the periods 1st January 2016 to 31st December 2016 and 1st January 2017 to 30th September 2017 :

- (a) the name of the Recruitment Agencies used, together with the number of Social Workers recruited from them and the overall cost;
- (b) the total period of time (days, week, months or year) each Agency Social Worker was employed by the department;
- (c) details (anonymised) of any Agency Social Worker who has been employed more than once since 2014, giving the total time they have been employed by the department.
- (d) details of the exact nature of the work that Agency Social Workers were employed to do.

Answer

(a) A number of recruitment agencies were used to provide social work staff on a temporary basis to provide necessary social work cover.

The agencies used were: Caritas Recruitment Ltd, Sanctuary Personnel, Hojona Ltd, Air Social Care, Seven Resourcing Ltd, Nonstop Recruitment, Tripod, Taylor Davenport Resourcing Ltd, Liquid Personnel, Total Social, Randstad Care, Tempest, Connect2staff and EdenBrown.

The overall cost for agency workers in 2016 was £2,183,299 and from 1 January 2017 to 30 September 2017 was £2,508,806.

(b) The total number of weeks worked by agency social workers is shown in the table below:

Year	No of social workers	Number of weeks worked
2016	53	1,134

Referred to as:	Total Weeks Employed
SW1	54
SW2	100
SW3	57
SW4	38
SW5	128

2017	64	1,257
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(c) Five social workers have been employed more than once by the Health and Social Services Department since 2014:

(d) Staff are employed in Children's and Adults Social Work Services. They undertake the core function of a social worker which is to assess need and risk, plan, deliver and review intervention and support and case management. Staff employed as team managers provide operational line management of staff and management oversight of service delivery.

All staff are required to carry out their work in line with legislative duties and responsibilities and within policy across the full range of social work tasks with adults and children

3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF REGISTRATION CARDS ISSUED UNDER THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012: [1(571)]

Question

Further to the response given to my question on 14th March 2017, will the Chief Minister provide the following details:-

- (a) the number of people applying for a Registration Card (for Work and Housing) for the very first time during the period 1st January 2016 to 31st December 2016 and from 1st January 2017 to 30th September 2017?
- (b) the total number of Registration Cards issued for the first time since the Control of Housing and Work (Jersey) Law 2012 was introduced (ie not for changing jobs)
- (c) the total number of registration cards issued and an estimate of the percentage of the Island's population in possession of a Registration Card.

Answer

- a) The below table demonstrates the number of people who have obtained a Registration card for the first time during the requested time periods. Those people may or may not already be resident on the island, but they have not previously obtained a registration card under the Control of Housing and Work Law (2012).

Time Period	Total Number of Registration Cards Issued
1 st January 2016 – 31 st December 2016	11,183
1 st January 2017 – 30 th September 2017	7440

- b) When someone obtains a registration card they are not asked their reason for obtaining the card. There are a number of reasons someone might need to obtain a registration card, the main reasons being a change in employment, accommodation or newly arriving in the island. It is not therefore possible to exclude simply those changing jobs. However we do record and publish on a quarterly basis the total number of people who have obtained registration cards as new arrivals to the island. As of the 30th September 2017 this was 11,682. This figure does not include people who are Jersey born or those under the age of 18 who were already resident but newly registering.

These figures are published on a quarterly basis here;

<https://www.gov.je/government/departments/socialsecurity/pages/populationofficereports.aspx>

- c) 58,884 individuals who are currently resident in Jersey (according to current Social Security data) have been issued with a Registration Card. Based on the Statistics Unit's 2016 Population estimate of 104,200 this would mean that 56.51% of the current population have a registration card.

It is important to note that people do not need registration cards unless they move house or start a new job, and you have to reach the age of 16 before you can obtain a registration card.

[9:45]

4. Oral Questions

4.1 Deputy L.M.C. Doublet of St. Saviour of the Minister for Education regarding the implementation of Nursery Education Fund means testing for providers: [1(572)]

When is the Minister planning to implement Nursery Education Fund means testing for all providers, as approved within P.68/2016 Medium Term Financial Plan Addition 2017-2019?

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

Thank you to the Deputy. Just to remind Members last October this Assembly agreed that we should proceed with means testing for nursery places. This was originally due to start in September 2017 but was postponed for a year until we received the findings of a report into this area by the Early Years' Childhood Partnership, an independent body that includes experts in this field. The report is due in November and once I have seen it, digested the recommendations and decided on a course of action I will make an announcement on any changes.

4.1.1 Deputy L.M.C. Doublet:

Is the Minister aware that parents plan years in advance for the care and education of their children and does he agree that it is unacceptable that they are left waiting and completely uncertain as to what is happening with regards to the provision for their child's nursery care?

Deputy R.G. Bryans:

Yes, I am aware and I always take the parents' views into account mainly because I am focused on the situation with regard to the children. I was advised that the report would be in this month, unfortunately it has been moved to November. I was only informed just prior to the half-term. But as soon as I have that information I will make it clear.

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

Can the Minister inform Members what that timescale means in terms of bringing forward to the States a proposition based on the report? When will he be taking that action?

Deputy R.G. Bryans:

I will be taking that action as soon as I have looked at the report and seen what the report details. I have no evidence of what the report contains presently but as soon as I have that information, as I say, as soon as I look through it, consulted with my colleagues at the department I will make my findings known.

4.1.3 Deputy G.P. Southern:

That sounds a fairly prompt mechanism for making this decision. Is he intending to make a statement and bring a proposition before Christmas?

Deputy R.G. Bryans:

What I am intending to do, as I say, is to look at the report, look at the findings, discuss matters with my department and, if necessary, to go back to the nursery owners themselves to see what the situation is at present. As soon as I have that information I will come back to the House.

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

I did not really hear much of an answer there to what Deputy Southern asked, which is: can we expect something this side of Christmas?

Deputy R.G. Bryans:

Hopefully, yes.

4.1.5 Deputy J.A.N. Le Fondré:

I was trying to remind myself because it was my amendment that Deputy Doublet was referring to. My recollection, certainly from the wording of the amendment I put in - it was some time ago

now - was that there was no issue about consultation, that Education had agreed or decided to bring in means testing. They were going to do it in an unfair way because it was only going to be on a certain part of society and not another, or more particularly it was about **[Interruption]** ... thank you. The question is why is the Minister deciding to consult on his original plans effectively because surely he should have done that in the past?

Deputy R.G. Bryans:

I think it is common knowledge that when I first came across the decision ... you are quite right, the Members decided here in this Assembly to go for means testing across the board. But we had always had it in our minds to make sure that we had consulted widely and had taken the view of some experts, which I think Deputy Doublet is aware of, she has fantastic knowledge in this particular area, and we wanted to make sure that we covered all bases before we move forward.

4.1.6 Deputy L.M.C. Doublet:

Has the Minister had any briefings from the individual who is crafting the report and does he have any indication of whether the report might recommend that the means testing is not implemented for either private or states nurseries?

Deputy R.G. Bryans:

I had a briefing from the particular individual but it was not related to this report that she was putting out, it was related to the Care Abuse Inquiry information that she has some relevance to. So I have no knowledge of what the report contains at this point in time.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Nomination of Deputy Kevin Charles Lewis of St. Saviour as a member of the Privileges and Procedures Committee – result of ballot

The Bailiff:

Before we come to question 2 I am going to announce the results of the ballot for the membership of P.P.C. (Privileges and Procedures Committee). Deputy Tadier received 11 votes, Senator Ozouf 14 votes, Deputy Kevin Lewis 16 votes and so I declare Deputy Kevin Lewis as being elected. **[Approbation]**

4.2 Deputy G.P. Southern of the Minister for Health and Social Services regarding nursing vacancy rates in the hospital: [1(575)]

Will the Minister provide Members with the latest nursing vacancy rates in the hospital and state how many nursing shifts were filled by agency or bank staff or both in the first three-quarters of 2017?

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

Dealing with the first part of the question first. Vacancy rate for nurses in the hospital was in March at 12 per cent. Today it is slightly improved at 11.5. But this does mask the true position. We have 29 new starters since March. We have another 32 nurses who have been offered and accepted posts and in the process of working their notice. We have 23 roles up for interview. If they all start we will be at full establishment. This has been due to a different way of engaging with a recruitment agency due to innovative ways of recruiting, using digital platforms, social media, high profile attendance at recruitment fairs in London, Manchester, and the most successful was

Lisbon. The second part of the question was about the use of bank nurses and agencies; 4,732 shifts on bank and 5,011 shifts on agency.

4.2.1 Deputy G.P. Southern:

I am just making a note of those figures and wondering how they correspond to my own figures which suggest that some 600 nursing shifts per week are being manned either by agency workers with little understanding of how things operate on the ward or by bank nurses doing overtime, and the question is how do his figures fit with the figure in the middle of this year of 600 shifts per week, which is equivalent to something like 90 staff.

Senator A.K.F. Green:

I am not here to answer the Deputy's figures. The figures I have come from the H.R. (Human Resources) Department and are the correct ones. If the Deputy has different figures then that is for him to justify that. With regard to bank workers, they are not *ad hoc* agency workers. They are our employees who have an agreement with us to work as and when required. It is an arrangement that suits both of us. I resent the comment that bank and agency staff are less competent than other staff. [Approbation]

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

Could the Minister outline the new ways of working with the recruitment agency that he briefly mentioned then and what learning he has gained from that?

Senator A.K.F. Green:

The biggest learning - and I am not involved in the recruitment - but from speaking to the H.R. Department and the chief nurse, the biggest learning was the use of social media before attending a recruitment fair. So it did not just turn up at a recruitment fair and hope to catch people that were there. They let people know well in advance they were going to be there. When I say "people", the sort of people that we would want to recruit, trained nurses in other hospitals, using Facebook and Twitter. Letting people know that we will be there and we have posts to fill and we were looking for good people to come to Jersey. So it was not just taking a chance on people arriving at the fair looking for a job; it was priming them to think about looking for a job in Jersey.

4.2.3 Deputy S.Y. Mézec:

How does the Minister monitor the level of overtime that is done by bank staff and how does he judge whether the levels of overtime that they are undertaking is appropriate?

Senator A.K.F. Green:

The Minister does not monitor it personally. This is an operational matter for the H.R. Department and for the managers, line managers, in the department. What I do do is get regular reports which tell me if I have got a problem in terms of recruitment and vacancies. We have just shown Members it is a challenge to fill posts but the new way of doing it means that if those 20 posts or so - 23 roles - are filled in the near future and everybody turns up as promised, we will have a full establishment.

4.2.4 Deputy S.Y. Mézec:

Given the situation at the moment with the vacancy rate does the Minister have any reason to be concerned at the level of overtime that is being done by bank staff, whether or not he is personally monitoring it, but from the information that he is given is he concerned at the levels of overtime and whether that is appropriate to be taken in Jersey?

Senator A.K.F. Green:

Let us put it in context, it is considerably better than last year. Last year we spent a lot more on bank staff and on agency staff. That is a trend going in the right direction.

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

Members will be well aware of a national shortage of nurses and medical staff. What difference does the Minister believe a key worker policy would make to recruiting additional staff?

Senator A.K.F. Green:

I thank the Deputy for her question and she knows the answer that I will give this. It will help. It is something that is being worked on at the present time.

4.2.6 Deputy J.A. Hilton:

Has the Minister got the timetable for the implementation of the key worker policy?

Senator A.K.F. Green:

No, but it is being worked on along with the rightful partners, husbands have the right - or wives, spouses if you like have the right - to work if their other half is employed as a member of staff across the board. But partners do not automatically have the right to look for employment. Those sort of things are issues that are being sorted.

4.2.7 Deputy S.Y. Mézec:

Can I ask for an answer to my previous question, which is about whether he has cause to be concerned about the levels of overtime? But could I ask for an answer that does not refer to the context of last year but refers to the context of here and now, irrespective of what the rates were last year? Is he concerned about the levels of overtime being undertaken by staff today?

Senator A.K.F. Green:

No, I am not concerned. Of course I want to see it reduced because it is cheaper and better for the staff that we have lower levels of overtime. But in context to last year it is greatly improved. Surely that is an encouraging situation.

4.2.8 Deputy G.P. Southern:

In the context that any figure above 5 per cent for vacancy rate in nursing is considered problematic, will the Minister explain what the figure was last year and what his target is for getting the vacancy rate down to 5 per cent in the coming years?

[10:00]

Senator A.K.F. Green:

I thought I had already answered this question. In March it was 12 per cent, it is now 11.5 per cent. We have offered posts to another 32 nurses who have accepted them and are working their notice. We are actively fulfilling the process of filling 23 roles. If all those people come in post we will be at full establishment. Even with our vacancy factor of 11.5 that is considerably better than the U.K. (United Kingdom), it is not good enough for Jersey though.

4.3 The Connétable of St. Helier of the Minister for the Environment regarding the likely environmental impacts of proposals to build new homes and locate the catering facilities for the proposed new hospital in St. Peter: [1(582)]

Would the Minister outline the likely environmental impacts of current proposals to build new homes on agricultural fields in St. Peter and to locate the catering facilities for the proposed new hospital in St. Peter?

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

The outline planning application that has been submitted by Andium Homes to develop 65 3-bedroom homes on 2 fields in St. Peter represents a substantial departure from the current Island Plan. Because of this the proposal will be scrutinised at a public inquiry by an independent planning inspector who will make a recommendation to me in order that I might determine this application. I will make the decision to formally commence the public inquiry process shortly. I would expect all of the likely environmental impacts of the proposal to be identified and considered by the inquiry, and I will need to consider them carefully relative to the potential benefits of the scheme such as this, that might deliver. It is not appropriate for me to speculate on what those environmental impacts might be at this stage. Turning to the proposed relocation of hospital catering to St. Peter's Technical Park, there will be a need to ensure that the operation does not adversely affect the amenity of adjacent residents and this is what the current planning consent for the operation of this industrial estate seeks to do. My department is advised that the proposal will not have a major impact on residents. Filter systems will prevent odours from escaping, traffic movement will be similar to previous occupants of the units, and the hours of operation will be restricted to daytime hours. I believe that the future hospital team is meeting with residents to address any concerns that they might have.

The Bailiff:

Your 90 seconds is up, Minister.

4.3.1 The Connétable of St. Helier:

I am grateful to the Minister for his comprehensive answer. This Council of Ministers' transport strategy is a little obscure but I am assuming it still includes the objective of reducing the need to travel, and I am concerned particularly with respect to the hospital. I am sure it is great they are going to look after nearby residents but surely there will be an increase in traffic resulting from this which will prejudice the lives of everybody who lives between St. Peter and the site of the new hospital?

The Deputy of St. Martin:

As I have said, I am not aware that the use of this unit at St. Peter's Technical Park will create any additional traffic movement to the occupants that were there previously. But I would say to the Constable that while I have not been involved in any way with the new hospital application it must be obvious that if we are to relocate the hospital on its current site we will have to move some amenities away from the site in order to facilitate any new building. I think we must expect not only with catering but with other aspects of the hospital that some parts of it will have to be relocated temporarily while we set about the construction of any new hospital.

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

Just a clarification of something the Minister said earlier. He mentioned that there are restrictions on the use of the property at St. Peter's to within daytime hours. Is it not the case that the catering facility would be working outside those hours in order to produce all the things for the hospital?

The Deputy of St. Martin:

I am aware that there is a generic consent for the whole of the technical park at St. Peter, and I am also made aware that, as far as I am aware, that the use of the catering facilities would not be outside of daytime hours.

4.3.3 Connétable J.M. Refault of St. Peter:

Does the Minister agree that the Parish of St. Peter has gone to great lengths to ensure that the environmental impact of the development both in St. Peter and also the hospital catering has been well established? Just to further clarify a point raised earlier, the number of movements of food from the units will happen between 8.00 a.m. when it starts work and 5.00 p.m., which comprise of 3 vehicle movements throughout the whole day. The food currently prepared at the hospital goes out to all the outlying areas, including Sandybrook and St. Peter, St. Saviour and many other places including home delivery for certain people. So does the Minister agree that we have done a lot of work in the background in the Parish to look after both the transport and the necessary environmental measures of both these areas?

The Bailiff:

I am not sure, for the reasons he has given, the Minister is able to answer that question.

The Deputy of St. Martin:

The only thing I would say is that while I am aware the Constable and his parishioners have done a huge amount of work on this project, I have not yet quite obviously come to study any of the detail in the environmental impact study.

4.3.4 The Connétable of St. Helier:

We heard this morning on the radio that there is also a proposed development of a large number of houses on a Green Zone area near Goose Green Marsh. Really my question for the Minister is how safe are the Island's greenfields in the hands of this Council of Ministers? In the old days such developments used to come to the States for a debate, now we have a U.K. planning inspector giving his views and a single Minister signing it off. How safe are our Island's greenfields?

The Deputy of St. Martin:

There is a presumption, as we all know, within the Island Plan that there will not be development on greenfields. I said quite publically in a recent speech that I was disappointed with my own performance about not safeguarding enough greenfields for the future and all I can say to the Constable is that we take very seriously applications in the Green Zone, especially when it comes to the taking of greenfields. I too heard the report on the radio this morning and started my brain thinking about how the case the Constable mentions was similar to the St. Peter's one, but I think in the case of Beaumont there are already buildings on the site. The case at St. Peter is a greenfield which is used on a regular basis for the grazing of cattle. But I do say to the Constable, we do take it very seriously and moving forward I think we need to continue to take the building on greenfields extremely seriously because we only build on them once and they do not - or very, very, very rarely - return to pasture land.

The Connétable of St. Helier:

The Minister did not reply to my - perhaps I was not direct enough - does he feel that such developments are significant incursions into the Green Zone and should come to the States for debate as they used to?

The Deputy of St. Martin:

The States debate the Island Plan and that is the Bible, if you like, that planners use for the development of the Island. But the plan is due for revision and a new plan will be out in 2021. I certainly would expect officers at the department to start work on that next year. It is an extensive piece of work and I would be looking for not necessarily some new but maybe some harder guidance on how we use our Green Zone and how we build on it. I think the Island in the future is

going to have to make the big decision as to whether we allow the continuation of the expansion of village developments, which is very important to the Parishes, especially out in the rural areas, or whether we continue to concentrate on building more property in St. Helier. I think it will probably be a combination of the 2.

4.4 Deputy M.R. Higgins of the Minister for Health and Social Services regarding the number of hospital beds available and suitable for dementia patients: [1(579)]

Will the Minister advise how many hospital beds are currently available and suitable for dementia patients and outline what plans, if any, currently exist to increase the number of beds in the near future?

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

Deputy McLinton will answer this question as Assistant Minister.

Deputy P.D. McLinton of St. Saviour (Assistant Minister for Health and Social Services - rapporteur):

Currently there are no dementia-only beds within the General Hospital however all adult beds need to be able to accommodate someone who may have a dementia. Approximately 20 per cent of adults admitted to the General Hospital will have dementia. Community and Social Services provides 3 wards for hospital and nursing care in the specialist treatment of people with dementia with a total of 47 beds at Clinique Pinel and Rosewood House. Each ward is an 11-bed acute mental health unit providing assessment of dementia and cognitive impairment primarily for people aged 65 years or over. Maple Ward, an 18-bed intermediate and continuing care ward for people aged 65 years or over with complex dementia and mental health requirements who return home or transfer to other long-term setting is not currently possible due to the level of mental health support they require. Oak Ward a 19-bed continuing nursing end of life care ward for individuals with complex dementia who return home or transfer to other long-term setting is not currently possible due to lack of independent sector provision. There are no plans for H.S.S.D. (Health and Social Services Department) to provide more dementia care beds however the department is keen for the independent sector to develop in this area as, unlike other jurisdictions, there are currently no direct access dementia nursing beds within the independent sector.

Deputy M.R. Higgins:

I thank the Assistant Minister for his answer.

4.4.1 Deputy J.A. Martin of St. Helier:

It is good to hear from the Assistant Minister that Clinique Pinel is trying to encourage the private sector to do more dementia beds out in the community. But will the Assistant Minister please advise the Assembly that unless it has changed there is always a waiting list for these 47 beds because these are the people that the private sector cannot accommodate and unless it has changed, there is a real pressure on these 47 beds and it has stayed around that number probably for the last 10 years. If the private sector do not step up very shortly what plans does Health and Social Services have.

Deputy P.D. McLinton:

Interestingly the N.H.S. (National Health Service) mean provision of beds is 48 beds per 100,000 of registered population and Jersey has 150 beds per 100,000 of registered population. Three times the N.H.S. average for older mental health service beds. There has been significant investment into community dementia services taking place through P.82, which is increasing the community

assessment and care services for people with dementia and will allow us to reduce assessment beds from 11 to 8 over the next 2 years. Yes, we are looking forward and encouraging the independent sector provision for complex dementia cases and a number of providers have expressed an interest in this, but this will take some time. But obviously with the ageing demographic it is important that there was provision for these beds both as will be maintained by H.S.S.D. and increased in the independent sector.

4.4.2 Deputy G.P. Southern:

Following the shakeup of delivery of home care in the community can the Assistant Minister inform Members how many of the 23 home care agencies are specialist in this area and have staff who have successfully trained in dementia, working in the community.

Deputy P.D. McLinton:

I am afraid I do not have access to that information but I am sure that we can find the answer to that question and forward it to Members.

4.4.3 Deputy G.P. Southern:

I look forward to seeing, as Members will, the answer to that question. The supplementary is: and what measures does he have under consideration to increase the level of training of the staff involved in home care in this area?

Deputy P.D. McLinton:

As the Deputy is aware, we are increasing our training locally across the board in Health and Social Services and because there will need to be a provision for this into the future then obviously this will be looked at. But again, further information should be forthcoming.

4.4.4 Senator S.C. Ferguson:

Can the Assistant Minister confirm that Orchard House is definitely not going to be decanted to Clinique Pinel across the road and if not, where will the patients at Orchard House be transferred to?

Deputy P.D. McLinton:

Basically all the movements and changes at Orchard House and Clinique Pinel will be subsumed and everybody will be cared for because that is the primary objective, and as a result of the aforementioned Orchard House/Clinique Pinel plans there will be no reduction in dementia beds, so we can assure the Senator that all will be well into the future.

4.4.5 Senator S.C. Ferguson:

I do not think the Assistant Minister quite understood. I said: are the patients at Orchard House who are mental health patients, not going to be decanted to Clinique Pinel? These are patients with mental problems, not dementia. Are they going to go to Clinique Pinel or where else are they going?

Deputy P.D. McLinton:

The information that the Senator is seeking is being handled currently.

[10:15]

For the movement I happen to know that everybody is being taken care of and will be remaining within the ... forgive me, just trying to find this information now, if I can do.

Senator S.C. Ferguson:

I wonder if I can help.

Deputy P.D. McLinton:

Thank you to the Senator. Marvellous, you fire away.

Senator S.C. Ferguson:

Perhaps the Assistant Minister would like to find out and come back to the Assembly with the information.

The Bailiff:

If you do not have it, Assistant Minister.

Deputy P.D. McLinton:

I do have it, I am just trying to remember. There will be a new unit adjacent to Clinique Pinel, which will cover the shortfall and help with the movement forward. So I hope that answers the question.

4.5 Deputy S.Y. Mézec of the Minister for Social Security regarding the minimum wage: [1(577)]

Further to the publication of the September 2017 Retail Prices Index and the Index of Average Earnings June 2017 report, which show that inflation is the highest it has been for 5 years and that, in real terms, earnings have flat-lined for a decade, will the Minister consider repealing her Order setting the minimum wage at £7.50 per hour and replacing it with a higher rate?

Deputy G.J. Truscott of St Brelade (Assistant Minister for Social Security - rapporteur):

On behalf of the Minister I can confirm that she has accepted the Employment Forum's unanimous recommendation for a 4.5 per cent increase in the minimum wage. This is the biggest percentage increase in 9 years. The increase is significantly above the latest increase in average earnings, which was 2.6 per cent. The 4.5 per cent increase in the minimum wage is also well above the latest inflation figure of 3.1 per cent. The Employment Forum is an independent body made up of employer, employee and independent representatives. Each year the Forum considers a full range of economic data and forecasts in order to make their recommendation for a minimum wage rate, and their findings have been accepted by successive Ministers. As the Assistant Minister for Social Security I do not have the power to consider repealing an Order made by the Minister but I can confirm that I fully support the Minister's decision to accept the Forum's recommendation rate.

4.5.1 Deputy S.Y. Mézec:

The U.K. minimum wage target is that it is to reach £9 an hour by 2020. Even if we still go by this enhanced increase percentage per year, 4.5 per cent, as the Assistant Minister said, we will not reach £9 an hour until 2022, so yet again we will still be falling behind the U.K. despite the fact the cost of living is higher here. Since we had a report produced by Oxera, which laid out what they estimated to be the impacts of raising the minimum wage to £7.88 per hour or £8.40, would the Assistant Minister consider encouraging his Minister to consider one of those rates instead seeing as that the potential impacts that Oxera raised are not that bad and look like Jersey's economy could handle them quite satisfactorily.

Deputy G.J. Truscott:

To leave you in no doubt, Deputy Mézec, the Minister has really no intention of repealing her Order to the minimum wage which has been set at £7.50 for 2018. We, as a ministerial team at Social Security, have every confidence in the independent Employment Forum's wage

recommendation. We are assured by the fact that the figure is arrived at following extensive consultation with all interested bodies in the Island and the expert advice was also engaged. Factors like inflation, the weakness of sterling, Brexit and economic forecasts, which have all been taken into consideration during the Forum's minimum wage determination.

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

On page 3 of the Minister's proposition about raising the minimum wage it clearly also says there about getting wages to 45 per cent of average earnings by 2026. Would the Minister also consider reducing that, as the Chief Minister already suggested should happen? As the Deputy was saying, with inflation probably going to take off somewhat over the next few years it would seem impossible that you would even get there in 2026. Would the Minister consider an order that will also change that aspect of the proposition?

Deputy G.J. Truscott:

Hansard will show that I am supportive of a move to a higher minimum wage.

Deputy A.D. Lewis:

But not now.

Deputy G.J. Truscott:

No, not quite now. I believe this increase for 2018, the largest increase in 9 years of 4.5 per cent, is a start in the right direction. It represents a widening of the step, a quickening of the pace, so yes, I am supportive of a quicker move to a higher minimum wage, but at the end of the day it has got to be down to economic conditions and continuing economic growth. I think there is a great deal of uncertainty out there currently due to Brexit and various other things. So we have just got to be cautious, gently gently.

4.5.3 Deputy A.D. Lewis:

In which case, would the Minister not consider an amendment to her proposition in reducing the date to 2026 to perhaps 5 or 6 years because otherwise your figures simply will not stack up, because by 2026 you will be way off the mark of 45 per cent average earnings?

Deputy G.J. Truscott:

I believe there is a move afoot in other areas to consider that particular manoeuvre and I personally think that the very valid work that the Employment Forum do for the Island, for the recommendation, has worked so well now, over 12 years, and I really would prefer to stick to that, but I know there is a move afoot to reduce the time limit to get to that limit.

4.5.4 Deputy G.P. Southern:

Does the Assistant Minister not consider that the publication of the Oxera report showing minimal harm to the economy, which occurred after the Employment Forum's recommendation, is significant and will he not try and persuade his Minister to pay attention to the Oxera report in achieving one of their aims of promoting financial independence? Does he not agree that this would be a good way to do so?

Deputy G.J. Truscott:

I have expressed my concerns in the past and I know that Deputy Mézec has the best intentions. You all have the best intentions to increase the minimum wage but I personally feel if you push too hard with an increase in the minimum wage and if you move too quickly to implement a much higher minimum wage, there will - and I want Hansard and it will mark my words on this - be job

losses and business losses locally. I think it has got to be measured and it has got to be controlled. Sensible steps, one at a time.

4.5.5 Deputy G.P. Southern:

Has the Minister, indeed, read the Oxera report and noted the minimal impact upon jobs that the Oxera report indicates? Does he not consider that this is a fresh factor coming into the calculation which he and his Minister should have taken into account?

The Bailiff:

The question is whether you have read the Oxera report; you cannot answer for the Minister. Maybe you can.

Deputy G.J. Truscott:

I have to say, I have not read the Oxera report but I am aware of the summary of the findings. But just to reiterate the Employment Forum's unanimous recommendation of 4.5 per cent is the highest rate increase in 9 years. The rate is greater than the average earnings for 2.6 June 2017, the rate is greater than the latest inflation figure of 3.1 per cent for 2017.

Deputy G.P. Southern:

Does the Standing Order on repetition not apply, Sir?

The Bailiff:

I did not hear that.

Deputy G.P. Southern:

Does the Standing Order on repetition not apply, Sir?

The Bailiff:

You just repeated yourself. [Laughter]

Deputy G.P. Southern:

I thank you for that direction, Sir.

4.5.6 Deputy S.Y. Mézec:

On the bombshell that the Assistant Minister has not read the Oxera report I think he might have cause to read the whole report shortly. As Deputy Southern says, the Oxera report shows that the effects on the economy would be minimal and they predict that government revenues would go up by £0.3 million per year. Given that the Employment Forum, which nobody is criticising, given that they are currently working on the basis that the government target is average weekly earnings by 2026, which politically we now know is not the right target - the Chief Minister himself has said he wants to see that target changed - does the Assistant Minister not accept that the Employment Forum's recommendation, made for all the right reasons, is an out-of-date recommendation now because it does not reflect what we know the head of Jersey's Government says the target should be? Okay, the paperwork has not been signed to put that target in place, we know that really it is no longer the target, it is out of date, would the Assistant Minister therefore like to encourage his Minister to repeal the order that she has put out setting the minimum wage to be £7.50 and instead replace it with a higher one that reflects the new ambitions that the Government has said it has on the rate of the minimum wage and go for a higher rate which the Assembly can decide upon?

Deputy G.J. Truscott:

The Employment Forum consider many things when they come to determining their recommendation. They would be aware that the Jersey Fiscal Policy Panel are forecasting a reduction in our economic growth in 2018 falling back to 0.5 per cent. There is considerable uncertainty remaining in the U.K. and in Jersey. The Bank of England only today has forecast some 75,000 job losses in the financial sector should Brexit not reach ... well, it is a balancing act, very much so. Retail sales are falling. The C.B.I. (Confederation of British Industry) survey show sales dropping at its fastest rate since 2009. There is a great deal of uncertainty out there so it is push, keep pushing too fast, too soon, you are going to have a problem and it will result in job losses. The Minister and I are singing off the same hymn sheet. I fully respect the process that the Employment Forum go through and we will be maintaining the set rate of £7.50 for 2018.

4.6 Senator S.C. Ferguson of the Chief Minister regarding expenditure related to the reform of public services: [1(581)]

Given that, when standing for election as Chief Minister in November 2011, the Minister stated that: “Modernising the public service must continue”; and said on 3rd November 2014 that: “We must keep up our efforts to reform the public services.” Can he explain what he has achieved with the past 6 years’ expenditure and outline why he considers that a further £700,000 must be spent in the next 6 months?

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

There has been substantial change across the public sector. Departments have been reforming the way they work. We have reduced headcount by 500 in 3 years and by 2019, during the course of this M.T.F.P. (Medium Term Financial Plan) we will have saved £77.5 million. But we still have not become one government organisation. That is what the interim team will be working towards over the next 6 months. The external members of the team have extensive expertise in transforming organisations and will help us to make changes faster.

4.6.1 Senator S.C. Ferguson:

Would the Chief Minister like to detail a little more about the improvements which have been made given the culture problems exemplified by the complaint by Prospect to the Minister for Health and Social Services regarding bullying? The headcount is still up around 6,500 members of staff. We have a very hefty management structure, where are the improvements?

Senator I.J. Gorst:

The Senator knows that there have been many improvements but in her supplementary question, yes, she knows the headcount has been reduced, she knows that we have made savings, she knows that in various departments we are working more closely together, particularly around the policy area, she knows that we have created new arm’s length organisation, for some areas of government service they are in new buildings. But the crux of her supplementary question gets to the point that she wants us to reform in a way that I think the new chief executive and the new interim officials working together with officials who are already here in Jersey and employed by the States are going to deliver this ‘one government’ approach, which is going to allow for some of the changes in the way that we manage and provide our public service and ensure that sufficient resources are going to frontline services, which I think she supports.

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

Could the Chief Minister pledge to have an analysis of where we are currently in order to be able to measure the future work of the Chief Executive and the improvement team that are coming in, and

also agree that any potential savings that are made in the future will not be taken out of the budgets because they are needed to assist the public services, not to reduce them.

Senator I.J. Gorst:

We will be shortly publishing an update on the Change Programme, but I think what the Deputy is asking for is beyond that, is a more detailed piece of work which I am happy to talk to her about the details and the matrix that she would want in such a piece of work. I think it is going to be really important to do that to show when the changes are made and when they are delivered and ultimately when they will be adjusted in due course because inevitably that will be the case that we have a baseline piece of work to do that. We need to reform the way we deliver our services and that will mean that savings can be made in some budgets. But I am on the record as saying - and I absolutely think this is the case - that those savings or changes in the way that we spend money do need to be applied to front line services. We know we have got pressures in health which will continue, we know that the Minister for Education is doing a really fantastic job to date but the pressures in that department over the next medium term are only going to increase more and more as the differentiation of skills and how we educate our young people is going to be more important.

4.6.3 Deputy G.P. Southern:

Is it not the case that his Change Programme is in fact stalled with the public sector unions refusing to talk to him and that after 7 years of either freeze or restrictions on pay, the time has come to honestly start renegotiating with the public sector unions on pay if he is going to achieve any co-operation whatsoever?

Senator I.J. Gorst:

I do not accept the analogy about stalling. There have been long and difficult negotiations and consultations about workforce modernisation. I am hopeful with all the good work that the States Employment Board have done, together with departments, that that can be delivered in fairly short order.

Deputy G.P. Southern:

What ...

The Bailiff:

No, sorry, Deputy, we have got numbers of people wanting to ask questions. I am also conscious the Chief Minister is answering questions without notice shortly. Connétable of St. Lawrence.

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

Will the Chief Minister advise what this says about the performance of the current chief executive?

Senator I.J. Gorst:

I never want to try and play personalities. The current chief executive has served the States and the Island for 35 years. However, I knew when looking for a new chief executive that the challenges that we face as a community - and we are not just talking here about ageing demographic, rising costs of health care, improving our education system, all of those challenges that we face, but also the challenges that we face internationally - mean that we have to put the customer at the heart of how we deliver our service. It means that we need to change at a more rapid pace than we have ever done before, and it means that we need the very best experts that we can from wherever they are. I do not think that we should think that that is a commentary on the current chief executive; it is rather where we are in this time and place needing to change in a totally different way from that which we have in the past.

4.6.5 Deputy J.A.N. Le Fondré:

Just in asking this question, could I just note my in principle support for the team that is coming in, as in on the face of it, in terms of what they are trying to achieve? However, could the Chief Minister clarify the statement attributed to him that the Care Inquiry report identified organisational culture as a problem and that this is why the team was required when, as we have heard, we have known that organisational culture has been an issue for years?

Senator I.J. Gorst:

Indeed we have known that organisational culture has needed to change and in some areas we have seen that change. But the Care Inquiry reminded us of lots of areas that we have known for a long time have needed to change and we have not changed them. Some of that is about resource, some of that has been about courage, I have been absolutely clear... and we did this recruitment for the new C.E.O. (Chief Executive Officer), the selection panel, post the inquiry, and I have been absolutely clear post the inquiry. The inquiry said we have got lots of things right in our community, so we should not always forget that bit, but it also pointed to areas where we have known we have needed to change and we have not done so. I am absolutely committed to, and I have said before in this place, it may not be publicly popular, but I am committed to driving change. We will only know if this team has been successful with the results that they produce but we have really got to try because the excuse that we have known about it in the past and nothing can be done is, to my mind, no longer acceptable.

4.6.6 Deputy J.A. Martin:

Following along from what the Chief Minister just said, we will only know if these external members or experts will be successful by the things they have achieved but I would like to know how they are successful by the targets we have set them or terms of reference, a job description. I would like to know where this is because I think the Chief Minister has seen this. Just on an aside, I have a concern on the written answer to question 10 from the Chief Minister on the same subject. I hope it is written wrong because it says: "The formal decision to hire the transition team was taken at a meeting of the States Employment Board on 3rd October following a presentation by the C.E.O. designate and the chair of the commission." Surely there was not a presentation by the chair of the Appointments Commission, because that is muddying the waters completely. Because it then goes on to say the chair of the commission was in the selection process to oversee the appointments in late September.

The Bailiff:

Deputy, it is not a speech, it is a question.

Deputy J.A. Martin:

Well the question is on both: which is right? Who was the commission and what are the terms of reference and the outcomes for these 4 very expensive consultants? That is the question ...

The Bailiff:

Fine. Okay, that is a question that we can understand. Chief Minister.

Senator I.J. Gorst:

They are currently undertaking work which is largely fact-finding, understanding how we operate and thinking together with people who are already here, who have got vast experience of the service of what in management-speak might be called a "target operational model". But going back to an earlier question from the Deputy behind the Deputy, the new and incoming C.E.O. is absolutely clear that he wants to take people with him. Therefore, some of the conversations about what the new target operating model will look like, how we will structure ourselves, will be discussed and communicated with staff first, particularly any staff that might be affected by that

change. I think that that is the right approach to take. I was not at the States Employment Board presentation, but it is my understanding that the presentation was given by the C.E.O. designate. The Appointments Commission chair was in attendance because she had overseen that an appropriate process was used in the recruitment process for those 4 individuals.

4.6.7 Deputy A.D. Lewis:

The Chief Minister will be aware of a P.A.C. (Public Accounts Committee) report in 2015 that was somewhat critical of public sector reform stating that there was a lack of clarity of vision, aims and objectives of the Public Sector Reform Programme. Is the Minister now satisfied that that has been overcome and that there is clear clarity here? Can he indicate fully as to what has been achieved so far and have any of those targets that were set been missed, in which case is that why he is having to take these further steps to employ consultants to ensure that targets perhaps are met? Have the targets been met?

Senator I.J. Gorst:

The overall targets of making savings in departments are on track which is fundamentally what we are about. I know the Deputy is trying to drill down a little more about individual projects in departments, and I do not have those details with me, but, as I said, there will be an update in that regard published shortly. I do not think I am speaking inappropriately when I say - and I think there is a feeling across this Assembly - that the reform programme has not delivered as widely or as speedily as we would have wished. This for my part is another of the reasons why we have to change the way we approach the provision of the services that we do and that means creating 'one government.' That will not just be about the way we deliver our service, it will also be - and we will come on to a question about this later - the way we structure our government and how we remove the silo departmental approach that we currently have. It is absolutely fundamental.

4.6.8 Senator S.C. Ferguson:

If savings are on target, where are the reductions in managers and not the front line staff? Why does the Council of Ministers not aim to run the States like the Connétables run their Parishes or even how a prudent housewife runs her household? We have heard it all before, the results we shall wait and see. Why does the Chief Minister not try and run the States in an economic manner?

The Bailiff:

Like a prudent housewife, Senator?

Senator I.J. Gorst:

I have never been called that before. [Laughter]

Senator S.C. Ferguson:

Like the Connétables.

The Bailiff:

Or like the Connétables.

Senator I.J. Gorst:

But the Senator knows that we present balanced budgets over the economic cycle and the reason that the Medium Term Financial Plan was so difficult was because it sought to do just that, at the same time acknowledging that the cost of health care is increasing, the amount of money that we need to put into education was increasing, we needed to continue to encourage economic growth and jobs, and that applied pressure to our budgeting. I think on the whole we can be really proud of the way that we manage our budget of the size of the balance sheet that we have developed over the

years. So I do not see things perhaps quite as negatively as the Senator, but I do accept - and this is the difficult point to accept - that we have not in the past worked as one government and one service, therefore being able to drive out some of the duplication perhaps at the senior levels. I think that the approach that we are taking now is going to allow us to do that in a way that we have never done before. But the Senator continues to shake her head; she is right in regard that we will only know that when we see the results.

4.7 Deputy S.M. Wickenden of St. Helier of the Attorney General regarding the considerations applied when deciding to bring a charge against a person naked in their own home who could be seen by a member of the general public: [1(574)]

What considerations apply in deciding to bring a charge against a person naked in their own home who can be seen by a member of the general public?

Mr. R.J. MacRae, H.M. Attorney General:

A person who is naked in their own home does not generally commit an offence when they can be seen by members of the general public. However, when a naked person performs a sexual act, either alone or with others, and does so in the knowledge that members of public can see him or them, or where they are reckless as to whether members of the public can see them, then that could amount to a criminal offence. The conduct could amount to indecent exposure or other offences. The decision to prosecute, charge someone, is a serious step. Centeniers apply the Code to Prosecute which is published to ensure they make fair and consistent decisions about prosecutions.

[10:45]

Each case is different and must be considered on its own facts, but the same test applies to every criminal case. There are 2 stages in the decision: the first is the evidential test; the second is the public interest test. The Centenier will only start or continue a prosecution when both tests are passed. The evidential test is satisfied when the Centenier believes there is sufficient evidence to provide a realistic prospect of conviction. This is an objective test and means that the Magistrate, jury or Jurats must be more likely to convict than not on the evidence produced. Once the evidential test is passed, the public interest is considered in each and every case. In all serious cases there will be a prosecution.

The Bailiff:

There is a 90-second rule, Attorney, that applies to you as well.

The Attorney General:

Well apparently it does, Sir, yes. [Laughter]

The Bailiff:

Before we have any supplementaries, can I indicate from the Chair that it is not appropriate for the Attorney to be asked questions about a particular prosecution or a particular case and I will disallow them because that is the nature of the independence of the prosecutor. A supplementary, Deputy Wickenden? No? Deputy Hilton I have next.

Deputy J.A. Hilton:

I think my question probably breaches the rule.

The Bailiff:

I suspected it might do. [Laughter] Is Deputy Higgins ready?

4.7.1 Deputy M.R. Higgins:

Yes, mine is a generic question. The Attorney General has just told us the Centeniers apply both the public interest test and the evidential test. Now he and I are both aware of the fact that this does not always happen, or at least it has not happened in one case that we have been discussing. What checks does he do to ensure that they do apply both tests before bringing a prosecution to, let us say, Magistrate's Court?

The Attorney General:

Well, firstly, all Centeniers are trained, both by the police in relation to matters that concern policing but by lawyers in my department in relation to the conduct of cases in the Magistrate's Court and that includes training in relation to the code test. In relation to any concerns regarding decisions made by Centeniers, complaints are made to me and I am entitled to overrule decisions to prosecute or not as the case may be if a Centenier has not acted in accordance with his discretion.

4.7.2 Deputy M.R. Higgins:

A supplementary? What actions does the Attorney General take to ensure that they do carry out both tests? Because people, I believe, have been convicted in the past where it has not taken place and you may not find about the complaints until much later.

The Attorney General:

Well I have given an answer. I cannot improve on the answer I gave moments ago.

4.7.3 Deputy S.M. Wickenden:

I would ask the Attorney General if he believes that to charge a member of the public that has been reported for being visibly naked in their own home as a first offence would fail the public interest test for charging?

The Attorney General:

It would depend on the facts of the case.

4.8 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding the consideration of improvements to the machinery of government: [1(558)]

Further to the adoption of P.53/2016, as amended, will the Chief Minister explain what improvements to the machinery of government have been considered, what changes are envisaged, what those changes will entail, and when they will be lodged for debate, and if not, why not?

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

Outlined proposals were developed earlier this year but the Privileges and Procedures and the Chairmen's Committees did not favour the changes suggested. Since then, of course the Care Inquiry has highlighted the failure to tackle the silo mentality among public sector agencies. The earlier review of ministerial responsibility in relation to the Jersey Innovation Fund also recommended streamlining the way we transfer responsibilities between Ministers and departments. Revised proposals are now under development and I expect the necessary amendments to legislation will be lodged before the end of this year.

4.8.1 Deputy J.M. Maçon:

Therefore, will the Chief Minister confirm that in the proposals he will be bringing forward that he will be looking to do away with the Troy Rule?

Senator I.J. Gorst:

That is not included in the current proposals that we are considering.

4.8.2 Deputy J.A.N. Le Fondré:

Could the Chief Minister confirm or undertake that any proposals will be presented to both P.P.C. and the Chairmen's Committee before they are lodged?

Senator I.J. Gorst:

Yes, I think that is an undertaking that I have previously given, and I think that diary dates may already be slotted; they are in the process of being slotted.

4.8.3 Deputy J.A. Martin:

Just to follow on from that because P.53 was mine amended by the Chief Minister about Assistant Ministers. As he says, the proposals brought to P.P.C. and the Chairmen's were not favoured and a lot of work I think was done on that. Can the Chief Minister not this time around consult with all States Members at a briefing first to see if he is even in the right direction of travel? Because it was an easy proposition and the Chief Minister seems to have made it very, very complicated.

Senator I.J. Gorst:

I do not think in its basic principle electing Assistant Ministers was easy but the amendment that I put to the Deputy's proposal was to do a more strategic review about inclusivity and about how government operates. I have no issue at all with having a wider briefing to States Members on this issue prior to lodging any legislation.

Deputy J.M. Maçon:

I thank the Chief Minister for his response for the proposal.

4.9 Deputy L.M.C. Doublet of the Minister for Education regarding the assessment of the strengths and weaknesses of Jersey's education system: [1(572)]

Further to the publication in 2013 of the consultation document *Learning for Tomorrow's World - The Future of Education in Jersey*, in which the then Minister determined to assess further the strengths and weaknesses of Jersey's education system in order to identify whether any changes would be required in the future; what work, if any, has been undertaken, and what were the findings?

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

Thank you to the Deputy. The consultation that took place 5 years ago was inconclusive and did not offer a definite way forward for the structure of Jersey's education system. However, there was agreement that we needed to improve standards for all students and that is where the focus has been. The department, schools and teachers are constantly assessing their strengths and weaknesses so that we can make the current system the best it can possibly be, and it is working. Exam results have improved and our students out-performed England again this summer. Also, the consultation results were fed into the current business plan and distilled into the 4 key priorities you are all familiar with. The work on all of the action points is ongoing and more have been added.

4.9.1 Deputy L.M.C. Doublet:

The Minister has said in the past that our current education system that we do have is not how he would design it from scratch if he himself had the opportunity. Was this a sentiment that was echoed in the *Learning for Tomorrow's World - The Future of Education in Jersey* consultation and, if so, was this echoed by the public in that consultation?

Deputy R.G. Bryans:

To some extent I think it was. But what we decided to do, I was fortunate that the current Chief Executive Officer had some time before he overtook his role and we were able to discuss the document in some detail. I have it here; there are 3 documents that relate to that particular *Learning for Tomorrow's World*. That is when we realised that what we had to do rather than deal with the structure of Jersey's education was to look at the education that was being provided to our children. So firmly what we did was look at the children first before we looked at anything else, and so that is where we paid our most attention and I think that is where we have been most successful.

4.9.2 Deputy S.Y. Mézec:

In an answer, I think, to the first question the Minister said that the response to the previous consultation was inconclusive. Could he elaborate on why he thinks it was inconclusive? The reason that I ask this question is I have in mind Guernsey who are at the moment looking at reforming their education system and they do not seem to be making much progress. It looks like it is because of entrenched views that are not evidence-based that are forming a sort of political deadlock there, so could he elaborate on what he thinks the causes of that consultation being inconclusive were here?

Deputy R.G. Bryans:

It is interesting the Deputy mentions Guernsey. We had a meeting with both Guernsey and the Isle of Man a couple of months ago. The Deputy is quite right, I think it is not just that the education system was being looked at, but I think the political system does not play to the strengths of what the Minister in particular wanted to do. So it was very difficult for ideologies and the pedagogy of teaching to sort of get through to the best credit it could do, particularly from what I evidenced in Guernsey. The reason I think it was inconclusive was the public debate really provoked a bit of a storm and it was quite controversial, and from my perspective did not really benefit children all that much, so that was what we wanted to learn from. What we learnt in particular was you do not need to set the different sides in education against one another to address the problem. It can and has been done through working with schools, the unions and individual teachers and improving the training and support. I think the reason for the inconclusive feel for it all is that nobody really came up finally through that particular report with a focus on what could be achieved by dismantling the current system that we have. So that is again the reason that we have then said what we need to do is focus on the teaching that is being provided to our children and improve on that.

4.9.3 Deputy S.Y. Mézec:

A supplementary? Can I gather from that answer then that any future potential reforms to Jersey's education structure would be hopeless then because would it not just be the case that if a similar consultation were taken, that those entrenched views would emerge again and the best interests of our education system and the children could not be met because of those politically-entrenched views? Does he see that as a problem?

Deputy R.G. Bryans:

I cannot agree with the Deputy. I do not think if another consultation - and I do not propose to do one at this point in time - were undertaken that the entrenched views would surface in the same way. I think we have been very successful in the consultations that we have done with the current departments and the current team. I would probably point Members in the direction of what we did with Les Quennevais as an example of how we negotiated and consulted with the public and how successful we have been in doing that. So I do not think it is a model that is particularly broken, I

think if there were another consultation, I think people will understand the direction of travel that we would be taking.

4.9.4 The Deputy of St. John:

I believe we have the potential in this Island to have an amazing education system. So I ask the Minister, in terms of long-term future of education for Jersey and the public, whether he considers that it is a role of this States Assembly to have that debate about what kind of education system we need for our future generations?

Deputy R.G. Bryans:

I think we are currently always having a debate about what the education system needs on this Island and I think it is a very healthy attitude to have. It is our consideration most of the points raised in the 2013 report have been actioned and remain on our agenda. These changes are ongoing. The Jersey curriculum is kept under constant review and more G.C.S.E. (General Certificate of Secondary Education) subjects have been added to the numerical grading system next year, so we are always looking at the way both the system operates here on the Island and what underlies that, the pedagogy of that teaching. Just to carry on, after the *Tomorrow's World* consultation, there were further discussions about the structure of the system but there was no political desire to debilitate or dismantle education in Jersey. We were given the mandate with the drive from a new chief officer to move ahead with improvements. So some of the things we have done, just the main things: we have improved exam results for our students, we have launched the Jersey Premium to help disadvantaged students, we have expanded and improved our data team, we strengthened the way in which we review schools, we have introduced a new assessment system, brought a new skills strategy, we have got a new Les Quennevais Secondary School approved, we have opened new primary classes to meet rising numbers, we have rewritten the Jersey curriculum, we have introduced the new G.C.S.E. exams across all schools and we have completely remodelled our special educational needs service. So I think we have done a great deal underneath it all and that is working along with the unions, along with the heads and along with the schools to produce that. So I think the debate could be happening, but it is always happening in my mind.

4.9.5 The Deputy of St. John:

A supplementary? Can I just ask the Minister then, all and well that everything that has been working and being done in education at the moment, but does he not believe that going forward that we should not just blindly follow what the U.K. are doing and that we should have that ultimate discussion and debate about what kind of education system that we can provide as an Island to our future generations, not just what the U.K. are doing?

[11:00]

Deputy R.G. Bryans:

Thank you to the Deputy. I think the construction of our new curriculum is an indication that we do not blindly follow. In fact, the new curriculum is very much Jerseyfied, if that is a word, and allows greater understanding of our political system, of the history of this Island, what the culture of this Island is. We have a group of individuals working on a cultural passport for children which would indicate that every child that comes into our system from the primary school right the way through to when they leave at secondary school will have experienced some elements of the culture of this Island, so we have got ongoing progress in all these particular areas. I do not believe that the system is broken in that sort of context and I think the debate is always open.

4.9.6 Deputy G.P. Southern:

One of the often-repeated criticisms of our education system is that it is not very inclusive. What action has the Minister, or will the Minister take to increase inclusivity in our system?

Deputy R.G. Bryans:

I dispute that. I think that we have great inclusivity within our system. In fact, I was just at a Caritas meeting yesterday, we were talking about the eradication of poverty on this Island, and we were discussing elements of the inclusivity within the schools. There were about 14 people around the table and the various members were praising what was happening within the schools and the fact we do have a great deal of inclusivity. Just as I said at the end, we have completely remodelled our special educational needs service. I think it is a great credit to the teams that work within the schools, and the schools themselves and the pupils and the students that they see a society such as ours.

4.9.7 Deputy G.P. Southern:

The Minister's denial that there is anything wrong with inclusivity runs in the face of 50 per cent of our students being in fee-paying education and on top of that a 14-plus system which excludes many candidates. Will the Minister treat this issue of inclusivity seriously and will he state what he is going to do to increase inclusivity in such a system?

Deputy R.G. Bryans:

I think I must have misinterpreted what the speaker asked previously. I thought it was in relation to the special educational needs. I understand now what he is referring to. It is always on our agenda to talk to those schools in particular about the way they move forward. We have got a great relationship with all of the schools right across the Island now and we do address that, we do look at that problem constantly. So it is on my agenda, I do understand what it means to people, but it is inherently unique to this Island and I think it is one of those factors that we can be very proud of.

4.9.8 Deputy L.M.C. Doublet:

I want to thank the Minister for his answers. I acknowledge what he is saying about the responses being inconclusive, but does he agree that it was not down to the fact that people did not have views, there are very, very strong views that were split? Given that there are such strong views in our community, does the Minister agree that perhaps a further look at these types of questions is required? Would he agree to pass the raw data on to the Scrutiny Panel, anonymised with whatever conditions he wishes to attach, so that we can take a look at it, please?

Deputy R.G. Bryans:

Just to answer the last part of the question first. I do not know whether the raw data exists now because this consultation was done some time ago. I think it started around 2011 but if the raw data exists, then of course I will pass it on to Scrutiny; I do not have a problem with that. Yes, the situation that we find ourselves in, we have been very careful about the way in which we have operated, talking to both teachers, heads and unions in moving forward. I think there has been a great amount of time and effort spent with teachers to make sure that - I know this is dear to the Deputy's heart - teachers were not overburdened with the amount of change that they have had to go through over the last couple of years. So we are now in a situation where we can begin to look at other areas that perhaps were not on our agenda to start with. Thank you.

4.10 Deputy G.P. Southern of the Minister for Social Security regarding the review of the Social Security system: [1(576)]

Will the Minister inform Members what quality assurance measures are in place to ensure that the review of the Social Security system currently underway properly assesses the full range of options open to the Minister?

Deputy G.J. Truscott (Assistant Minister for Social Security - rapporteur):

I thank the Deputy for his question. The way in which contributions are levied and paid into the Social Security Fund and the range and value of benefits paid out of the scheme are all included in the ongoing review of the Social Security system. The review will feed into the next Strategic Plan of the new Council of Ministers and the Medium Term Financial Plan that will be agreed in 2019. Surveys have developed with the support of the Statistics Unit. The current consultation includes a number of public workshops which will be externally facilitated, all open comments received or recorded and analysed independently, and the result of each stage of the review is written up and published as it was completed. An independent actuary will review the fund next year. The Minister is confident that the approach we are taking will identify and evaluate the full range of viable options to maintain a sustainable Social Security Fund. The Minister is equally confident that this work is being undertaken to a high standard and will be of great help to the next Assembly when they are asked to make decisions on the changes of the Social Security system. Thank you.

4.10.1 Deputy G.P. Southern:

The Assistant Minister is expert in not answering the question. The question was what quality assurance measures are in place, not what is the survey about. May I ask him then whether he has read the conclusions or the responses that have come from the survey so far and whether he can justify the fact that in terms of paying for the Social Security system the second-most popular answer to: "How do we do that in the future?" was: "To increase employers' contributions" received 71 per cent approval rating. Yet by question 20 in part 2 of the survey it says: "How do you think we should pay for an increase this time in parental leave?" "I would be willing to pay more contributions" is one option: "I would be willing to accept reductions in other working age contributory benefits" is the other. No mention of employers' increase at all. How can that be justified on the evidence that he has got?

Deputy G.J. Truscott:

I will start first of all by saying there is no I.S.O. (International Organisation for Standardisation) quality assurance that you can apply to a survey. We have engaged professional businesses from the U.K. to conduct this survey. We have engaged - and it is something which I know you appreciate - the Statistics Unit locally to construct our questions and answers. I was wondering where this question was going because you are ...

The Bailiff:

Through the Chair, please.

Deputy G.J. Truscott:

Sorry, Sir. I was wondering where this was going because you are a valid member of our Scrutiny Panel and if you had concerns with regard to the quality of the questions, it would have been, I think, quite appropriate for you perhaps to contact the department to raise your concerns.

The Bailiff:

Deputy, through the Chair: the Deputy can raise his concerns.

Deputy G.J. Truscott:

Sorry, I keep doing it. It has just been let loose. In 3 years, it is quite nice for me just to ... but anyway. [Laughter]

The Bailiff:

All the more reason to keep yourself in place.

Deputy G.J. Truscott:

So if you have concerns, I really would appreciate that you come to the department and talk to us. It is going very well and it is so important to consult. I think as a department, they are looking towards the future. We have got the ageing demographic, and I do celebrate the fact that people are growing old, but it is throwing up such challenges and it was so important to maintain the health of the Social Security Fund. So I was wondering where the question was going, and I was wondering what concerns Deputy Southern ... and you have outlined that now. I have not got an answer for you, but I would like you to come into the department, or I do note that we have a Scrutiny meeting on the 20th and maybe that would be the best place to table this question. But just in my defence, this question was tabled on Thursday and Deputy Southern did stipulate that the question should be answered by the Minister under Standing Orders 13(3A). I was happy to stand up and have a stab at answering his questions and try to address his concerns, but I really do feel, I just need to say, you are on Scrutiny, you really should ...

The Bailiff:

I am sorry, Minister, I think it is perhaps time to sit down.

Deputy G.J. Truscott:

Yes. Thank you.

4.10.2 Deputy L.M.C. Doublet:

I noticed the States of Jersey Facebook page promoting this consultation and I wanted to ask the Assistant Minister for some clarification. The post reads: "Have you or anyone you know ever claimed a maternity grant or maternity allowance? The Social Security Review Consultation is asking questions", *et cetera*. Can the Assistant Minister clarify that it is not just mothers who should be contributing to this consultation and that the department also needs responses from fathers and that it is not just those who have claimed benefits in the past with regards to parental grants but those who may do so in the future? Does he encourage people who are in the situation, are thinking of having a family in the future - fathers as well as mothers - to complete the consultation?

Deputy G.J. Truscott:

I would absolutely encourage everyone to participate in the survey. As you say, we are trying to plan for the future which is so important. I have not got the answers for the Deputy, but I will consult with the department and go back to her with an answer on this matter. Thank you.

The Bailiff:

Senator Ozouf, would you please turn your machine ...

4.10.3 Deputy L.M.C. Doublet:

Can I clarify my question? So if fathers are able to contribute as well as mothers to the consultation?

Deputy G.J. Truscott:

As I say, I will clarify that for you, Deputy.

4.10.4 Deputy S.Y. Mézec:

My question follows on from that of Deputy Southern. I engaged with this consultation through Apptivism and I have to say the questions were unbelievably biased and I think inadequate. This was pointed out to me also by other members of the public who were shocked that at no point was there an option to say that they wanted some of these contributed benefits to be paid for by raising the cap on social security contributions from the highest earners. Given that that would clearly be an overwhelmingly popular option, yet members of the public did not have the opportunity to select that, does the Assistant Minister believe that the consultation is therefore unsafe and perhaps its conclusions on the basis of the process were unsafe may well be good to just disregard?

Deputy G.J. Truscott:

We provided our Scrutiny Panel at the beginning of the year with a road map of the work that we are going to be conducting through to the beginning of 2019. We have already concluded the *Living Longer: Thinking Ahead*. We have 1,300 responses. We held a number of workshops and all the results have been written up and published. We have gone on to part 2: *Living Today: Thinking Ahead* looking at the changes in society, maternity and bereavement benefits, using Chatbot, as you say, an online survey. We are also using an external company helping with workshop facilitation analysis of results. Now, you would have seen that we will be reviewing Class 2 contributions; there will be a technical review. That will be the next piece of work, but I would be delighted if, at the next Scrutiny meeting, if you would bring this up ...

Deputy S.Y. Mézec:

So we are back to the Scrutiny Panel.

Deputy G.J. Truscott:

Yes, I was just going to say. You did not ...

The Bailiff:

Through the Chair, Minister.

Deputy G.J. Truscott:

Sorry, Sir. Literally, this question, it was posted to us on the Thursday. It came in under the right time, yes, and we were seeking clarification if you wanted the Chief Minister to answer this or myself. I only heard yesterday that you wanted me to answer it, so there we are and as it is. But, as I say, I will happily help, and I hope in the Scrutiny process that we get to the bottom of what you are trying to seek because it does need looking at. Thank you.

The Bailiff:

I have Senator Ozouf and then a final supplementary.

Deputy S.Y. Mézec:

Do I not get a supplementary to ...

The Bailiff:

No, you do not. Senator Ozouf and then a final supplementary.

4.10.5 Senator P.F.C. Ozouf:

While recognising that due to the ageing society, all communities around the world are having to meet the challenges that this consultation is trying to answer, and they are massive changes for everybody, is the Minister aware that the F.P.P. (Fiscal Policy Panel) in their recent report to States Members and others said that Jersey should be regarded as a leader for having made decisions early in relation to the ageing society and that while we have got issues to deal with, that we are starting

from a much, much stronger base, notwithstanding the massive increases in income that has been got from investment from last year's Social Security Fund? So while there are challenges, it is not the end of the world, and we are in a much better place than anywhere else.

[11:15]

Deputy G.J. Truscott:

I totally concur with the Senator. This Government has been very forward-thinking. I think it is so important to be forward-thinking and look towards the future. We have introduced the long-term care, we have tax in place to collect and fund it ongoing, which I think is, as you say, Senator, the way forward. I am so pleased that, as you say, we are not in a panic situation in any shape or form and social security funds are in a very good condition. I sat on the Treasury Advisory Board for 2½ years with the Minister and we saw millions, literally hundreds of millions of pounds, come in through investments into the fund. So, yes, we are forward-thinking, we need to continue looking to the future, looking at ways to make people save, contribute to their retirement, either through workplace pensions or savings. So, as I say, this is a very positive scheme and anybody listening I would encourage them to take part if they could. Thank you.

4.10.6 Deputy G.P. Southern:

May I congratulate the Assistant Minister on doing a perfect impression of somebody digging a hole. May I ask further if he has read the consultation and the responses that were given because his answers would suggest that he has not? Does he not accept that germane to doing this survey, no matter how many times you do it and how many contributors you get, is the quality of the questions? I return to my basic question: what checks were run on the quality, appropriateness of these questions? Because without quality questions, the right questions, then the survey itself, no matter how widespread, is called into question. Does he not accept that some of the questions are misleading?

Deputy G.J. Truscott:

Something I think I will go away and look at and study, I have read ... there are 1,300 from the first survey. I have seen again the summary of the conclusions. Interestingly, it was the 35 to 55 age group that was responding mainly. It seems that the youngsters from 20 to 30, regarding their pension, were not probably too interested at this stage. As I say, I will be delighted to look into this matter though.

4.11 Deputy M.R. Higgins of the Chairman, Privileges and Procedures Committee regarding the timescale for the lodging of amendments to the States of Jersey Law 2005 in order to standardise who may, or may not, stand for election: [1(580)]

Will the Chairman provide the timescale for the lodging of amendments to the States of Jersey Law 2005 in order to standardise who may, or may not, stand for election to the positions of Connétable, Senator and Deputy, and will he confirm that the changes will be brought into effect before the election in May 2018?

The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

Yes, the committee approved the final draft of the amendment to the Connétables (Jersey) Law 2008 and the consequential amendments to the States of Jersey Law 2005 at the meeting earlier this month. We have since been waiting for the Human Rights Audit from the Law Officers' Department. I am advised that these have been received in a positive way this morning; therefore, if I am able to sign the Human Rights paper today, the proposition should be lodged today or tomorrow for debate mid-December or first sitting in January. Providing the States approve those

amendments and the Privy Council maintain their normal timescales, yes, the amendments should be in force for the May election.

Deputy M.R. Higgins:

I just thank the chairman for his answer.

4.12 Deputy S.Y. Mézec of the Chief Minister regarding the implementation of the recommendations of the Jersey Law Commission's report 'Improving Administrative Redress in Jersey': [1(578)]

What consideration, if any, is the Minister giving to implementing the recent recommendations from the Jersey Law Commission's report: *Improving Administrative Redress in Jersey*?

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

As I stated in response to the Deputy's written question on the subject, the recommendations cover a number of interlinked areas and will need to be considered as a whole. I do, however, hope an initial response will be provided by December of this year.

4.12.1 Deputy S.Y. Mézec:

A supplementary? One of the areas that the report looks into is the prospect of a Public Services Ombudsman. Does the Chief Minister believe that this is a particularly important area to consider, especially in light of the way that this Government has treated the States of Jersey Complaints Panel over recent years?

Senator I.J. Gorst:

I do not think this Government has treated the States of Jersey Complaints Panel any differently to any other. The Law Commission has produced a very thorough, detailed piece of work and while I might have my own personal views about a Public Sector Ombudsman, and I think that a lot of benefit could be derived from such a position, the Law Commission interlinks it with many other areas which are not quite so straightforward. Therefore, we need to consider all of what is being proposed by them.

4.12.2 Deputy G.P. Southern:

I presume that this Chief Minister has read the report, or at least a summary. Could he assure Members that he will attempt to keep, if we end up with an equivalent to the complaints board ...

The Bailiff:

I am sorry, Deputy, will you please sit down. Could I please ask Members who are listening to these questions in the coffee room to return to the Chamber as we are no longer quorate? Very well, Greffier, will you please call the roll? Oh, we do it electronically? All Members present, would they kindly please press their voting buttons? Can I thank the Deputy of St. Peter, Deputy Maçon, the Minister for Education and Senator Routier for returning to the Chamber, Deputy Le Fondré and the Deputy of St. Ouen? That is very good; we are now quorate. Deputy Southern.

Deputy G.P. Southern:

In the light of the findings of the Law Commission about what will replace the complaints board in future, whether it is an ombudsman or some other structure, will he assure Members that the clarity provided by the 5 points under "Grounds for Upholding a Complaint" are maintained or improved? Will he further make sure that the part of their remit, the board cannot overturn a decision made by a Minister, it can only ask the Minister to reconsider that decision, is strengthened and given teeth so that Ministers can be told that they have got it wrong and must put it right?

Senator I.J. Gorst:

I think the final point that the Deputy makes is probably at the heart of why many feel that the current system needs to either be strengthened or overhauled in its entirety. I agree with that view, having sat on both sides of a States Complaints Board Panel being represented from a departmental perspective and representing constituents. I think it is unsatisfactory for both sides of that equation.

4.12.3 Deputy G.P. Southern:

In addressing the first part of the question, the 5 points starting with the “Grounds for Upholding a Complaint”, starting with: “(a) was contrary to law” and ending with: “(e) was contrary to the generally-accepted principles of natural justice”, that structure gives tremendous clarity to a complaints board which does not exist for the other tribunals. Will he ensure that those 5 points or its equivalent improved, address the whole structure that replaces the complaints board in future?

Senator I.J. Gorst:

I was careful not to try and second-guess what proposal-strengthening or a new structure might have as its ultimate remit but the points the Deputy makes are very reasonable. I would expect them to be considered and part of any new system.

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

The Bailiff:

Then that brings that part of question time to an end. We now come to questions to Ministers without notice. The first question period is for the Minister for Infrastructure. Deputy Hilton.

5.1 Deputy J.A. Hilton:

A constituent recently contacted me expressing concern about an Order, I believe, that the Minister has made recently to change the way licences from other countries are accepted in the Island. Previously I believe we had a reciprocal agreement with countries that accepted Jersey licences and we accepted theirs. I believe the Minister has changed this and I was wondering whether the Minister would tell Ministers why he has taken this stand.

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

Indeed, the existing provision still stands so when we have a reciprocal agreement with countries, we exchange driving licences. Where we found the problem is that there are some countries that we have not been able to negotiate a reciprocal agreement. What we have done is to extend what currently is available in Jersey by adopting the U.K. standards as well whereby if the U.K. would accept a driving licence from another country, for example, South Africa, then we would do the same but we do not currently necessarily have a reciprocal agreement with those particular countries.

5.1.1 Deputy J.A. Hilton:

A supplementary? But why have we adopted the U.K. way rather than keep our own? I do not understand why. If a Jersey person cannot go to another country and exchange their licence because they have not agreed to a reciprocal agreement, I just want to understand why you would want to change that.

Deputy E.J. Noel:

It is quite simple, we still have the existing reciprocal arrangements with a substantial number of countries. What we have done is adopted, in addition to that, the U.K. standards, so it means that

those residents to the Island can obtain a Jersey driving licence without having to sit the Jersey test, providing that they will have been able to exchange their licence for a U.K. licence.

5.2 Deputy J.A.N. Le Fondré:

In relation to the Minister's responsibility for the new hospital project, could he confirm that my understanding is correct that the relocation costs for the new site have increased from £44 million to £80 million, in other words, near enough double?

Deputy E.J. Noel:

I will check on that figure. I will not give a confirmation of that because I have not got those figures at my fingertips.

Deputy J.A.N. Le Fondré:

Page 152 of the report.

Deputy E.J. Noel:

But I will confirm that in due course. But I do know the costs have gone up substantially; whether they have gone up as the figures that the Deputy has mentioned, I just need to confirm.

5.3 The Deputy of St. Ouen:

Given that the Minister has confirmed that changes to Patriotic Street Car Park do not form part of the planning application for the new hospital, how will the Minister bring forward proposals for car parking around the hospital in tandem with hospital planning or will we end up approving a new hospital without the assurance that there are sufficient parking spaces for those needing to visit it?

Deputy E.J. Noel:

The planning application that currently hopefully will be considered by the inspector next week is for the actual hospital site. There will be a whole series of planning applications, one for Westaway Court and many other buildings in the area, so there is going to be a series of planning applications. What the Deputy will see is that the funding of the extra 2 floors for Patriotic Street Car Park are now included within the £466 million but the refurbishment costs that my department were going to be carrying out in any event will still be coming from the Car Park Trading Fund. So, a planning application will be brought forward for the extension if that is deemed to be the way forward and that the extension will be funded out of the £466 million but the refurbishment of the rest of the car park will come out of the Car Park Trading Fund.

5.4 Senator S.C. Ferguson:

The press have identified the disbanding of the diving team at D.f.I. (Department for Infrastructure). Will the Minister describe the measures to be taken for cover which is covered by this team immediately and again once the team is totally disbanded?

[11:30]

Deputy E.J. Noel:

I thank the Senator for her question about this. To me, it is another one of the areas where my department is having difficulties with our recently incorporated States-owned company, the Ports of Jersey. They took the decision to put out to tender the dive team. The dive team we have is currently made up of 5 volunteers. To have a safe dive team you need 5 volunteers. One of those individuals is taking up a post with the Ports of Jersey. He is leaving his employment with D.f.I. to take up a role at the Ports of Jersey. Unfortunately, the Ports of Jersey will not release him to do dive work on their own equipment, and so we now have 4 divers in our team, which is below the minimum requirement, and so we are no longer able to provide that service to the Ports of Jersey.

5.5 Connétable J.E. Le Maistre of Grouville:

I am looking forward to the Minister's briefing on the proposed use of Picquet House, which has been redundant for some time now, but could the Minister tell us what plans there are to put the old St. Saviour's Hospital building to good use and when will those plans be fulfilled?

Deputy E.J. Noel:

As Members will know, the main stumbling block with the release of what is known as the Queen's Building at St. Saviour's Hospital has been the fact that it still has some operational activities there. That is being resolved with the move from Orchard House to a new-built facility adjacent to Clinique Pinel. That hopefully will be approved in the budget when we debate it on 28th November or a day or so afterwards. The whole campus, the south-side campus of St. Saviour's Hospital site, will be reviewed. We are waiting for some feedback from Planning in terms of the type of development they would like to see there. That property is likely to be transferred to the States of Jersey Development Company for them to come up with a scheme to hopefully provide a mixed tenure of housing on that site.

5.6 Deputy J.M. Maçon:

There have been many reports of more fly-tipping within the Island. Does the Minister think the change in policy that was adopted regarding charging of waste has influenced this and will the Minister look to review the situation again?

Deputy E.J. Noel:

No, I do not, because the fly-tipping ... we do not currently charge households for the disposal of their waste. The proposals going forward were not to charge households for the disposal of their waste so I do not anticipate that there will be an increase of fly-tipping from households. There may be an increase of fly-tipping from commercial activities. But as I already intimated, we were going to set up a taskforce to deal with this. Obviously that is not going to take place now because the Assembly has pushed forward to a later date the decision on whether or not we bring in waste charges for non-domestics.

5.7 Connétable J. Gallichan of St. Mary:

Returning to Deputy Hilton's subject raised earlier: does the Minister not think that accepting licences for exchange from countries that do not accept our own removes, effectively, any bargaining chip that we may have had to enable our Jersey residents to have that same treatment in those foreign countries? I have longevity with this and it is 17 years since I started dealing with some exchanges. Some of the countries that are still refusing to accept ours have now, under this Order, just been given *carte blanche* to come and we will exchange theirs. Something seems inequitable.

Deputy E.J. Noel:

I agree with the Constable. At first glance it does seem to be inequitable in one sense, but these are individuals who are coming to live in Jersey, who are choosing to live in Jersey, and it is really more about us being an open community to welcome these individuals. If they could have moved to the U.K. and automatically exchanged their driving licences, my department does not see any reason why they should not be able to obtain a Jersey driving licence and take an active part in our community.

5.7.1 The Connétable of St. Mary:

Supplementary? Does the Minister not think that this would be an ideal time to go out to those countries, we know which countries they are, and say: "We would like to do this, this is the last

stumbling block. Will you accept our licences?" Because we need to put the needs of Jersey people at the top as well.

Deputy E.J. Noel:

I agree with the Constable. We do need to help our people who have a Jersey driving licence when they emigrate out of the Island to other countries. We do have a big range of reciprocal agreements. This is just a small number of countries that we have extended the U.K. scheme to, to help those people who are coming to live and work in Jersey.

5.8 Deputy S.Y. Mézec:

Can the Minister recall how many full-time staff there were employed by his department when he took office as Minister and compare that with how many full-time staff there are in his department today?

Deputy E.J. Noel:

I do not have the exact figures, but we have reduced our F.T.E. (full-time equivalent) headcount by some 100 members of staff.

The Bailiff:

That is full-time equivalent, for those listening here.

5.9 Deputy M.R. Higgins:

Over a number of years the States have voted money to your department for a new headquarters for the Sea Cadets. Could the Minister tell us how much money is left of the money that was allocated to you and what progress is being made to giving them a new headquarters?

Deputy E.J. Noel:

That is something that my department ceased to act upon when it was decided that the Sea Cadets themselves would work with the Ports of Jersey, some 3 years ago now, to come up with a scheme that was going to be partly funded by an additional £1.2 million that the States agreed should be kept in contingency for that purpose.

5.9.1 Deputy M.R. Higgins:

Supplementary. Can you confirm how much money you have paid out to the people who are doing the work or do you still have the pot of money and, if so, how much is it?

Deputy E.J. Noel:

I believe it is a figure of around £100,000. I do not know the exact figure. I will get that for the Deputy in due course.

5.10 The Connétable of St. Mary:

Following the 0- as reported by constituents - very successful inauguration of the St. Peter's Valley cycle track, will the Minister advise whether there are any further plans to improve the surface on other tracks around the Island?

Deputy E.J. Noel:

Yes, indeed. I thank the Constable of St. Mary for that. We were going to keep it quite low key but we are about to start to resurface the cycle track around the perimeter of the airport. That work is due to begin next week.

5.11 Deputy L.M.C. Doublet:

Can the Minister outline if the spaces in Minden Place Car Park will include any parent and baby or parent and child spaces that are larger?

Deputy E.J. Noel:

Yes, overall there will be a reduction in the number of spaces in Minden Place Car Park because it is one of our oldest car parks and cars were so much smaller than they currently are, so some of the spaces are really not practical to use. I believe it is around 25 spaces that are being lost to allow for larger vehicles, particularly those with families, to be able to load and unload.

5.12 Deputy G.J. Truscott:

Following a proposition that failed previously regarding the taxi drivers, there was an undertaking given by the Chief Minister, and I presume the Minister for Infrastructure, to bring forward a meeting with the organisation. I want to know if that meeting has been arranged and will he be letting us know the outcome of that meeting.

Deputy E.J. Noel:

The undertaking, if I am correct in the interpretation, was to bring forward the review date for the tariff, which was going to be in January 2018. That has been brought forward and we anticipate being able to carry out that review this side of Christmas. Whether or not it is going to be completed by the end of November I am not sure, but it certainly will be before the Christmas break.

6. Questions to Ministers without notice - The Chief Minister

The Bailiff:

That brings the questions to the Minister for Infrastructure to an end. The Chief Minister will be pleased to know that he gets an extra minute of question time, and I call on Senator Ferguson.

6.1 Senator S.C. Ferguson:

Under natural justice, a person subject to investigation has the right to see the report of that investigation. Will the Chief Minister explain whether he has taken a stand to support the coxswain of the local lifeboat crew, what he has done, and, if not, why not?

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

I am not sure that I quite understand what the Deputy is referring to but I suspect she is referring to a report that is held outside of Jersey. A process has been, as I understand it, undertaken to try to procure a copy of that report. Again as far as I understand it, that has not been forthcoming for a number of reasons but I do not know what those reasons are.

6.1.1 Senator S.C. Ferguson:

Supplementary. Will the Chief Minister confirm, then, that he has done nothing to support the local lifeboat coxswain?

Senator I.J. Gorst:

The Senator knows that that is not the case at all. Officials not only from my department but from the Department for Economic Development, Tourism, Sport and Culture, together with a colleague Minister - the Minister for the Environment - have worked tirelessly to try to satisfactorily resolve the difficult situation that we all found ourselves in. We are as well, of course, aware that there are these ongoing requests.

Senator S.C. Ferguson:

The Chief Minister has not answered the question. It is with regard to the report. What has he done?

Senator I.J. Gorst:

I have had a number of meetings with a number of different officials from the organisation that we are talking about and we have relayed in those conversations the desire of the cox with regard to the report.

6.2 Deputy G.P. Southern:

The Minister will be aware that the S.E.B., the States Employment Board, has failed to reach a payment agreement with several public sector representatives. Is it the case that any agreements reached over 1 per cent in terms of pay will be taken from ... is it his intention to take that from the remaining budget, thereby imperilling the quality of service delivered?

Senator I.J. Gorst:

The States Employment Board has been endeavouring to deliver pay awards within the budget that has ultimately been approved by this Assembly. They recognise that pay restraint has been difficult and they have worked with departments to try to ensure that extra funds were available to offer in a pay award. Those extra funds have been conversations with departments and largely agreement across departments that they will meet them from their existing budgets. There are one or 2 departments for whom they will need to manage that carefully in the short term until a longer-term solution is found.

6.2.1 Deputy G.P. Southern:

Is that a yes, they will be taking any extra money from the existing budget, and does that imperil the quality of services delivered?

Senator I.J. Gorst:

I think I answered that question with regard to where the money was coming from. I said with the exception of, I think, 2 departments who will have to manage their budgets in the short term. No department suggested that there would be any diminution in services.

6.3 Deputy L.M.C. Doublet:

Following the concerns raised this morning about leading questions potentially within the Social Security consultation that is underway, can the Chief Minister outline for all departments what the process is when they are constructing questions for public consultations, and is our independent Statistics Unit consulted to ensure that the questions are valid and that a representative sample is achieved so that the outcomes are ones that we can use to base policy on with confidence?

[11:45]

Senator I.J. Gorst:

Questions for public surveys are, to my understanding, usually devised in conjunction... or at least the Statistics Unit undertakes a review to see if there are appropriate and fair questions. I cannot say whether that process was undertaken in regard to the Appivism questions. I am surprised that some Members today are complaining about the Appivism consultation, because on the whole I have had very positive feedback about the use of that technology. I suppose there are mitigating factors with regard to Social Security. As the Assistant Minister said, this is just one small element of a very detailed, thorough and overtime process whereby they will come forward with proposals, if change is necessary, to change.

6.4 Deputy J.A. Hilton:

In recent days Theresa May and Jeremy Corbyn have both called on staff who have experienced sexual harassment to contact the police in the wake of a number of allegations of harassment by M.P.s (Members of Parliament). Is the Chief Minister confident that the States of Jersey have effective reporting lines for staff if this situation was found to exist here?

Senator I.J. Gorst:

Perhaps I could join with both of those 2 individuals and make the same plea to anyone that has suffered such harassment, I think in their words, if it was of a serious nature, to report it to the police. That is absolutely what should happen. There are other cases of harassment and abuse which may not pass that threshold and I hope that we have appropriate processes in place. I will be - having returned to the Island this morning, when the story broke over the weekend - ensuring that that is reviewed to make sure that we do. Because the reality behind the headlines is, I fear, that people are afraid to come forward and to make a complaint about individuals, because - it is the same as we have heard in the Care Inquiry - they are afraid that they will not be believed, that it will not be acted upon and of then will therefore suffer in silence. I encourage people to come forward and make that complaint so that that complaint can be dealt with.

6.4.1 Deputy J.A. Hilton:

Supplementary. Can the Chief Minister confirm whether States Members will be included in that review?

Senator I.J. Gorst:

They indeed need to be yes.

6.5 Deputy C.F. Labey of Grouville:

Does the Chief Minister have confidence in C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) and the professional services they provide? In his opinion, do States departments now work better together post-ministerial government?

Senator I.J. Gorst:

Two questions there. Surprisingly, one is far easier to answer than the other. We have a Competition Law in place. The regulator of that law is C.I.C.R.A.. The former Assistant Minister undertook a review of competition. Issues arising from that review I think are being implemented. That is now undertaken by my other Assistant Minister and I hope that the implementation of those suggested changes will enhance everyone's trust in that organisation. When it comes to the second question: does the current system work better than the previous system when it comes to cross-departmental working? I think there were many improvements in the move to the current system but the issue of working across departments has not been solved. To some extent it is fair to say that individual silo committees were replaced by individual silo ministries and departments. That is why I am proposing and will be proposing the changes that I talked about in answer to a question earlier to create 'one government.'

The Bailiff:

Good of you to wait until Senator Ferguson left, Chief Minister. **[Laughter]**

6.6 Deputy G.J. Truscott:

Currently, Chief Minister, our organisation is spread around the Islands and we have South Hill, we have Planning, we have Howard Davis Farm for Environment, Education at Highlands, Social Security at La Motte Street and government at Cyril Le Marquand House. There were plans afoot at one stage to start to centralise and become more efficient through centralisation. Now we have a new chief executive officer in place, is this something that he will be considering to bring forward?

Senator I.J. Gorst:

I thank the Deputy for his question. He is absolutely right. There were well-advanced plans to create a central building but the difficulty was in agreeing source of funding for that. Property Holdings and Deputy Noel did a lot of work there. The incoming chief executive officer is very keen indeed to dust off that work. If that work, as far as it went, will take too long, then I think we are going to have to be creative about finding a suitable space that will bring us together. That will not find favour with every department. Already some departments in the proposed scheme said they did not want to move to a central office block. That is not acceptable. If we are really going to change the way we deliver our services, one silo department or Minister saying: "I am not going to move" is the wrong approach. It is the approach of yesterday, it is the approach of the past. There is a better way and we must all strive to deliver it.

6.7 Deputy G.P. Southern:

The States Employment Board have made some progress on removing the inappropriate use of zero-hours contracts for States employees. Is the Chief Minister satisfied that there are no remaining improperly used zero-hours contracts in the public sector? If not, what does he propose to do about that situation?

Senator I.J. Gorst:

The Deputy knows that a review was undertaken in this regard. As far as I am aware, that review is now complete and the uses of such contracts are done in an appropriate way. If, again, he has evidence where he feels that may not be the case, then please indeed get in touch with H.R. or the States Employment Board because they would be keen to know about it because as far as they are concerned the review is complete. I would also say that the latest statistics show that from an Island-wide perspective the use of zero-hours contracts has declined, something like 700 fewer over the last 6 months, back to the level that it was in 2014.

6.7.1 Deputy G.P. Southern:

Can I understand from his response that he is in fact perfectly satisfied that there are no inappropriately used zero-hours contracts operating in the States sector today?

Senator I.J. Gorst:

He is trying to lure me, as is the acting chairman of the States Employment Board, into an appealing "yes" to that. No, it is not, and the Deputy knows why it is not, because the piece of work that the States Employment Board asked to be undertaken has been undertaken. That work is complete. The States Employment Board have had it confirmed to them that at the end of that work there were no inappropriate uses of zero-hours contracts. But have I, have they, gone through every single instance individually to double-check that work? No, of course they have not. They have relied on officials to communicate that to them. Therefore, as far as we are aware, there is no currently inappropriate use.

6.8 Senator P.F.C. Ozouf:

Last night in the *J.E.P. (Jersey Evening Post)* there was a story that was concerning a U.K. consultant. The Islanders and the media have a default objection to obviously wasting money. I wonder whether the Chief Minister would use the opportunity of questions without notice to explain about why an appointment has been made for the U.K. consultant and could the Chief Minister explain the value for money and what this individual has done?

The Bailiff:

You have under a minute, Chief Minister.

Senator I.J. Gorst:

Whether we communicate, we are criticised. When we employ someone to help with that communication, and I think that most Members of this Assembly would think that the Care Inquiry, as difficult as it was, was handled as well as it could have been. That does not happen by accident. That comes by expertise in fields providing advice. The story on the front page of the paper yesterday was about one of those individuals. I think we should be thanking them that they are advising us on how to handle lots of these difficult issues. Be in no doubt, the challenges as I have said earlier today, that we face across the globe and how we need to improve how we communicate and build our relationships are enhanced by this particular individual. I think he is a great asset to the team.

PUBLIC BUSINESS

7. Draft Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201- (P.80/2017)

The Bailiff:

That brings our questions without notice to an end. There is nothing under J, Personal Statements, no Statements on Matters of Responsibility. We come to Public Business, the first item of which is the Draft Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations, P.80, lodged by the Minister for Social Security. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989, have made the following Regulations.

The Bailiff:

Assistant Minister, do you wish to propose the principles?

7.1 Deputy G.J. Truscott (Assistant Minister for Social Security - rapporteur):

The Minister is absent on official States business and she is attending the C.P.A. (Commonwealth Parliamentary Association) conference in Bangladesh. I am pleased to act as rapporteur on her behalf. The proposed Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201- introduce minor changes to the existing Regulations. The draft amendment will have the effect of ensuring that the States of Jersey fulfils its International Treaty obligations as a party to the International Convention for Safe Containers, 1972. Consultation with the only local operator, potentially impacted by the proposed amendment, identified that the only containers were manufactured prior to 1st July 2014. Therefore, the proposed amendment will have no immediate impact. There are no financial, or manpower, implications for the States of Jersey arising from this proposed draft amendment. I am pleased, therefore, to propose the amendment to the States.

The Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the principles? All Members in favour of adopting the principles kindly show. The *appel* is called for. The vote is on the principles of P.80, the Draft Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations. I will ask Members to return to their seats and invite the Greffier to open the voting.

POUR: 33		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Bailiff:

Deputy of St. Ouen, does your panel wish to scrutinise these Regulations?

The Deputy of St. Ouen (Chairman, Health and Social Security Scrutiny Panel):

No, Sir.

The Bailiff:

Assistant Minister, how do you wish to proceed with these?

7.2 Deputy G.J. Truscott:

I can sum up this amendment, which introduces minor changes to the existing Regulations. The changes ensure Jersey meets its international treaty obligations and maintain the principles.

The Bailiff:

We have done the principles. They have just been approved. Are you proposing the Regulations *en bloc*?

Deputy G.J. Truscott:

I will move to the next sheet, then. **[Laughter]** They are *en bloc*, please, Sir. Was that the question? Yes, indeed.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on these?

[12:00]

7.2.1 Deputy G.P. Southern:

If I can straighten my face to speak, please. Could I ask for a point of clarification from the Assistant Minister, in that he said something about containers manufactured, and I did not quite hear, either before, or after, 2014, which meant that we do not use the containers specified in this particular item. Was that the case?

The Bailiff:

Does any other Member wish to speak? I ask the Assistant Minister to reply.

7.2.2 Deputy G.J. Truscott:

There is a safety plate on the containers and because the local operator's fleet was built at a certain stage, these Regulations will not be affecting those containers.

Deputy G.P. Southern:

The question still applies. Was that before or after 2014? Was that the date?

Deputy G.J. Truscott:

That was pre.

The Bailiff:

Those Members in favour of adopting Regulations 1 to 4, kindly show. Those against? The Regulations are adopted. Do you propose the Regulations in Third Reading, Assistant Minister? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those Members in favour of adopting them, kindly show. Those against? The Regulations are adopted in Third Reading.

8. Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations (P.82/2017)

The Bailiff:

We now come to the Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations, P.82/2017, lodged by the Minister for Social Security. I will ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the Social Security (Bonus) (Jersey) Law 2014, have made the following Regulations.

8.1 Deputy G.J. Truscott (Assistant Minister for Social Security - rapporteur):

Once again I am very pleased to act as rapporteur for the Minister during her absence on official States business. These Regulations build on the work done last year to provide a targeted Christmas bonus to low-income pensioners and other vulnerable low-income groups. The targeted

Christmas bonus has now been established under 2 separate laws. The Income Support Law provides a Christmas bonus to vulnerable groups who receive means-tested support with weekly living costs and are either aged over 65 or have a significant disability, or long-term condition. The Christmas bonus is also available to other pensioners through the Social Security (Bonus) Law and it is a minor change to these Regulations that we are debating today. Last year, a Christmas bonus was paid to pensioners who were signed up to the 65+ Health scheme. This was achieved through a transitional provision in the Regulations, as the 65+ Health scheme was due to be replaced on 1st January 2017 by the new Pension Plus scheme. The new Pension Plus scheme was set up as planned and now assists pensioners with health costs, as they can get regular help with dental, chiropody and other optical costs. These Regulations create the same eligibility for the Christmas bonus, but now on a permanent basis. If a pensioner is signed up to the Pension Plus in November of a year, they will get a Christmas bonus in December of that year. The pensioner does not need to apply separately for the Christmas bonus and it will be paid automatically into the bank account a week, or so, before Christmas. This is a minor amendment to the Regulations, to allow the Christmas bonus to be paid to the Pension Plus members in 2017 and in future years. I am pleased to propose these Regulations.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on the principles of these Regulations?

8.1.1 Deputy S.M. Wickenden:

I wonder if the Assistant Minister could inform us on what the value of the Christmas bonus for pensioners will be, as it is not written down in the report.

8.1.2 Deputy G.P. Southern:

If he could also state what income threshold currently exists on the ability to receive the Christmas bonus this year.

8.1.3 The Connétable of St. Lawrence:

I have always had a problem with how those who can benefit from things such as the Health Bonus Scheme are made aware of their eligibility for those schemes. I think it would be interesting to hear from the Assistant Minister today of how those who are eligible for this scheme are made aware of it, because, clearly, it is dependent upon them being within the scheme that allows them to receive the Christmas bonus. I would like to know, again, how the Social Security Department make people aware of their eligibility for the Health Bonus Scheme.

8.1.4 The Deputy of St. Ouen:

Can the Assistant Minister clarify whether the persons, presently registered on the Pension Plus scheme, have provided their bank account details to the department? If not, how is it proposed to make the payment to those persons registered on the scheme?

Deputy G.J. Truscott:

Can we just clarify that? Did you say how do they do it?

The Deputy of St. Ouen:

My question is: has the department sought the bank account details of the persons who are registered on the scheme. Because, when the Assistant Minister proposed this, he said that payment would be made via the bank accounts. I am querying why it is necessary for the department to hold bank account details of persons registered on the scheme. If the department does not, how will the payment be made?

8.1.5 Deputy S.Y. Mézec:

When the Income Distribution Survey came out not that long ago, it told us the proportion of pensioners who live in relative low income, which was around about a third. Does the Assistant Minister have any guess at what proportion of that third of pensioners living in relative low income who will be receiving this Christmas bonus, and is there any chance that some of those who are living in relative low income will not receive the bonus, when it is clear that they obviously need it?

The Bailiff:

Does any other Member wish to speak? I call on the Minister to reply.

8.1.6 Deputy G.J. Truscott:

To start with Deputy Wickenden, the value is £84.87. It is the same as it was previously. Deputy Southern, just to clarify the value ...

Deputy G.P. Southern:

My question is what is the level of means test?

Deputy G.J. Truscott:

The level of means test is you have to be a member of the new Health Plus scheme. I think your net assets are not to exceed £30,000 between a partnership, or a married couple.

Deputy G.P. Southern:

And income, which is fairly basic.

Deputy G.J. Truscott:

We take into account various things like premium bonds, jewellery, *et cetera*.

The Bailiff:

I think, Assistant Minister, you have been asked the income threshold.

Deputy G.J. Truscott:

The income threshold is £30,000 a household. Shall I move on? The Deputy of St. Ouen. We already have bank account details of pensioners and they will be paid directly into those bank accounts. It is a natural process of the business. Deputy Mézec, could you just clarify again, sorry? I am obviously new to this. It is the first outing in 3 years. It is quite an experience.

Deputy S.Y. Mézec:

The question I was asking was: we know that just under a third of pensioners in Jersey live in relative low income - a statistic that I would hope we would find shocking and unacceptable. What proportion of those pensioners does the Assistant Minister believe will be entitled to a Christmas bonus under this new scheme? These are the poorest pensioners, almost a third of whom live in relative low income at the moment. Will there be any of these pensioners, living in relative low income, who will not be receiving a bonus under this proposed scheme?

Deputy G.J. Truscott:

With the ageing demographic expected to double within the next 15 years, it was thought by the Assembly it would be too costly to maintain the previous Christmas bonus, which was mounting to £1.6 million a year. That was going to everyone over 65, irrespective of their wealth. This policy, if it continued, would have cost the taxpayer probably over £3.5 million per year by the year 2030. We have a hospital to build: £500 million: new schools to build, Les Quennevais School at £50 million; the P.82 in the community to implement, and goodness knows how much that will be.

There has never been so much demand on taxpayers' money. There is regret that the Christmas bonus to everyone has been stopped but, sadly, times have changed. What money we do have has to be targeted to the people who need it and who are in most need in our community. I do hope that if they meet the particular requirement of the Christmas bonus, that they will receive a Christmas bonus. During November, if they want to come in, if they feel are eligible for the Christmas bonus, then please come into the department and we will see if we can get you signed up.

Deputy G.P. Southern:

A point of clarification if I may. I am still not clear whether the £30,000 mentioned by the Assistant Minister was an income level, or a savings level. I think I heard savings at one stage.

Deputy G.J. Truscott:

It is income.

The Connétable of St. Lawrence:

If I might just remind the Assistant Minister that I also asked a question.

Deputy G.J. Truscott:

We are getting there, slowly but surely. Yes, we have been advertising the Christmas scheme. We have had posters in the car parks, the multi-storeys. We have a new leaflet that is going out to doctors' surgeries and Parish Halls and we will be advertising in various media, as well, to make people aware. I maintain the proposition.

The Bailiff:

Those Members in favour of adopting the principles?

Deputy S.Y. Mézec:

Sir, can I ask a point of order before we do that? I would have to ask your guidance on what the best way for this is, simply because I am not sure. I am sure that some Members may feel that questions that were asked for this proposition have not been answered to a satisfactory degree. Is there a mechanism by which we can ask for this to be brought back at a later sitting, once those questions can be answered? Obviously that would be down to the Assembly if they think that is appropriate, but is there a mechanism under which that can be done?

The Bailiff:

There are different mechanisms, but the most obvious one is for the questioner, who feels that his, or her, question has not been answered by the speech of the Assistant Minister to request now for that clarification. Very well. Then I will take it that no such clarification is required. Those Members in favour of adopting the principles kindly show. Sorry, stop a moment, please.

Deputy J.A. Martin:

Sorry, Sir, I did not speak but I want to ask you ... this is probably a point of order. I do not think the Assistant Minister intentionally did this, but I think on the income, it is clearly people who do not pay tax, and he said the limit is £30,000. Then he has also asked on air that everyone who is eligible come in. At £30,000, you will be inundated. I do not want the Assistant Minister to mislead the House. I think it is around £14,200 for a single person.

Deputy G.J. Truscott:

Could I bring the answers to this after lunch? Would that be appropriate?

The Bailiff:

Not really, because we are at the moment debating these Regulations. If you wish not to go ahead with the Regulations for the time being, perhaps you could withdraw that, but that would have other consequences.

Deputy G.J. Truscott:

Yes, I do not want to do that. Christmas bonus is not treated as benefit, or income. The payment and the entitlement to receive payment of the Christmas bonus are to be discharged for all the purposes of income tax and for the purposes of any enactment, under which regard is to be had to a person's means.

Deputy G.P. Southern:

Is it appropriate to refer this back to ...

[12:15]

Deputy G.J. Truscott:

I would like not to refer this back, I would just like to, perhaps, clarify. Can we just get to where we are? Did you just require clarification?

Deputy J.A. Martin:

Just to be helpful to the Assistant Minister, on your opening page, page 3, your Christmas bonus for 2017 and future years, it is the penultimate sentence, which states: "These pensioners have to satisfy a residence test, do not pay income tax and have limited savings." They are 2 different figures, but it is the paying income tax and the single person pays income tax on £14,200 a year, so what the Minister is saying is double. I do not think there is anything wrong with the proposition, it is just confusing.

Deputy G.J. Truscott:

If we can have some assistance here.

The Bailiff:

I wonder if the report gives you some help. If you look at the second paragraph: "Christmas bonus for 2017 and future years." It is said that there are: "2,500 pensioners, now members of the Pension Plus scheme which provides financial assistance with dental, optical and chiropody costs. These pensioners have satisfied a residence test, do not pay income tax and have limited savings. The scheme is open to homeowners, as the value of the family home is not included in the asset test. The Regulations will automatically provide a Christmas bonus each year to every pensioner who is a member of the Pension Plus scheme during November of that year. This will reduce the need for administration and ensure that all pensioners, who have applied for the health scheme, will also receive a Christmas Bonus." That appears from the report to be the purpose of these Regulations. Very well, all Members in favour of adopting the principles, kindly show. The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of P.82, the Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				

Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Deputy of St. Ouen, do you wish to speak now to these Regulations?

The Deputy of St. Ouen (Chairman, Health and Social Security Scrutiny Panel):

No, Sir.

The Bailiff:

Assistant Minister, do you propose Regulations 1 and 2 together?

8.2 Deputy G.J. Truscott:

Yes, Sir.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak?

8.2.1 Deputy G.P. Southern:

I wonder if there is a Standing Order somewhere that says: Assistant Ministers and Ministers should read their brief before they attend the Chamber.

The Bailiff:

Does any other Member wish to speak? Minister, do you wish to reply? No. Those Members in favour of adopting Regulations 1 and 2 kindly show. Those against? The Regulations are adopted. Do you propose the Regulations in Third Reading, Minister? Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted.

9. Draft Public Health and Safety (Rented Dwellings) (Jersey) Law (P.66/2017)

The Bailiff:

We come to P.66/2017, the Draft Public Health and Safety (Rented Dwellings) (Jersey) Law, lodged by the Minister for the Environment. I would ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-. A law to promote the health and safety of persons in rented dwellings, and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

The Bailiff:

Minister, you should propose the principles.

Senator P.F.C. Ozouf:

Sir, should a declaration, out of interest, be made where Members have rented properties that would be liable to be caught by such a new law? In which case, I am a landlord and wish to make that declaration, but I do not see why I should withdraw, because it captures a large class of individuals.

The Bailiff:

It captures a large class of people, Senator, I am grateful for the declaration. Any other Member who wishes to make ...

Senator I.J. Gorst:

Yes, if I may, Sir.

The Bailiff:

All those who have such a declaration to make, will they kindly stand and the Greffier will note who they are? **[Laughter]** Does the Greffier have everybody? Thank you very much. Minister?

9.1 The Deputy of St. Martin (The Minister for the Environment):

This proposed legislation provides ministerial powers to enact subordinate legislation, based on best practice, to protect the health and safety of occupants of - and visitors to - rented dwellings. The required powers fall into 2 broad categories. First, powers to introduce minimum health and safety standards with respect to rented dwellings and, secondly, provision that the States may, by Regulations, establish a scheme of licensing rented dwellings and in particular to enable the Minister to issue and charge for licences. The draft legislation does 4 things. First, it defines a rented dwellings for the purposes of the law. Secondly, it makes the Minister for the Environment responsible for promoting the health and safety of persons in and about rented dwellings and makes

provision for officers to be authorised to take action on the Minister's behalf. It then empowers the Minister to make Orders to promote such matters. In relation to health and safety, Orders may prescribe what structural, or other defects, to be found in rented dwellings will be regarded as hazards, the method of assessing risk posed by these hazards and the level of risk that is acceptable for any hazard. Finally, it provides for the Minister to prepare, issue and revise codes of practice to provide practical guidance in respect of any provision of the Law, or its Orders and to arrange printing and distribution of such codes. Enforcement in support of the control measures is provided by power to apply penalties, or sanctions, either criminal or administrative. Housing is a basic human right, enshrined in Article 25 of the United Nations Universal Declaration of Human Rights, as the right not just to basic shelter, but to adequate housing in terms of legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility and location and cultural adequacy. This is recognised in the housing strategy, which sets out a vision for all Islanders to live in secure, high-quality homes, homes they can afford. One of the priorities of the strategy is to improve the standard of accommodation in the rental sector, ensuring that a robust, proportionate and effective legal framework exists to encourage good standard and properly managed rental accommodation. The World Health Organisation has said: "The dwelling is the physical structure providing shelter and the necessary space, facilities and amenities for the household. The home is the social, cultural and economic structure created by the household. It represents a refuge from the outside world, enables the development of a sense of identity and attachment, as an individual, or as a part of a household, and it provides a space to be oneself." That the dwelling, its location and the immediate environment can have an impact on social, mental and physical health has long been recognised. It was Florence Nightingale who said: "The connection between the health and dwelling of the population is the most important one that exists." More recently, Sir Michael Marmot, who wrote *Fair Society, Healthy Lives* in his eminent report of 2010 recognised the link between poor housing and poor health in his work of health inequalities. Increasingly across the world it has been recognised that housing conditions are a major determinant of health. Living in poor housing causes ill health, increases the likelihood of accidents and shortens lives. The report of the Independent Jersey Care Inquiry speaks of home situations deemed harmful or unsatisfactory, and states: "Circumstances that increase the risk of hardship include the influence of inadequate and costly housing." States Members will have seen the photographs in the briefing packs prepared by my department. These are, indeed, of Jersey dwellings and are, indeed, recent. Such properties are seen every week by the Environmental Health Team and they are not the worst examples. The Fire Service has this year closed 6 properties, which were deemed so serious a risk for tenants due to a serious lack of fire safety plans. The problem of substandard rental accommodation has gone under the radar for too long. The first model housing standards in the U.K. were published by Chadwick in 1842 and the first recognisable U.K. Act of Parliament, which dealt with these issues, was in 1917. A century later, this draft law seeks to set out, for the first time, minimum housing standards for rented dwellings in Jersey, a mechanism for their regulation and the ability for the States, by regulation, to bring forward a scheme to license rented dwellings. Members will know that the States regulates food, alcohol, entertainment, water, waste, gambling, environment drugs, health and safety, smoking, seat belts, ice cream and seemingly everything, except housing standards. The field of healthy housing is multidisciplinary. It requires a shift, or rather a reconnecting, of the housing and public health fields that were once linked, but became increasingly separate during the latter part of the 20th century. Indeed, one of the key barriers to creating healthier housing is that our institutions have largely been set up to deal with categorical problems in a categorical way, using categorical funding, discouraging cross-disciplinary solutions. A comprehensive, co-ordinated approach to healthy homes will result in the greatest public health impact. Directing resources towards a single disease, or condition, rather than working to improve the overall housing environment is inefficient and does not holistically address residents' health and safety risks. However, over the past few

years co-operation across departments of the States has led to more effective and more efficient work in the rented sector. The Environmental Health Team receives regular referrals about poor housing standards from many different professional groups, charities and organisations, around 20 in all. They work on a daily basis with colleagues from Health, Social Services, Fire and Rescue, Trading Standards and many others. Some of us have seen first-hand the excellent work of the self-neglect group and also some of the disturbing living conditions endured by some Islanders. The Minister for Housing has delegated powers to my Environmental Health Team to investigate complaints under the Residential Tenancy Jersey Law 2011, a good example of joined-up government. This work has uncovered and continues to uncover breaches, where landlords fail to comply with the law, sometimes through ignorance, sometimes wilfully. Either is unacceptable. This draft law adopts a comprehensive and co-ordinated approach to improving health and safety in homes. The approach, which has been gathering momentum in recent years, recognises that many hazards coexist in homes, especially older houses, from lead, mould, dust, pesticides, harmful chemicals, radon and dangerous structures; from inadequate plumbing, ventilation and heating. For efficiency's sake certainly and more importantly for the opportunity to create a healthy and safe home environment, it makes better sense holistically to tackle these in an integrated fashion. Healthy communities are an integral part of all aspects of public health and neighbourhoods. This central theme must guide our efforts to ensure that all are given access to a safe and healthy home. There are other reasons why we should be ensuring all rented dwellings are safe and not likely to make residents ill. A healthy population is an important goal with benefits for all. Healthy children are better able to learn. A fit workforce is more productive and, according to the World Health Organisation, a state with good health is more stable politically and economically. This draft law is about protecting the health of those who live in rented accommodation and, as far as is foreseeable, preventing them from accidents caused by the state of their home. It is about keeping them healthy and keeping them safe. Our ageing population is living longer. It is important we do what we can to keep them healthy and safe in their own homes. The draft law would apply equally to all tenures of rented accommodation in all sectors: private rented dwellings, social housing and staff accommodation. A vibrant, professional, private rental sector is vital to the economy of this Island. Along with the social housing providers and accommodation provided by employers, they provide homes for over 20,000 households.

[12:30]

Our good landlords, and there are many, should be congratulated. The less good should be encouraged to become better. We should never forget that we are talking about people's homes, people's health, people's lives. This draft law is very important in ensuring we protect our children by ensuring they live in safe accommodation, which will not make them ill. By so doing, the Island's children can all have the opportunity to thrive and to fulfil their potential. This draft law is also very important to ensure we look after the mature in our community, who can continue to live healthy lives, in their own homes, for many years to come. This draft law is very important in ensuring our workforce have a safe and healthy environment to live in, in which to make their homes. It is not surprising that some landlords are against such regulation. They speak of a sledgehammer to crack a nut, of unnecessary red tape, of bureaucracy, of an army of inspectors. I recognise none of that. Evidence shows that this law is very necessary. Every week we find dwellings, which are either unhealthy, or unsafe. Every night families are putting their children to bed at risk of accident, or ill health, caused by their home, the very place that should be their place of safety and sanctuary. What of the elderly? They too need to know their home is safe; that they are not at an increased risk of falling because of the state of their home. A broken hip caused by a fall on unsafe stairs will cost the States over £100,000 in medical costs in the first year alone. That is before incidental costs to a family and, of course, the pain and upset. Often, the person concerned never makes a full recovery. A simple handrail may well prevent such a fall. Many

families, across Jersey, have children with asthma, caused or exacerbated by mould growth. Remove the mould, remove the cause of the mould, and the children's health improves dramatically. I hope Members will have had time to read the Shelter document included in their briefing pack. The case studies in that document demonstrate more eloquently than I ever could the need for our children to be in safe, healthy homes and the need to break, in many cases, the generational cycle of unfulfilled lives. At this point I should acknowledge that not all problems in housing are caused by the negligence of landlords. Landlords and tenants each have their rights and their responsibilities. If Environmental Health believe the problem to be tenant-caused, they do and will continue to say so. This draft law is proportionate. It provides the necessary enforcement powers to ensure an incremental improvement in the standards of rented dwellings across all sectors. So, what are those proposed minimum standards? Are they really so onerous? Of course not. They deal with the provision of sanitary facilities and somewhere to wash, with the provision of water, which meets recognised standards, with electrical safety, with gas safety where appropriate, and with fire safety in all rental dwellings. Possibly, with the Grenfell disaster in mind, in this Assembly the question was asked, only 3 weeks ago: "Should all rented dwellings be subject to regulation for fire safety?" It should and this law covers that. Dwellings should have heating, lighting and ventilation and facilities to allow meals to be prepared and for food to be properly stored. These are all things we would expect in our own homes and it may surprise some that they are not always available. They are the very standards already adopted by Andium Homes as part of the Decent Homes Standards and by the growing number of landlords who have joined and who are joining the Rent Safe Accreditation Scheme. The Code of Practice, which I will publish, will detail the 29 hazards that will be assessed and the method of assessment. The process, known as the Housing Health and Safety Rating System, is transparent and evidence based. The Environmental Health team and Andium Homes' officers were jointly trained in its application and it is the intention that training and awareness sessions will be offered to landlords, agents, surveyors, and tenants' representatives. The system allows for nuanced enforcement, for dialogue and agreement with landlords, agents and tenants, as the best way forward and for persuasive compliance. It allows the difficult examples such as listed buildings to be dealt with sensibly. It is certainly not a sledgehammer. Substandard housing should not be a hard nut to crack. However, when all else fails, the law provides for proportionate enforcement action, with all the checks and balances expected in an advanced 21st century democracy. The information packs, which I hope Members have all received, have graphic examples of why we need these standards. Many have voiced their shock that these are in Jersey. Not only are they in Jersey, but they are recent. The Environmental Health team sees examples such as these, week in, week out. Common types of problems include lack of suitable drainage, inadequate heating, inadequate ventilation, poor insulation, dangerous electrical installations, condensation, mould growth and problems such as water leakage, open cracks and/or holes, broken plaster and evidence of vermin. It is also true that in some cases money from the housing element of benefit payments is being used to pay rent on these substandard dwellings and this can also not be acceptable. What are the standards? The standards are basic, they do not deal with the aesthetics of a dwelling, they are not concerned with luxury, they are designed to ensure someone's home will not make them ill and will not increase their chance of becoming injured through a foreseeable accident caused by the conditions of the dwelling itself. These are standards, which many landlords already achieve; something that I am sure we will all agree should not be a lot to ask for in the 21st century. Part of the private rented market is already subject to licensing. I speak, of course, of lodging houses. This legislation is now out of date and would be repealed in due course by the introduction of a licensing scheme under this draft law. The draft law allows the States, by regulation, to require the licensing of rented dwellings. It would be my intention to bring forward regulations, which would require all rented dwellings to be licensed. Licensing, or registration, is the only reliable mechanism to allow the States to find out where rented property is and to allow regulation. Details of the scheme will

be brought forward before the States, in due course, subject to scrutiny and to debate in this Assembly. However, I appreciate that there is much interest in this aspect of the draft law and there has been speculation and misinformation in parts of the media. The likely cost of a licence, to license a property, which meets the 5-star Rent Safe standard would be £50 *per annum*, 4 stars £100, and those which meet the bare minimum standards £150 *per annum*. The link to the Rent Safe scheme is deliberate. Accredited properties will require much less regulation and consequently should be charged less. There is an economic driver to encourage landlords to sign up to Rent Safe, which is and will remain free and to adopt best practice. It also rewards our many good landlords. There will be separate licensing fees for social housing and staff accommodation, again with discounts for Rent Safe accredited properties. The Environmental Health team will be more proactive in their recruitment to Rent Safe, should the draft law be approved. I have been asked how this might change the housing market. There is no comparable jurisdiction, but I do not believe that £50 *per annum*, when the median average rent for a qualified one-bed flat is £1,000 per month, will have much influence on the availability of rental property. If only the minimum standards are achieved, the fee will represent about one-and-a-quarter per cent of the median annual rent for a one-bedroom flat. If, as we are told, there was a shortage of rental properties, it is even more important to ensure that all of those meet minimum standards. During the development of the law, some 4 years ago, a previous draft became known as the Snoopers' Charter. There has been some mention in the media of sweeping new powers of entry for officers. The powers available under the draft law are already available under other laws. The only way we would ever know if a property is substandard would be if it was so obvious from the outside or if someone complained. The improvements to rented dwellings will be, in the most part, complaint driven. Power to enter, under warrant, would require the provision of evidence for requiring entry. Without convincing argument and evidence, a warrant will not be allowed. This is proportional enforcement with checks and balances. What the draft law will do is to set down what the States consider to be an acceptable minimum standard and so inform tenants what they should expect from their rented dwelling. So, I come to resources. During the last 2 years, with this draft law in mind, any recruitment to my Environmental Health team has been informed by the needs of the draft law. The necessary software required to make the licensing process efficient and as painless as possible for the landlords is in development. Unlike the landlords, we do not foresee the need for additional headcount, or resources, within Environmental Health at this time. However, we are not absolutely sure how many rented dwellings there are out there. We have contingency plans to cover the initial peak of workload and if the need is long term we will recruit accordingly. If adopted, this law will be properly implemented. We have identified a need within the housing team, as a consequence of this law, and a possible additional demand on the Fire and Rescue Service. We are speaking with colleagues and will ensure that all that is needed to protect tenants' health and safety will be in place. I think the need for this draft law is clear. This law gives the States the opportunity to protect the most vulnerable in communities, the children who represent the future and about whom we have heard so much of late, the more senior members, who should be able to enjoy their retirement safely and with dignity and the workforce, often silent, on whom our economy depends. I commend these principles to the Assembly and I would hope that Members realise the importance of these proposals.

The Bailiff:

Are the principles seconded? [**Seconded**] Just 2 matters before we adjourn. First, I give notice to Members that the Minimum Wage Revocation of Social Security Order and Amendment of States Act, dated 21st April 2010, P.109/2017, has been lodged by Deputy Mézec. I have just received notice and would like to advise Members that, since the Assembly's last meeting, a former Deputy of St. Mary, Mr. Bertram Manning Le Maistre, passed away on 10th October. Mr. Le Maistre entered the States in December 1981. He was elected to sit on a number of committees, including

Public Works, Cottage Homes, Broadcasting and Port Regional Development committees. He was elected to the Assembly for a second term in 1984 after which he continued to serve on the Cottage Homes and Broadcasting committees. He was also elected for the Housing and Island Development committees. He retired from the States in 1987, when he chose not to contest the elections of that year. He is remembered as someone who was relatively reserved in this Chamber, but he clearly pleased the Parish as he was re-elected and he is described as a gentleman, quietly spoken and unfailingly polite. Our thoughts are with his son Robert and family and I ask Members to rise for a minute in his memory. **[Silence]** May he rest in peace.

[12:45]

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The States will now stand adjourned until 2.15 p.m. this afternoon.

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

The Assembly now resumes debate on P.66/2017. The principles have been proposed and seconded. Does any Member wish to speak on the principles? Do not be shy. **[Laughter]** Deputy Southern.

9.1.1 Deputy G.P. Southern:

Good afternoon, Chamber. I did not expect to be first up, but I rise to my feet to give near unadulterated praise to this proposition, in that I find its aims and the way it tries to achieve those aims perfectly laudable. They are, in my mind, strictly common sense and are laid out in a perfectly acceptable manner, so that section 4, Codes of Practice, draws up those practices and then reinforces them with section 5, where it is talking about the licensing of landlords, which provides some teeth, or potential teeth, because it is broadly an outline of what powers are being given appropriately to the Minister. It then covers the enforcement aspects and again I have read through that section 6 in part 3 on enforcement and find it substantial enough to be effective. Because, the point of bringing legislation is always how effective can you make it. It is no point in bringing vague, or non-specific, terms to the House and saying: "This will sort things" when, in fact, what happens is that it does not sort anything, but we have done our best and we have done our duty and done something, rather than nothing, often drives Jersey law. The one exception, I would say, is that in Article 4, under the Codes of Practice, the decision has been made yet again - and it is not particularly only relevant to this legislation, but to all legislation that comes before us - is that in (1)(a) it is down to an Order brought/submitted, but not submitted to this body. It could be regulated, it might be, an M.D. (Ministerial Decision) with an Order attached, that comes to that table, but does not get automatically voted on by this House. I would always prefer issues brought to the House by regulation, so that we can see them, amend them, and see if they are fit for purpose, rather than Ministerial Decisions, which often will go by the board and you only find out later it does not work and you have to come back to try and fix it. Apart from the absence of regulation, or the absence of regulations in making Orders, I think it is a thoroughly sound and well-worthy piece of legislation, which meets, I believe, what is an identified need in terms of the living conditions for our residents and this Minister and this House should be proud of this particular piece of legislation.

9.1.2 Connétable C.H. Taylor of St. John:

Before the debate began, Members were asked who had interests and the landlords duly stood up. But, for every landlord there is a tenant and without a landlord you will not have a tenant, or a

tenant will not have accommodation without a landlord. So, in the interests of fairness, I would ask your indulgence, Sir, in that could Members, who are tenants, stand up and be noted by the Greffe?

Deputy J.A. Martin:

Can it be noted that I am not a tenant of the Constable of St. John, please, Sir? **[Laughter]**

The Bailiff:

That helps the debate enormously. Connétable, it is clear with landlords that they have a financial interest in the arrangements, which are now under consideration by the States and it is a financial interest that is shared with a large number of people, who are landlords, but it is still, nonetheless, a financial interest. Where I am having an internal debate with myself is whether or not tenants have got a financial interest in the same way. If they have not, do they have a general interest in the sense of having better quality standard of accommodation? Yes, maybe. This is all in order that, for the purposes of the Standing Order, Members will identify whether there is some particular interest, which they ought to hold against a speaker when he, or she, is speaking and bear in mind when it comes to a vote. That is the purpose of the Standing Order, so that there is a transparency. Frankly, I do not think it is material whether we note the people who are tenants and people who are owner/occupiers and the people who are landlords, although we have noted the landlords, because they might have a financial interest.

The Connétable of St. John:

Going on from that, I would like to congratulate the Minister for bringing forward the first part and, as he says in his report, the required powers fall into 2 broad categories, powers to introduce minimum health and safety standards with respect to rented dwellings. I am surprised and saddened that this has not been done before. I am also surprised that there is no minimum standard. However, I do have severe reservations about the second part, provisions that the States may make regulations to establish a scheme of licensing rented dwellings and in particular to enable the Minister to issue a charge for licences. This is another cost to the landlord. The reason I bring it up is because, over the next 18 to 20 years, if we are to believe figures and, if the current immigration continues, the private sector is going to have to provide 12,500 additional units of accommodation. We, as an Assembly, should be encouraging landlords, encouraging investors and encouraging people to supply that level of housing. Because, when there is a shortage, that is when you most likely get poor-quality accommodation, because tenants are forced to rent what is available and they do not have the choice. So, a shortage of supply will result in more poorer levels of accommodation and this Assembly should, therefore, be encouraging more housing to be built and yet here we are looking to increase the amount of red tape and the cost to potential landlords. The scheme, as I understand it, is likely to introduce a system where landlords will be forced, or encouraged, to improve their accommodation. If there is a star rating, which has been mentioned, this will highlight better accommodation against less-good accommodation. But, again, there are 2 sides to the equation. We are all saddened by the fact that there are some and a very small number, of bad landlords. But there are also a small number of bad tenants and will, therefore, a register be created, so that landlords may know, or be advised, about who might be a bad tenant? Also, once you start down the slippery slope of a particular regulation of licensing rented accommodation and allowing inspectors to inspect accommodation, you immediately come into all types of conflict. One of the photographs circulated by the Minister shows a cooker, which is badly damaged. But the question raised is: who is liable for the cooker and who damaged it? Was it the tenant that damaged it? So, why should the landlord pay for another one? Part of provisions is the storage of food, which loosely translated means you must have a fridge that works. Is that something that is supplied by the landlord? Is that supplied by the tenant? Where do you draw the line? Should the landlord provide a kettle and a toaster, knives and forks and cutlery? This is opening a very

dangerous can of worms, in my mind. If one moves on, as they have in other countries, some form of rating about the heating and the insulation and the quality of the build, we again open up a can of worms, which brings the Minister himself into direct conflict on the one hand with Environment and on the other hand with Planning, because there are some buildings, which are single-glazed, but they are also under the Planning Law protected buildings and you are not allowed to change to double glazing. So, is the landlord going to be penalised on the one hand, with his star rating, because it does not have double glazing, while, on the other hand, the Planning Department refuses to allow him to change it? I am very pleased to support the first part of this proposal, but I regret that the second part is something I cannot support.

9.1.3 Senator P.F.C. Ozouf:

Higher housing costs and some of the issues that the Constable of St. John has addressed in his remarks effectively hurt ordinary Jersey working and non-working people. Thousands of people in Jersey suffer from high costs and high percentages of their income being spent on housing. This has been a problem that has been accumulating for a number of years and it is one of these vexed and difficult political problems. The reality is that I welcome this legislation, but where I depart from agreeing with the Constable of St. John, but I am in agreement with some of it, and I would want and hope that the Minister would say something in his concluding remarks on the preamble, which I will support, even though I hear that it is going to be pulled into Scrutiny, I will support enthusiastically. But it also needs to be accompanied by an equally vigorous and clear policy of the Minister for Housing and the Minister for the Environment to acknowledge and to put into place arrangements to ensure that there is a really bold programme of house building of different tenures in accompanying this important proposition.

[14:30]

It has been impossible to bring such legislation into Jersey before, which is much needed, because of the fear that so much accommodation would be - as the Minister quite rightly says - of such poor standards that, effectively, it would create homelessness on a massive scale. It is not easy to simply pass regulations because there will be, unfortunately, some accommodation that is simply not even fit, or it has to have some massive redevelopment, or reorganisation, for it to be long-term proper accommodation of a decent standard. Even with a fixed population, before some Members get to their feet and start talking about immigration and that other thing about natural rising population because of the birth rate and people having babies, the reality is that you need more homes for a given number of population, in any event, because for decades the amount of people living in a dwelling has fallen. Today it is probably less than the last census of 2.31 people per house and 3, or 4, decades ago it was 3-point-something per house. It is the broken down increasing incidence of divorces, single people being widowed or being alone and who choose to remain in their homes for the rest of their lives, people are getting married later, all sorts of different societal impacts have meant that the average number of people living in their homes is falling. So you need more homes for a fixed population. With a population that is more affluent, certainly as we have seen in the growing economy of jobs growth, you are seeing people aspire to improving their lot and getting higher-quality accommodation. The solution is simply not only fixing Jersey's broken housing market, to use the phrase that was used in the United Kingdom; we have to fix the housing market by a number of interventions. This is one of them, without any doubt at all, but there also needs to be, and I know the Minister for Housing shares this view and is probably going to have a few things to say as well, I hope she does. Her predecessor made a significant improvement in the new arrangements with Andium, which have certainly gone to de-stigmatise a lot of social rented housing and they are now making investments as a result, although I would have hoped it would have been quicker with the bond that was got for improving the social rented housing stock. There are approximately 7,800 - according the last census - people who are in private rented

accommodation. That is quite a low percentage compared to some other countries. In other words, according to the last census, there is about 42,000 dwellings in Jersey, or households, and there are 7,800 in private rental. That is not including the non-qualified accommodation, which would be another 2,500. Now, that is quite a low incidence if you compare the European average of private sector rental, so we do not have a big private sector rental market in Jersey and we need policies in place to ensure that we stimulate that, because it is good if there is a private sector market, there needs to be plentiful accommodation of a good standard in all sectors of the housing market: private sector rental, social rented, first-time buyers, shared equity and the open market. That is the way that we can fix it. I commend the Minister for bringing these regulations forward; they are absolutely the right thing to do, but there is the unfortunate reality that there could be an unintended consequence if the appropriate supply side is not equally put in. Yes, Members can stand up and say: "Control immigration, control immigration", but we have this problem about the ageing society, that we need to have a reasonable amount of a growing population to keep the worker/non-worker ratio to a reasonable limit, otherwise taxes will go up, because Health and Social Services' bills have to be paid. It is great that people are living longer, but they cost more. So this I commend; I think it is a very long-overdue piece of legislation, but it must be part of a suite of policies that the Minister for the Environment, together with his good friend the Minister for Housing, now deshacked from her responsibilities of running the estates of Andium and can focus on policy issues and can actually work together to provide more supply in all the tenures of accommodation that are needed. That is not building over greenfield sites and that is doing a lot of what the Constable of St. Helier says, which is making St. Helier a great place to live and a place that people can be proud of, with good quality accommodation. So, yes, this, but it has to be accompanied by supply-side stuff as well.

9.1.4 Deputy A.D. Lewis:

I just wanted to reiterate something that Senator Ozouf has just said. It is very much about supply if we are to resolve our housing problem and the issues here that are being addressed in terms of quality. The 2 have to go together. My concern with this legislation is that without sufficient supply landlords are perhaps not as scrupulous as they perhaps ought to be in terms of their quality. It takes a brave tenant to say: "I have a problem" when there is nowhere else to go. We really do need to address the supply issue. I know the Minister for Housing has plenty of ideas, but I listened with interest to Constable Crowcroft earlier today, expressing concerns in his question about using green space for development. So, which is it? We have green space, some of which can be used effectively for more housing, we have lots of brown space that could be used more effectively for more housing, but there is a supply chain issue here and that is our first-time buyer homes now are most likely going to be in urban areas where we have some deprivation already. But that next step for young people, people with families in particular, is aspiration to a home with a garden and a garage, which is probably going to be in the countryside. So, unless you think cleverly outside the box what you do with your land in Jersey, including spaces that might be deemed today as green, you do not have a proper supply chain. I can see some Members concerned about: "How dare you suggest that we should build on green spaces?" I am not suggesting that. I am suggesting we are cleverer with the space we have already to address the supply chain. Without supply, you will have unscrupulous landlords, despite all the legislation you put in place, because it would take a brave tenant to say: "I have a serious problem here with my landlord" and they have nowhere else to go. That price cycle as well; without supply the price goes up. If you improve your property, because this legislation will ensure that you do if there is a complaint levied against you, the rent is going to go up as well, because you have a better quality unit. Why would a landlord not charge more for a better quality unit? He can, or she can, if there is not enough supply. So the supply chain is essential. There is another aspect of this that concerns me greatly too, is perhaps there is not enough joined-up thinking across all the segments of the States. In isolation we are talking about

Environmental Health issues, but we have Social Services here, we have the Education Department, the Health Department, Planning Department, the Housing Department, all of whom should be working together to create better housing, better living standards. You cannot just do it with legislation in one particular ministerial area, in this case it is Environmental Health that has fallen into the remit of the Minister for Environment. But wages for those that are currently in substandard accommodation, they are usually in that substandard accommodation, because it is perhaps costing less, because they cannot afford any more, because the wages are so low. Minimum wage is too low in Jersey. Sorry, it has been said by others today, it is too low to afford the rent that you would need to pay in order for landlords to have the standard of accommodation that we would all aspire to. So, unless you address issues like wages at the same time, this issue will not go away overnight. I was fascinated by the Minister's admission that we do not know how many units of accommodation we have in Jersey that are rented. There is no proper licensing regime for tenanted accommodation, yet we have a very small housing stock. So, if you are going to do it anywhere in the world, surely a proper licensing regime of all rented units in Jersey should be, with the technology available to us today, relatively easy to do. If you then have the legislation in place to license it, inspect it, and ensure its quality, then you have more of a perfect circle. At the moment you do not have that, because we do not know how many units there are available for renting in Jersey, which brings on another issue about the population level. Some will say: "We do not really know how many people there are in Jersey, we are guessing a bit." That guessing, by the way, I think is quite well informed by the Statistics Unit's knowledge of people's working habits and other things, so I do not think it is that far off. But the fact is that we would know more about our population if we had a proper register of all the housing units we have in Jersey. We do not even have a Land Registry. I sit on a panel at the moment, we are reviewing the whole issue of property and the exchange of it in terms of transactions and that has come out in that review, there is no Land Registry. If we have no Land Registry, you then do not know what is sitting on that land in terms of property that is conveyed. So, there are lots of things that are wrong with the system, which the Minister for the Environment now is trying to tackle some of these, but they cannot all be tackled unless you do the other things too, the Land Registry, a higher minimum wage, a proper registration of properties, they all need to be done, so I hope this is the start of something really exciting that we can end up with really good quality housing for everybody and also that aspiration fulfilled to own your own property as well. We have some of the lowest home ownership figures in the country and lower than a lot of other places too. That is because, hey-ho, supply, there is not enough supply. So, even if you aspire to home ownership you cannot achieve it very easily, because where you are living at the moment the rent is so high because of the supply chain, there is not enough supply, so the rents will be high and sometimes for substandard accommodation. The O.E.C.D. (Organisation for Economic Co-operation and Development) in a recent report said very clearly that it is a fundamental right, good quality housing, a fundamental human right, but they go further and say access to good-quality affordable housing is a fundamental need and key to achieving normal social policy objectives, including reducing poverty, enhancing equality of opportunities, social inclusion and mobility. We are not doing that on all sorts of levels and yet we are one of the most developed, prosperous, countries in the world, yet we have not sorted out the housing. So I welcome this legislation, because it is a start to improving that situation. But with that must come other things. We must have a higher minimum wage; we must have more supply; we must fulfil, for so many people, that aspiration of home ownership, make it a real reality. You can only do that if you increase the supply chain and that is going to be a matter for Planning as well and the Island Plan and a realistic, unemotional, approach to what we do with our land. Maybe it is too emotional, but I tell you what, it is very emotional when you go and visit some of these places, as I have done in my district in a former role I had in the States, where I saw poverty that I never believed existed in Jersey, but it does and it is because of low wages, because of poor accommodation, and we have to aspire to do better than that and I think Members do. This

is a great step towards that, so I absolutely commend the legislation, but it has to come hand in hand with other things. So, I do hope that other Ministers, the Minister for Housing, the Minister for Education, the Minister here has already said so clearly that young people living in poor accommodation do not aspire to the best they can in their own education, because they do not have nice homes to go to. I was amazed when I read the Shelter report, some of those heart-wrenching stories about young people in poor accommodation who were frightened and did not want to go home from school, because they were going into such poor accommodation.

[14:45]

Now, I know in my district that happens and I know that children go to school smelling of damp, because they cannot get the smell out of their clothes, because damp, in Jersey, in accommodation, is one of the biggest issues that both tenants and landlords have to resolve. This goes some way to resolving that. I do not want children turning up to school and having their fellow pupils saying: "I do not want to sit next to you because you smell of damp." Believe me that happens quite often. In a modern society, like Jersey, that is appalling and we have to do something about it, so that our young people can achieve at school, aspire to greater things, have better jobs, earn more money, be homeowners, or at least live in good, high-standard, accommodation, which will not happen unless all the departments that I have spoken about get together and achieve something great, high-standard accommodation to match our high-standard education, our high-to-be levels of health. We do not want to get inundated with people that are in there, in that hospital, because of substandard accommodation, because their health has been compromised because of it. So, this is a step on a journey and I hope that other Ministers will be bringing forward legislation not dissimilar, policies not dissimilar, so that we can have some proper joined-up thinking and we can aspire to some of the best accommodation in the world, not, albeit a small segment, of our accommodation being very poor. Having said that, I think that segment is bigger than some would realise. The O.E.C.D. suggests that within their membership 15 per cent of people are living in substandard accommodation. I would not be surprised if that figure is reflected in Jersey. But, you know what, we do not know, there is no registry. So, maybe that is the next step. So, I would urge Members to absolutely support this legislation, it is fundamental, part of the jigsaw puzzle, but do not stop there. There is far more we can do and we should do it.

9.1.5 Deputy S.M. Brée of St. Clement:

I am sure that all Members will agree with me that this legislation is both welcomed and very overdue. Government has a social responsibility to all members of society and without doubt housing and the quality of that housing is vital to public health and wellbeing. But, as ever, the devil lies in the detail. So, I have a number of concerns, or questions, but I am hoping that the Minister can allay any concerns I may have. For example, the codes of practice and minimum standards that are referred to in the legislation, where are those listed? Why could they not have been attached, or presented, at the same time as this piece of legislation? Because a lot of what is referred to in this legislation refers to regulation, or Ministerial Orders, it would have been very helpful for Members to see the whole picture, rather than just the primary law. I also have slight concerns about the right of access by authorised persons to rented dwellings. Now, there is a section within the draft law that refers to a right of access under warrant. I am sure that some people, like myself, have concerns as to how far the powers of the rights of access extend to and I note within the report that there is a large section on human rights issues and whether, or not, this primary law conflicts with the rights of the individual, as enshrined within human rights. I would appreciate it greatly if the Minister could explain his view on whether, or not, individual tenants', or landlords', rights will be conflicting with human rights legislation should this new law go ahead. There is also the question of licence fees. Once again, we are not shown details of what those fees may be, but if we take a conservative number of 12,000 rented dwellings on the Island, and some

people have said it could be as high as 18,000, and we take an average fee of £100 *per annum* for each rented dwelling to be issued with a licence, that equates, in my simple maths, to £1.2 million *per annum* revenue through licence fees. So, the question is where will this money go? In fact, is it really just an additional tax, or charge? Could the licence fee be lower to cover the costs of issuing a licence, rather than just a blanket fee to gain additional revenue? If those licence fees are to be fixed at say an average of £100 per dwelling, can we not ring-fence, or hypothecate, that income to go towards improving standards, improving environmental health and use it for something that is directly related to the issues that we are trying to attack with this legislation? I know that it is not this particular Council of Ministers' view that any tax should be hypothecated, or any charge should be hypothecated, but here is an ideal example of how we could use that to improve the health of all Islanders. There is also the issue of listed and historical buildings. Now, many of these are rented dwellings. An awful lot of them do not have - how can I put it - well-fitting windows, the classic problem is the wooden sash window. Yet, under current building regulations, you are not allowed, as a landlord, to install double glazing. Therefore you are going to have a dwelling that a tenant is going to say: "I am getting a lot of problems with the ingress of water, draughts, possibly damp", so you then have a situation whereby a landlord, who owns an historical, or listed, building is probably going to fail some of the checklists on what makes a 5-star dwelling. The Minister has said many times that he is going to address this issue generally for historical, or listed, buildings and yet we have seen nothing. So, is this creating a conflict between one piece of legislation that relates to a rented dwelling and another set of regulations that relates to an historical, or listed, building? Again, I would seek guidance from the Minister on how he intends to deal with the possible issues that will arise. All of that said, I fully support the principles behind this draft law. For too long we have heard horror stories about the conditions of some rented dwellings. We do have landlords on this Island, who are exceptionally good, who look after their tenants, but we have to be able to deal with those who do not and I think, as I said right at the beginning, this legislation is both welcomed but very, very overdue.

9.1.6 Senator S.C. Ferguson:

Yes, we do need to address the problem of the rogue landlord, but it also feels to me that this is very much a balance between central government control, independence, and all underpinned by a lack of population policy. Now, there are one or 2 points that I will make now and I shall not make them again. Article 2, paragraph 4, the number of allowed lodgers has been reduced from 4 to 2. What is the number of houses that this is going to affect and why has it been changed? There is no explanation of the rationale in the report and, according to the definitions, the number of lodgers defines the dwelling as being subject to regulation, or not. So, obviously, the number of dwellings being regulated because of this will be significantly increased. But will the owners then cut down the number of lodgers and stay unregulated? So, with one stroke of the pen, we are going to make more people homeless, or illegal? Appeals have been allowed against notices, but it is to the Royal Court. I am sorry, why? This is an expensive procedure. Why is it not to a tribunal? Some of these matters could, I am led to believe - I stand to be corrected on this - they could fall under the powers of the Rent Control Law, but does this mean the Rent Control Law is going to be repealed? The elephant in the room is the population policy. Yes, build lots more houses, but please do not let us reconstruct the ghettos of tomorrow in St. Helier, which is why all questions of the supply of houses are based on the number of the population wanting somewhere to live. It is all underpinned by the population policy. Yes, we want people to have decent houses. Yes, we do not want people with mould growing down the walls and their children with asthma. I agree with that. But we need to solve all the ensuing things as well and we have to strike a balance between building on green fields and building ghettos in St. Helier. So, let us at least be able to check on the quality of the rented accommodation, but let us bear in mind there are some other very serious, very big problems to solve.

9.1.7 The Deputy of St. John:

As others have said, this is an extremely important, I think, historical moment for Jersey in bringing this legislation in and I fully support the principles. The issue that I do have and as being vice-chair of the Environment, Housing and Infrastructure Scrutiny Panel and have eloquently asked the chairman to consider bringing this in after the States have made the decision on the principles, I think it is appropriate for me to speak on my particular concerns, one of them being the ability to enforce the legislation. I am not a big fan of bringing in legislation that we cannot afford to enforce and this has been an issue in the U.K. with their Health and Safety Dwellings Law where councils have had money removed from them over the last few years and have not had the people to enforce the legislation that they are required to. We can only see, every week, reports in national newspapers about the issues of housing in England, not just about the supply, but the standards. There are a great deal of issues that they are trying to tackle there at the moment. The other concern I have surrounding this is, of course, we have a lot of legislation in place, so I did a lot of research on all our legislation, our policies and our information and I was quite shocked, to be fair, in the report with this legislation there it is mentioned that a Ministerial Decision was the submission for law drafting instructions, I could not access it on gov.je, so I do not know what it said. There is mention of an earlier proposed law, but no access to the proposition, which was the earlier proposed law. There was no mention of R.87/2015, which was issued by the Minister for Housing, about the policy direction of housing for the States, which talks about bringing in this legislation, no mention of that in the report, whatsoever. It occurred to me then: how many other times have the States looked at this particular issue? How many times have they considered it in the whole, looking at housing in the whole, trying to grapple with all the various different issues? I found a document dated 10 years ago about the housing - I am going to get it right - Incorporation of the Housing, Health and Safety Rating System into the Housing Law of the States of Jersey.

[15:00]

A report by the Safe and Healthy Housing Research Unit School of Law, done by the University of Warwick in February 2007. So then, of course, I went on to read the information regarding that, which is based on the same system they have in England and how they carry out their Housing Safety Laws in regards to rented dwellings. But again I go back to the background in the report and I say: "Well, is that the system that we are going to be adopting?" No mention of it. Then I look at the Statutory Nuisances Law, which is mentioned and the *Loi sur la Santé Publique* and are they going to stay? Are they going to be removed? What role do they play with regards to this particular legislation? How does it all fit and piece together? What does it mean, not just for the landlord, but for the tenant? And that is the most crucial part for me; the actual tenant, the customer; the person at the end of all of this that has to live in substandard accommodation, because we are not providing the supply that is needed in the Island; and that is one of the many issues that we have. With the money that Andium have got, hopefully it will relieve some of the issues. But that is only, like I say, one part of a bigger problem. The other concern I have is, of course, the ability to complain or to make a concern known about substandard property. How does that tenant feel, especially if they are a vulnerable person, a vulnerable family? In terms of their safety and security, what do we do, as a government, to support them and assist them in carrying out that complaint about substandard accommodation, and then how does their future relationship carry on with the landlord once that has happened? What is the safety and what is the mechanism that we have to support those people in those types of situations, because it is not easy just to say to that person: "Move out and move somewhere else" because we do not have the supply to do so. We are not going to build that many houses within the next year, or so. So that is another part of the issue and I see the Minister for Housing huffing over there. I think we do need a lot more and it does come into - which Members have mentioned - the issue of population. But I am not going there. I am sticking to the housing side of things at the moment. There are too many different bits

and pieces all over the place that give me a particular straight direction exactly what it is that we are achieving overall. I absolutely 100 per cent support the principles of this, but I think there is a better way that we can do this. I think we can be better than other areas and I think that we could put our heads together and do something and improve, possibly, the legislation that we have in front of us. But I would like really to get into the detail with the Scrutiny Panel, in terms of looking at the wording in the legislation and how it works and what it means, and ensuring that it ties in with all the other pieces of legislation that we have and finding out what legislation it is that we want to either repeal, or amend, so that it all fits together and makes sense and everyone understands where they stand in terms of the legal side of things. The other note that I would like to make as well is: we have recently had a report released from the Jersey Law Commission about improving administrative redress in Jersey and we have a lot of legislation that refers to various different tribunals and different ways of, you know, addressing decisions made by administration in the States of Jersey, some with teeth, some without teeth. I have seen that first hand and have had to help members of the public, as I am sure many others in the States Assembly probably have, in terms of addressing decisions made by departments in trying to ensure that it is done fairly, appropriately and there are proper checks and balances. I am concerned, as Senator Ferguson says, about it going to the Royal Court purely because of the cost basis. I looked at other areas and a lot of other areas that have these typical types of systems to ensure proper standards in housing, habitable: you know, being able to live in this accommodation. They have tribunals. So, I think that fits very well into the context of this recent report that has been released by the Jersey Law Commission. I think it was said in the U.K., only last year when they were trying to amend their legislation, about having an actual habitable added into their legislation and it was rejected by the House of Commons. But one thing that was said by an M.P. was: "Where else in modern day life could someone get away with this? It is a consumer issue. If I purchased a mobile phone, or a computer, that did not work, did not do what it said it would, or was unsafe, I would take it back and get a refund. If I purchase food from a shop and it was unsafe to eat I would not only get a refund but there is a high possibility the shopkeeper would be prosecuted. Yet if I rent from a landlord perhaps the only available property for me and it was unsafe to live in, then I can either put up, or shut up. In a market where demand outstrips supply, renters lack basic consumer power to bargain for better conditions, and that is where the role of government comes in." That is where we have a role to support these people and there is a minority, and that minority should be learning from the majority that are doing a very good job in looking after people. But there needs to be a level playing field right across the board. I think the other issue that needs to be recognised that we have as well is the £11 million that we pay out to private landlords for income support. There was a report done, another report; I have lost count of the amount of reports I have read just to do with this legislation today. So it shows that this is a vast expanding issue that needs to be grappled with in an overarching way and not just looked at as if we pass this legislation everything is going to be fine, because it will not. We have a responsibility as representatives to ensure we provide that safety and security for members of the public. There was a report done by Social Security in 2013: Income Support: support for rental costs in the private sector, R.44/2013, which talks about the private rental sector. That was done at the time we were doing the housing transformation programme side of things, and we decided we were going to add another million pounds into Income Support to support the system and assist people living in private rental, because it was recognised that the social housing side could not, at the moment, take all the people that needed to be housed, and that was recognised. But that report goes on and explains the numbers of people. From the Census 2011 it was counted 7,806 dwellings in the qualified private rental sector. In addition, there were 1,274 dwellings provided as service, or tied, accommodation and 1,070 lodgers renting accommodation in other people's homes. There were also 2,563 other non-qualified households renting accommodation. There were 1,522 tenants in the private rental sector in receipt of income support at October 2011, or 19.5 per cent of the 7,806 qualified private sector tenants.

So, that just gives you kind of a flavour. The 1,522 ... okay, this was 2011, but that is the figures that I have in this report. But a lot of these people that are on income support are in a vulnerable situation, are in need, or in need of support. We have a responsibility to ensure that they are safe, they are secure and that they live in healthy and safe accommodation. The issue of the regulations coming forward for the States Assembly about having a licensing scheme, this is the other thing that does concern me. I took it upon myself, because I serve on another Scrutiny Panel - Education and Home Affairs - and we have been questioning about the Fire Service and how much they charge for their fire inspections and the fact that we have their user pays charges changed. A Ministerial Decision was made back in June to change their charges, so that in 2019, or 2020 I think it is, that their charge will go up to £400 for an inspection. That is 50 per cent of the cost for providing that service. That is what they have advised. So I went back to them and I asked them for a breakdown and so then, when I look at that and I think to myself: "Well, fire inspection" and it gives you various different properties that they inspect, *et cetera*, and then I hear from the Minister today £50 for licensing and seeing how much this would cost properly enforced and properly inspect. I do not know who to believe. So is the fire inspection right? Is what they are doing correct? How far will this law go in terms of inspection? What does that mean and how does it work with the Fire Service? Because I see that there has been work between the officers in the Fire Service and Housing and all those different areas, but it does not explain to me what that means. So although I am willing to support the principles, I would say with my chairman, if we were to pull the legislation in, to look at the legislation in detail and to look at all the other issues in terms of how it works and it meets that proper policy direction in R.87/2015 and ensure that there is an overarching enforcement and there is the manpower and resources to do this job effectively, appropriately and supports and protects the public, then I think that is the best way to move forward. I really look forward to listening to other Members' views about the principles of this legislation and how important, or not important, they believe this to be for the public of Jersey.

9.1.8 Deputy A.E. Pryke of Trinity:

I am pleased to follow Deputy Vallois, because she is quite right: the customer, the tenant, is the most important person in this proposition. I am also pleased that so many people have spoken about the importance of housing and especially the importance of supply, which in turn, hopefully, will bring down the prices of the rents. It is supply, supply, supply, as I have been mentioning for a little while. So, I am pleased to support, obviously, the draft Public Health and Safety (Rented Dwellings) Law to introduce minimum standards for all categories of rented accommodation in Jersey. This proposition is long overdue. This law is one of the key policy initiatives set out in the 2016 Housing Strategy and will strengthen standards and oversight in the rented sector, including the private rental accommodation, social housing, lodging houses and staff accommodation. This will make it a level playing field. Everyone in Jersey must have access to affordable, good quality and secure housing. But our laws in this area of standards have been lagging behind others. Deputy Andrew Lewis is quite right: we have no landlord registry. For far too long there have been people in the Island whose homes lack even the basic protection and facilities and above all they have been paying for the privilege of it. Indeed, for those States Members who went to the presentations by the Environmental Health team - I congratulate them on the work that they do in the poorest sections of our community - I hope most were horrified of what they find each and every day, including Christmas Eve. Indeed, the Care Inquiry report identified how housing in Jersey has historically been inadequate and resulted in vulnerable children being received into care. So, the law is a significant step in the right direction, setting and enforcing minimum health and safety standards in the rented sector so that people can be sure their home is in good repair, with adequate facilities such as water and heating - which I take it we all expect - and will be free from damp and mould. Where this is not the case, the law will provide a robust enforcement mechanism to ensure landlords resolve the problems in properties they rent, providing, of course, that the

wanted repair is the fault of the landlord. Some Members may feel they are going too far in setting these standards.

[15:15]

They may be worried about the impact this could have on rents. To that I would simply say these are minimum standards; they are not luxury standards. The law will ensure rented accommodation meets the basic standards we all expect from our homes. Rented accommodation must be rendered watertight, free from health and safety hazards, free from electricity faults and fire risks and include reasonable modern facilities. We know that the cost of our community of poor standard housing is immense and Members have mentioned the effect on health and education especially and think about that child's educational attainment, or the cost of the hospital caring for an elderly person as a result of their tripping down a flight of steps, because their home lacks just a handrail. With the support of having this law in place, a few simple modifications could help prevent much greater cost to society in the long term. I am also pleased to note that the law includes provision for the States to introduce licensing for landlords. While the decision for licensed landlords should, ultimately, be the decision for this Assembly by regulation, the ability to license rented accommodation will assist us to better understand the conditions of properties in the rented sector and help promote good standard and also professionally managed accommodation. For the majority of good landlords in Jersey this law will mean no change. It will enable them to compete fairly in the market. For those that do not meet it, it will raise the standards and more importantly, it will help those tenants live in good, decent accommodation. As to the 45 per cent of Islanders who rent, whether this is in social housing, private rental accommodation, lodging houses or staff accommodation, this law will provide assurance and protection that their home is secure, good quality and meets their basic needs. I am pleased to say that Andium and the other social housing providers meet decent home standards. Andium will complete their project well ahead of time; whereby the time set was 2020, they hope to reach 100 per cent decent accommodation by 2019. This law too is especially important in relation to agricultural workers' accommodation. Our ability to inspect and monitor standards in accommodation has been very limited and it is time that agriculture workers, who contribute so much to our Island, receive adequate protection. I urge Members to support this draft law.

9.1.9 Deputy J.A.N. Le Fondré:

Apologies, I am having problems with my microphone. A couple of points on the proposition. I am, basically as the Deputy of St. John, has alluded to I understand that the Scrutiny Panel do want comments from Members on this matter in the event that they do call it in, and I hope they do. I endorse the comments by Deputy Brée on the rights of access. That is my concern. I should say for the avoidance of doubt that I have no problem with the principles, as many Members have alluded to already. The issue about supply and demand of population. I think we have heard the issues about supply, demand has got to be an issue. If we keep letting in 1,000 people a year we are never going to get **[Interruption]** ... That is blindingly obvious. I still do not know how we are going to do this, achieve this balance between managing expectations in the economy and having the Island as a good place to live. If you look at the hospital projections at the moment in the report we just had, by 2065 we could be looking at a population of between 150,000 and 160,000, depending which assumption we use. If it is 2035 I think it could be 130,000. An analogy that has been put to us and I believe that was in the briefing at some point was the increase, I believe it is to 2035, is something like 230 Les Marais tower blocks, to give you a visual analogy. So, it is the other side of the equation that comes right down then to the ability of people on the Island to find the right accommodation. I think from the point of view of people looking at the details I had not appreciated the comment by Senator Ferguson that the definition of ... up to now you can have up to 5 lodgers without having to comply with anything, that is going to be reduced to 2. While that

seems welcome, I wonder whether there needs to be some form of transitional arrangement. In other words, if you have 5 lodgers now and when the law comes in, presumably, there has been a transitional arrangement to cover requirements, are you now going to be obliged to cover? It does make sense, on the other hand, because I suppose it gives greater control about unknown accommodation and where people are living. One thing I think I just want to dwell on in slightly greater detail has been identified by at least 2 Members is the financial and manpower implications of this. What this is saying, it says the draft law will be implemented without any increase to the current Department of the Environment's financial budgets and without any change to the current Department of the Environment's manpower levels. So number one is it comes back to the issue about resources and number 2 is, is it a tax? In fact, is it a tax on tenants because, ultimately, these charges, even though they are minimal, will go to the tenants because rents will either go up, or the landlord will just charge them directly. So is it a tax? I have got no great issue if it does go into some form of assistance, or improvement, or funding towards greater affordable housing, or whatever it is, but if it is not increasing the manpower levels to enforce the law then why do we need a charge in the first place? I will just note one other issue. I am trying only to speak once. There is a specific issue in the law itself around corporate bodies and basically it says any offence, if it is attributable to any neglect and then gives a list of people. I have always understood, and obviously I am an accountant, not a lawyer, that negligence is normally a specified term in law. It is a specific level you have to attest, you have to reach, if you are negligent in something. I am unclear as to what "any neglect" might be. To give a slightly tongue in cheek example, the Minister for Housing, it could have been argued, to being neglectful, or guilty of neglect, when she put some stuff in the rubbish bin earlier today, which caused a slight accident in my vicinity. So, it is an accident, but would that be an offence, if that makes sense, because it is neglect? What is neglect? Negligence I can understand, and I am not expecting the Minister to deal with that. If this does get called in I would appreciate if that could be considered, because it seems a different test. Particularly when it is applicable to an organisation and they have got a manager - I presume that would be a managing agent as well - at what level that comes in? I think that probably covers my point. So, I have no problem with the principles; I am happy to support them. But I think there are some detailed issues that we need to understand.

9.1.10 The Connétable of St. Helier:

I rise really to make what may be a point of order, but I will be guided by you, Sir. In her speech, Senator Ferguson twice referred to the slums of St. Helier. I think that is an unfortunate phrase. I think we all agree that poor accommodation can occur anywhere on the Island. I am particularly grateful to the Minister for Housing who pointed to agricultural accommodation as being particularly worthy of protection and improvement. So, I would ask the Senator if she would be willing to withdraw those remarks.

Senator S.C. Ferguson:

If I could correct it, I talked about reconstructing the ghettos of tomorrow in St. Helier. If I have upset the inhabitants of St. Helier and particularly the Connétable, then yes, I will withdraw it with pleasure. It was not meant to be pejorative about the current housing stock in St. Helier. It was looking forward to what might occur in St. Helier.

The Connétable of St. Helier:

I do apologise to the Senator. She did say the ghettos of St. Helier, not the slums; I believe I put words into her mouth. Either term is clearly unfortunate and I accept her comments, thank you.

9.1.11 Deputy D. Johnson of St. Mary:

I thought it might be of help to Members if I explained a little more thoroughly and briefly the present stance of Scrutiny in this. We did receive a brief presentation on the proposal some weeks

ago and to a man and woman we approve the principles. For my own part, I accept the blame for this and I had thought at that stage that scrutiny of the regulations when they eventually came out might be the way forward. But, on further reflection, the panel had thought there is more to it than that. We could have requested, or advised, the Minister we wanted to call it in earlier, but we did feel it would be helpful if we heard the views of Members themselves before we embarked on our process, and today has proved that has been useful. There are a number of aspects we do wish to consider, and I like to think that most of them, or I like to think that those identified by Members, are already on our radar. I refer to the codes of practice being introduced by Order rather than by regulation, and that, I think, is particularly important given that there is a criminal aspect to it as well. Deputy Brée referred to the problems with listed buildings. Again, we noted that and more than one Member has referred to the appeal process as the Law Commissioner's report on improving administrative redress in Jersey says: "We recommend that over 50 rights of appeal that currently lie to the Royal Court should, instead, be made to Jersey Administrative Appeals Tribunal" as and when it comes in. I expect that 50 then mentioned has already increased, and if this law goes through as is it will be increased by one there. I am proceeding on the basis and in the hope that this new Appeals Tribunal will be set up fairly quickly because, clearly, the right of appeal only to the Royal Court is, I think, a major stumbling block to many people who would otherwise appeal. As I say, there are a number of items in the legislation we do wish to scrutinise and we shall, at that stage, be calling in when invited to do so. The Deputy of St. John has quite rightly referred to the fact that this is but a piece in the overall jigsaw regarding housing and other Members, Deputy Andrew Lewis and Senator Ozouf, similarly referred to that. We do accept that and I think it is safe to say that a greater review of housing is, again, on our radar after this has been scrutinised. But, for the moment that essentially is it. All members of the panel, I think, approve the principles. There is more work to be done and I apologise to the Minister and his department for getting to the stage where we are going to call it in later than we, perhaps, should have done. But I think it is important that we do give it the further attention, particularly as regards many of the items mentioned by Members this afternoon.

9.1.12 Senator P.F. Routier:

I am pleased to follow the Deputy and his comments he is making about the approach that Scrutiny intend taking. I am very pleased that the comments that have been made about how supportive people are about the principles. I think anybody who has had the opportunity to look at the photographs of the way people are currently living day in, day out, within our community and the circumstances in which officers are going along and visiting and having to deal with trying to improve matters for people, who are living in these circumstances. We should be ashamed of what is happening within our community. It is a real unfortunate set of circumstances. It is disgraceful that some people are having to live in these circumstances and I am afraid some of these speeches I have heard this afternoon about not being prepared to go ahead with this debating the articles, that is a great shame.

[15:30]

Because every day that goes by children and families' health is being affected and I am finding that very difficult, ever since I have become aware of this situation. I have to admit, I am sorry, I have not become aware of this sooner. I am really upset with myself that I have not been totally aware of what is going on in our community. This is disgraceful. If we are prepared to let this continue even a day longer, or 2 days longer, to consider this in more depth, I cannot cope with that. I would hope that ... the Committee of Inquiry of abuse, it is quoted in there about the circumstances that children have lived in within our community. It is just not good enough. I am sorry if I am going to become quite emotional about it, because I feel really annoyed and upset that we are going to get to a situation today that everybody supports the principles, thinks it is fantastic, but we are going to

do a lot more work on it. We are going to dig around. We are going to try and find ... trying to improve upon what we have got. This is a really good step forward. This is something we can move forward and if we want to change at a later date, let us do that. Please, I ask Members to support the principles, which I sense that people are very prepared to do that, but every day that goes by and we do not have legislation in place, we are putting children's health at risk. They are not being educated properly and it is doing our whole community a disservice. I will leave it there. Please, think about Scrutiny and what you are going to do because, I am sorry, if you are going to call it in to delay it even further, I cannot cope with that.

The Deputy of St. John:

Sir, a point of order please on that speech. The citation and commencement, Article 22, where it states that it: "Shall come into force on such day as the States may by Act appoint." Does that mean that it will only come into force when we bring the Appointed Day Act, after it has been through Privy Council? How long does that take roughly?

The Bailiff:

It is a much speedier process than it used to be. The Attorney, no doubt, will help. I understand it normally comes through within a couple of months.

The Attorney General:

Yes, between 2 and 4 months.

9.1.13 Senator A.K.F. Green:

I am pleased to follow Senator Routier and it will come as no surprise to Members that I will be speaking, or am speaking, in support of this draft law, because it will introduce minimum standards for categories of rented accommodation. The Senator that occupied this seat before me when I was sat over there in the Deputies' seats, Senator Le Marquand, used to have a saying that the downfall of a good plan was the quest for a perfect plan. We have got a very good plan here and I will come back to that later. Members will be aware that my previous portfolio was housing. I understand the need for such regulation. I understand the importance of this law for the health of Islanders and, in particular, for the health of our children. I agree with Deputy Lewis, who also talked about the stigma of children in poor accommodation, as well as the health effects on the children; to be called smelly at school because they are living in accommodation that causes their clothes to be mouldy, to have nowhere warm and dry and free of mould to study, to be ashamed of where you live and afraid to bring friends home, so that they see where you live. I had a very privileged upbringing as a child. I was brought up, strangely enough, in accommodation that had no electricity, no water, a toilet shared down the road with 7 other cottages, but when I say we were privileged, we were, because we were loved and my parents worked night and day to keep that house spotless and decorated. It was not the norm then, it should not be the norm now, but such accommodation, I am afraid, still exists here in Jersey. The Minister for Environment talked about bringing laws into the 21st century. I had not realised that some civilised societies had brought similar regulations in laws in the 18th century. We should hang our heads in shame, we really should. As I said, there are people who lack basic facilities, whose own homes, rather than being a safe environment, are a threat to their health, a threat to their safety and their wellbeing. The cost to our community of poor standard housing is immense, not only in the health to the community and our children, in particular, and our older folk but the cost to the health service in treating conditions that are wholly preventable. A little bit of me thinks that surely it cannot be right that the States subsidised such substandard accommodation through benefits, but I think that is for another day. But it is vital that we help people to stay in their homes, to live in a safe environment and to live healthy lives. This applies to all of our community, but particularly to the ageing demographic as it becomes more important that we ensure that they have good housing, that they have the handrails on the stairs that

we talked about, that the standards that help them to avoid being ill or obtaining injury. I know the Constable of St. John will not agree with me but also, eventually, that they have good standards of insulation. We have seen evidence of insulation working well at Pomme d'Or Farm. The tenants there, when that building was upgraded, tell me they rarely need to turn the heating on. Until that was done, some winters they were spending £50 a week on supplementary heating, so this is the right thing to be looking at in the future. Our people, our children, our elderly folk deserve the right to live in properties that at least meet the minimum standards. We are not talking about palaces, we are talking about minimum standards; standards that provide a safe home and a healthy home. Moving on, the Independent Care Inquiry noted how housing has a marked impact on family life and the wellbeing for some families in the Island. If introducing what is, in effect, decent home standards to private rental dwellings, tackles one of the causes of social inequality and deprivation, promotes the welfare of our children – and I think we were all told that we should put children at the centre of everything that we do - and contributes to giving them the best start in life, then surely we must all welcome this legislation. The ability to license rented accommodation will help to promote high standards and to professionally manage accommodation. This is part of the plan. I heard somebody say, I cannot remember which Member it was: “I am not sure if I can support this, because it is only one part of what needs to be done.” This is part of a 5-suites attack, if you like, we have had the work done on fire safety, we have had the work done on the deposit scheme, we have had the work done on the tenancy protection and now these are the final 2 bits of the jigsaw in terms of minimum standards and licensing. When Environmental Health was a part of my remit, I learned of the frustrations felt by the team in not being able to bring about improvements in the worst substandard housing. This team is a team that works more with carrot than with stick, I must say that. They always try and find a way to get people to do things by persuasion, rather than stick, but sometimes you need that stick. They need their ability to inspect, to monitor, to improve standards; that has been limited up until now. This draft law will give them the tools to do their job. Let us not find a dozen reasons why we cannot support it and let us find one reason to support it for the sake of Islanders. I urge Members to support this proposition.

9.1.14 Deputy J.A. Martin:

I am very disappointed from the last 2 speakers that the minute somebody has stood up, or 2 members of the Scrutiny Panel, and said: “This is not quite what it should be”, there is a lot more information out there and it is not even just looking at the tenant protection. The tenant protection, like the Deputy of St. John, I asked the question last week, which was a very, very good informative briefing from the officers at Environmental Health, but twice it was said: “It will not stop the tenant, who complains about their bad accommodation, being evicted.” There is nothing and there is nothing sort of coming up the line that is going to help them. We have all been contacted by landlords, who have concerns about this, but all they are worried about, it seems to be, is the fee. But I do not think they have seen how hard it would be for them to go to the Royal Court to change it because it is too much. It should not be the Royal Court and this is in the legislation. I talked to Scrutiny and I say that it upsets me when the Senator in control of population stands up and said: “You do not dare do this.” The former Minister for Housing says: “You do not dare do this. Our tenants have waited too long.” Deputy Russell Labey said this a few weeks ago: “Stop trotting out [and I do not mean that disrespectfully] recommendations in the Care Inquiry.” Because if you really want to know what that Care Inquiry was talking about was a lot of unqualified housing. The Ministers, if they want to do away with some of these areas, they could yesterday, or years ago, have brought something that we do not have a 2-tier housing system. But, no, today the minute Scrutiny has said: “We want to have a look at this, there is not a date.” Even if it is 4 weeks after they have decided, next week or 4 weeks today, you will still have the debate on 30th January. It does feel that when there is so much legislation about, so many overarching policies and strategies, which a good Googling from the Deputy of St. John has produced, but none

of these were in the report. Nobody said - even Scrutiny who want to call that in - that they do not support the principle. Of course we do not want anybody living in this sort of accommodation, but do we want to pass bad, bad laws or bad legislation? I would say no. If I was the Minister, welcome the call in, welcome the input from Scrutiny. I know they are very busy and probably something that they would have to do quickly and over Christmas probably, but they are willing. Stop the emotional blackmail. Stop saying that today is the day and we have all seen the light. No, you have seen the light many times, it just has not suited you when you were Minister of that department to bring in the laws to change it. I am sorry, we can all be emotional but come on, be a bit realistic. You have an offer here to have this legislation scrutinised, take it with open hands.

The Connétable of St. John:

Sir, could I clarify a point the Minister for Health and Social Services made? He said about insulation and it was something that I was supporting, but I was merely pointing out that in some cases, with regards to double-glazing, a landlord is not able, because of a listed building, to upgrade his double-glazing.

Senator P.M. Bailhache:

Sir, I do not wish to speak, but just before the Minister sums up, I understand that before I returned to the States a number of Members declared an interest as landlords of private dwelling accommodation and I should like to do the same thing.

The Bailiff:

Thank you. I call on the Minister to reply.

9.1.15 The Deputy of St. Martin:

I would like to thank Members who have contributed today. I hope I can do justice to their observations and questions. If Members would allow me to just run through the list of those people who spoke. Deputy Southern spoke first and I thank him for his support. I think there will always be some conflict as to whether Ministers should be allowed to do things by Order, or whether the States Assembly should be allowed to do things by regulation but, nevertheless, I thank him very much for the support he has given. We then moved on to the Constable of St. John and he spoke about tenants. I acknowledged earlier, and I do it again now, that not all problems are caused by the rented building, or by the landlord. Landlords and tenants both have responsibilities and if damage is caused by a tenant, if condensation is caused by the lifestyle of that tenant, then my team, at Environmental Health, say so and they are going to continue to say so. They have frequently supported landlords in such cases and I would point the Constable to this small document, or pamphlet, which my department have printed 8,000 copies of this on condensation and mould, and that has been distributed widely throughout landlords, agents and directly to tenants. The Constable spoke about encouraging landlords and I agree. We need to encourage landlords to do better.

[15:45]

But new accommodation that is built these days will comply, because of regulations, by-laws and all that sort of thing. There will not be any problem with the new recently built accommodation. Forcing landlords ... well, landlords will only be forced to if they really, really need to be forced to, because it is only accommodation that is sub-minimal standards that will need to be improved. A tenants list, well I am not so sure about that; maybe that is something that could be considered by the Landlords Association. Regular inspection, well, yes, and this is a 2-way street here; not only there is a regular inspection by inspectors but landlords have an obligation really to themselves to inspect their properties on a regular basis. The cooker in question that the Constable spoke about; it was installed by a landlord, it was hard-wired but, obviously, it had not been inspected for some

time to have been dilapidated to that state. The question that the Constable asked about food storage was exactly the same one that I did and I presumed that the bit that says: "We will have minimum food storage" was a fridge. What it means is a cupboard to put your food in, so you can keep the vermin out and stuff like that. We are not talking about the luxury of a fridge here, we are talking about food storage and somewhere to put your food in the kitchen, or wherever. Senator Ozouf spoke about the high costs and I cannot disagree with him. But one of the things that I very much hope this will do, eventually, will be to lower the costs to the tenants of their energy bills and to lower the cost to the tenants of their health bills, because better accommodation will allow them both of those. Yes, there are going to be some unintended consequences of this legislation, I accept that. We are going to find things we do not like. We are going to see stuff that we find very unpalatable. But Housing know what we are doing, Andium knows, Social Security, we are all aware of what could happen. Again, Deputy Andrew Lewis, next door to me here, spoke about the same thing; supply is key here and the Minister for Housing will tell you, and other Ministers will tell me, I bashed the table, let us get on and start delivering some of these housing sites. It is all very well passing them and the agreement goes out from the Planning Department to build, let us get on and start building. Building is the key and we know we have some great schemes coming forward. The Future St. Helier work is doing a lot of this and we know that, in the future, a lot of this additional housing will be in St. Helier. Deputy Lewis spoke about new standards but we are going to have better ... and this work is coming out of Planning literally as I speak. New standards on interior space, new standards on amenity space, new standards on parking. Depending what part of the Island is that moves, that is a flexible beast; if you are in the middle of town you will not need so much parking, you can have more amenity space, more interior space, so we are working on that. Joined up, yes, we are more joined up on this than I think we have ever been and I know a lot of Members referred to it. Population debate is something we need to have and if we are going to have more population on this Island we need to address that and work out how we are going to deliver these additional quality homes for those additional people. One of the things that was interesting in the 2 speeches from Senator Ozouf and Deputy Lewis was that one said we have a lower level percentage of rented and one said we have a lower level of owned homes. I think that the interesting thing there is that we do not know and there is no question that when the detail comes through, I am really hopeful that we will have information in time to inform the Island Plan 2021, so that as we move forward we do that from a much better position of knowledge. Deputy Brée spoke about the detail before and after and, again, this is another one, if you bring too much detail into the principles there is very little to do afterwards. We will always have a debate about how much detail one wants. But the licensing scheme, I can assure the Deputy, will come back to the States, that certainly is not something that will come at a later date. Conflict of human rights, a lot of work has already been said. A lot of work was done on human rights here and, as all Members know, laws must comply, so there will not be a question ever of something coming to this Assembly before it has been checked for human rights compliance. This is about reducing the cost to the tenants and not improving the profits of the landlords and I accept that there is an issue with listed buildings and windows and Deputy Brée did say there is a difficult balance to be struck here. Yes, it is a challenge, I accept that. I have some changes to the general development order coming through on listed buildings very soon. Yes, I accept the criticism from the Deputy that I have not come forward yet with my supplementary planning guidance updates on windows and historic doors of listed buildings; that will be done before the election and it will happen. Yes, I did not mention it in my opening speech, but certainly it is in my intention. If there is any surplus of funds that accrue from the legislation we have been talking about today, it is my firm intention to allow those funds to return back into the sector that we are talking about today, and that is a continuation of the type of work that we have been doing in the Environment Department on helping people, who are less well-off, to improve their properties. Again, I refer back to ... this is about reducing the cost to the tenant, not improving the profits of the landlord. If we do have some surplus and we

put it back in, it will be to low-energy lightbulbs, it will be into insulation, it will be into things that help the tenant to reduce their costs. Senator Ferguson spoke about lodgers and I have to say to her I do not have the answer about the reduction from 4 to 2, but I will find out. She spoke about the ghettos of tomorrow and, again, I agree with the Constable of St. Helier, I found that was a little bit unfortunate. The Future St. Helier group are doing enormous amounts of work to try to improve further the quality of homes and amenities and facilities in St. Helier. She spoke about the population debate and, again, I have spoken about the need for that and for that to inform the Island Plan 2021. Could I particularly thank, as ever, the contribution from the Deputy of St. John, who always does her homework and is increasingly knowledgeable about things. She said: "Can we enforce?" Yes, we can, we have done our homework and we have, for some time now, known that this work is coming down the line. I have to say I am disappointed to hear her concerns about the information that she could not access. I can only apologise for that and I would like to hope that by the time we get to debate the details she will have had that. She mentioned how often we have debated this issue in the past. Yes, we have and certainly before my time, but I would like to hope this time we will really make some progress forward. Will laws be removed? I am sure some bits will be and I have already mentioned the Lodging Houses Law and, as we move forward with this, as and where we can remove legislation. I am sure we would not want to duplicate it. Other Members spoke about evictions and I have to say to Members - Deputy Martin spoke about this as well - this law will not prevent evictions; however, it will prevent a landlord from just putting someone else into substandard accommodation after such an eviction. I hope it would discourage such practice. Certainly, once the legislation is in place, if someone is evicted, the Minister of the day will be in a position to ban the landlord from re-letting that property until improvements have been made. This will not be easy and, as I have said before, when we get into the detail and we start to implement these, we must be prepared for some shocks and some people maybe finding that they do not have properties to live in anymore, because we just cannot allow them to carry on because of the danger, or the consequences on their health. But, again, I say to Members, Social Security and Andium are aware of this. We talk about protecting tenants and I have to say that part of the rent safe stuff is that proper agreements, proper contracts have to be in place and that works both ways. If tenants have proper contracts, at least they have something to help them if they need that in the future. I would only hope that the Deputy of St. John sees that we are more joined up than ever before and certainly I look forward to working with her, in the future, to make it even better. I cannot speak for the Fire Service, but what I can do is say that the Fire Service and our environmental health officers work to very different rules and regulations and we have done our costings and they have done theirs. I would like to thank the Minister for Housing for her contribution: supply, supply, supply. We both agree on that and I will continue to shout the word at her and hope that we can get on and start building. But the thing I would say is I would stress the point that she made, this is minimum; this is not luxury that we are asking for here, this is minimum standards, basic minimum standards. Deputy Le Fondré spoke about access, demand, population and resources, corporate bodies. He spoke about negligence and accidents and I accept his point that detail will all come back; we are talking about the principles here today. Deputy Johnson, the Deputy of St. Mary spoke about calling this in and, unlike some of my Ministers, I welcome this opportunity to continue working with Scrutiny. Senator Routier wanted Members to resist the temptation to call this in today, despite that I am a great fan of Scrutiny and I look forward to making this legislation even better than it currently is, which is why when Senator Green said this was a good plan he was right. It is not a perfect plan, but it is a good plan and I think it can be even better. I will finish with Deputy Martin, a call for Scrutiny and I would just say to Members: I look forward to working with Scrutiny in the next couple of months to make these principles better. I look forward to working with them in the future to make the Articles even better as well. I commend these principles to the Assembly and I hope very much that we will have a unanimous vote to take this forward to the next stage and call for the *appel*.

Deputy S.M. Wickenden:

Sir, could I ask for a point of clarification from the last speaker? There were a number of questions asked on financial and manpower and if his teams really do have the manpower to be able to take this on as well. I was going to say that, but I did not want to duplicate what other people had already mentioned in the Assembly, so I did not speak, but it would be nice to hear.

The Deputy of St. Martin:

In the U.K. they have been subject to austerity for quite a while now and they have had to reduce their number of officers significantly and that has impacted directly on their ability to enforce. But knowing that we had this work coming down the line, all the people that we have taken on in the Environmental Health team for the last few years now have had particular knowledge of the subject and we feel that we have now some very experienced people in our team. Certainly, my director personally knows the authors of reports from the U.K., dealing directly with housing, health and safety-rating schemes and those schemes are well constructed and evidence-based. Andium staff have been receiving training on this and that was directly from the authors of these schemes, Warwick University. I can only stress that officers work with landlords to gradually improve the standards of accommodation with proportionate timescales. I accept the fact, and I have said it and others have said it, we do not really know exactly what we are dealing with here, but we certainly know that in the early stages we have the staff and the capability to deal with it. We have a piece of software coming down the line that is nearly finished, which we think is going to be of great assistance to us and save us a lot of staff. But we have said all along, and I continue to say today, is if do we find in a while that we are not coping, we will increase the manpower of the team in order to do this work. But we are confident in the short to medium term that we have the staff available to cope.

Deputy J.A.N. Le Fondré:

Sir, can I ask for a point of clarification of the Minister? The Minister said that if there is a surplus then the money will go back to the same area, in his summing-up speech. What I was curious about is that, I am slightly confused, on the basis of what he just said, the financial and manpower implications of his proposition state there will be no increase in manpower, which is slightly at odds to what the Minister just said and that: "There is no increase to the current Department of Environment financial budgets, therefore, it is going to be all surplus." The second question is: I am not aware that this is ring-fenced, so how will he make it go back to the area that he alluded to?

The Deputy of St. Martin:

The estimated income is in the budgets, so it is not all surplus. We have already estimated that the income is coming into the department, so it cannot all be classed as profit, or a surplus.

[16:00]

The only thing I would say is we are confident in the short term we can cope within our existing staff limits and our budget limits, and the forward projections when it comes to finances. I cannot predict into the future where we are going to go, so if, in 2 years' time or 3 years' time, we do need some more staff, at that point I would envisage that we will have to find a way to pay for it. I accept that what I have said about surplus money, should there be some, going back into the work that we have done with helping with insulation and energy saving; I accept that is not in there and I responded directly to Deputy Brée, who asked the question. Certainly some thoughts that I have had, and I have been speaking to officers about that before today; it is not something that I put down in black and white, but it certainly is something I am happy to say to the Assembly today would be my intention to do. The answer to the ring fencing is I do not know, but certainly I would be looking for ways for any surplus monies in the future to be held in the department to be put back

into community use in the way I have described. We had monies voted in the last session of Government for the Environment Department to help with energy saving schemes and what I am thinking here for the future would be in exactly the same way that those schemes worked, where we would go into the more vulnerable homes, people without the money to spend, and help them with their property and spend the money in such a way as to save their money and not to profit their landlords.

The Bailiff:

The *appel* has been called for. The vote is on the principles of the Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-, P.66/2017. I invite Members to return to their seats and ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Deputy of St. Mary, your panel wishes to scrutinise this legislation?

The Deputy of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):

Yes, could we have a date for 12th December please?

The Bailiff:

To move on to the detail?

The Deputy of St. Mary:

To bring it back for debate.

The Bailiff:

Bring it back for debate on the 12th, very well. I am sure the chairman of P.P.C. will have noted that. In the break between propositions I can announce that I have received an amendment from Senator Ferguson to the JT Group Limited: restructuring of enterprise, P.96/2017, which I give notice of.

10. Draft Building Loans (Amendment No. 13) (Jersey) Law 201- (P.79/2017)

The Bailiff:

We now come to the Draft Building Loans (Amendment No. 13) (Jersey) Law 201-, P.79, lodged by the Minister for Housing. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Building Loans (Amendment No. 13) (Jersey) Law 201-. A law to amend further the Building Loans (Jersey) Law 1950. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

10.1 The Deputy of Trinity (The Minister for Housing):

This is a relatively minor amendment to the Building Loans (Jersey) Law 1950, which will bring the method used to calculate loan interest repayments up to date with the modern practice. This law covers loans that have been made to Islanders for initiatives such as the assisted home purchase schemes, which the States have operated in the past and which are actively looking to operate again. The Treasury Department has conducted a review of the way it calculates interest on loans and has identified, during this review, that the current method of calculating interest under the Building Loans Law was antiquated and not in line with modern commercial practice. Currently the law requires interest repayment loans to be calculated based on the balance of the loan on 1st January each year. This is inconsistent with modern practice, so the amendment to the law will enable us to change the way interest is calculated and make it consistent with the regulations accompanying the primary law that allows the Minister for Housing to vary the interest calculation method. As I said, this is a relatively straightforward method and if the amendment is passed, steps will be taken to modernise the calculation method, which will result in a reduction in the amount of interest paid by the 78 households who currently have loans administered under this law. This

amendment has the support of the Minister for Treasury and Resources, whose department administers States loans, and I hope Members will support this minor proposition.

The Bailiff:

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

10.1.1 Deputy S.M. Brée:

A very quick question is: could the Minister explain to us the actual way in which interest is calculated, or will be calculated should this be approved, and exactly what the difference is between each calculation method? The Minister referred in her speech to bringing things up to a modern standard, I would just be interested to know exactly what that calculation method is.

10.1.2 Deputy J.A. Martin:

It is just really a quick question and the Minister answered part of it in her opening speech. I thought this was defunct, but 78 people are still on this loan scheme, and my question is - and it might be in here, but my glasses are missing somewhere, I do not think it is though - when anything is modernised and it is money some people are winners and normally some people are losers. Have the 78 people been contacted to find out how this will affect them financially, or have they even been informed there is going to be a change?

The Bailiff:

Does any other Member wish to speak? I call on the Minister to reply.

10.1.3 The Deputy of Trinity:

To answer the last question first, I am not sure if they have been contacted but, as I said, there are 78 active housing loans under the 99-year lease, assisted homes purchase scheme, dwelling loans and the Dwelling Houses Loan Fund. All of them will be winners, because the headline rate has been out of date. To answer Deputy Brée's question, that information will come on once this amendment to this Law is in place. This amendment allows the calculation to be done.

The Bailiff:

All Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy of St. Ouen, do you wish to call in this legislation? Minister, do you propose the Articles *en bloc*?

The Deputy of Trinity:

Yes.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting the Articles kindly show. Those against? The Articles are adopted. Do you propose them in Third Reading, Minister?

The Deputy of Trinity:

Yes.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting the law in Third Reading kindly show. Those against? The Bill is adopted.

11. States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the payment of rates on States' properties (P.81/2017)

The Bailiff:

We now come to P.81/2017, the States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the payment of rates on States' properties, lodged by the Connétable of St. Helier. I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to agree that by reason of a change in anticipated circumstances, part of the amount approved in the Draft Medium Term Financial Plan Addition for 2017 - 2019 (P.68/2016) is no longer required to be expended (specifically, that part relating to the payment of rates); (b) to request the Minister for Treasury and Resources and the Minister for Infrastructure to take the steps necessary (pursuant to Article 18(1A) of the Public Finances (Jersey) law 2005) to transfer the sum of £899,960.48 no longer required for the payment of rates by the States in 2017 to contingency expenditure; (c) to request the Minister for Treasury and Resources to transfer £899,960.48 to the Parishes by way of *ex gratia* payments as set out below. Grouville: £3,386.78, St. Brelade: £41,897.48, St. Clement: £25,628.54, St. Helier: £642,130.47, St. John: £3,339.46, St. Lawrence: £4,212.38, St. Martin: £6,526.17, St. Mary: £2,756.95, St. Ouen: £5,027.93, St. Peter: £8,926.62, St. Saviour: £148,390.24, Trinity: £7,737.46, making a total of £899,960.48.

11.1 The Connétable of St. Helier:

Members have had my report, which I think is clear and self-explanatory and logical. I would say that, would I not? They will note that we have had comments back, or I as a Back-Bencher have had no comments back from anyone about it, neither from Treasury, nor Council of Ministers, nor from my fellow Constables. So I am assuming - perhaps naively - that nobody has any comments to make and everyone supports it. Indeed, I was grateful to the Assistant Greffier for reading the individual amounts proposed to each Parish, because it makes it quite clear that all 12 Parishes stand to receive something if this unspent rates money is allocated in the way that I am proposing. I will just refer to the number of years this has been going on, I will not make a big thing about it other than to note that at least one Member of the States was in short trousers when I started down this particular road, possibly more. Also, when I was digging in my file I found this interesting piece of crumpled paper which says the Committee - this is referring to the Finance and Economics Committee for Members who were not in the States before ministerial government, we were run by committees and not by Ministers - and Finance and Economics said this: "The committee accepts that in the interests of fairness and transparency there is a strong argument that the States should pay rates on its land and property." There was then a caveat about how that would be afforded. "Despite the above, the committee concludes that the disproportionate location of States properties in St. Helier, St. Saviour and St. Peter create significant costs for those Parishes and the committee would like to address this issue as the priority." That is a word that we have been using quite a lot recently when we talked about the Strategic Plan, about the strategic priorities of the States. There is then another caveat about the pressures on States' income, but the concluding paragraph in this committee act is as follows: "The committee will undertake to provide firm recommendations with regard to the States rates liability when the Island-wide rate has been introduced and assessed and the economic effects of the fiscal strategy are more clear. The committee anticipates that this will be possible during 2007." Ten years ago. Ten years ago this was proposed and, of course, we do not need to explore why it has never happened. Of course we got so close to it, tantalisingly close to it, in the last budget debate when - somewhat paradoxically - the States approved the more difficult part which was the provision of sustainable finances for the States paying rates, but turned

down the payment of rates for the current year, 2017. As I set out in my report, there was a wish to spend that money that had been allocated on the Parishes through D.f.I providing projects, but as the year went on it became clear that this was going to be difficult. Certainly, by the time we got to the summer, when we were already halfway through the year that the States rates money had been allocated, a sounding by the Minister for Infrastructure got a fairly short shrift with the responses that I saw saying that if there is going to be this States rates money for 2017 then let the Parishes decide what to do with it in the normal way, which is what they do with their rates income. More seriously, I was informed that my proposition that this money be allocated to project work was probably *ultra vires*. Accordingly, I went to see the Attorney General and I am grateful to him and his staff who puzzled quite a long time to try and find a way of solving this particular problem, how to release these funds which had been placed in a particular budget for the purposes of the States paying rates. The States by 3 votes had decided not to pass on that money and so what were we to do with the money. They helped me come up with the present proposition, P.81/2017, which simply passes the money over to the Parishes in an *ex gratia* way and allows the Parishes, in their wisdom, to work out what to do with it.

[16:15]

As I suggested in the closing paragraph, certainly for St. Helier with a large sum of money, it is a matter that I would put before ratepayers to say: “Well, how do you think this money should be spent?” But there are clearly a number of infrastructure projects, including a village improvement scheme in Havre des Pas which has been long anticipated by the residents, which D.f.I are poised, I believe, to assist in the delivery of, which I would certainly want to commend to ratepayers and get that work underway. Now, I know some Members may have a problem with *ex gratia* payments; again, I was looking back into the annals of Back-Benchers’ propositions and way back in 1999 I brought a proposition, I think it was my second, to make an *ex gratia* payment to the owners of a guesthouse, whose guesthouse was being undermined by States’ works next door. The same worries were raised then about *ex gratia* payments, but they were overcome and that payment was made. Now, I have not, in the last nearly 20 years, seen a flood of private Members’ bills asking for money to be paid to private dwellings that have been undermined by States developments. Happily, that is probably because it does not happen very often. But the point I am making is that if this is approved I do not believe it does set a precedent that *ex gratia* money will be requested by Back-Benchers any more often. Indeed, I would certainly hope that as far as the States paying rates is concerned that this is a one-off, this is a blip, this is a decision that we almost made, set aside this money, and what I am suggesting we do now is we pass across that money so, effectively, we are getting a chance to reconsider our decision in the budget debate last year to allocate States rates money this year. So, I would commend this proposition to the States and ask that, at long last, the States commit to their agreement that rates should be paid on States properties, that we effectively enact the Council of Ministers’ preferred route of improving St. Helier in the Strategic Plan by making rates payable on their properties, and we start it this year.

The Bailiff:

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

11.2 States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the payment of rates on States’ properties (P.81/2017) – amendment (P.81/2017 Amd.)

The Bailiff:

There is an amendment lodged by the Minister for Infrastructure. Greffier, can you read the amendment please?

The Assistant Greffier of the States:

Page 2, paragraph (c) - For the words “Parishes by way of *ex gratia* payments” substitute the words “Department for Infrastructure to be spent on infrastructure projects in each of the Parishes”.

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

I brought this amendment as a compromise option for Members. I do not support the making of *ex gratia* payments, unless in extreme circumstances where there is no other route possible. However, I would like the Parishes to benefit from the funds allocated in 2017 for rates and I see this amendment affording an alternative, but acceptable, route rather than using *ex gratia* payments. Members will know that D.f.I. undertake a lot of work in the Parishes and sometimes not as much as the Constables would like, but I am sure that they fully appreciate that they are restricted to the amount of resources that we have available. There is always more that we could do if we had the funds. This amendment would, indeed, give us more funds to do some modest projects in each of the Parishes, in the same ratio as the 2017 rates distribution would have been. We will, of course, do this in consultation with each Constable; for example, St. Helier would get their £640,000, but the money could be spent on Future St. Helier projects such as Havre des Pas, which would be for the benefit of all. There is, certainly, no lack of enthusiasm for schemes, but the funding is always a limiting factor. As an aside, this year Members will appreciate that we have already undertaken pedestrian improvements in St. Helier in Conway Street, and the pedestrianisation of Charing Cross. These projects are already making a difference and improving people’s safety, ease of access, and definitely is a benefit to the Parishes. Another example, St. Saviour’s would benefit from almost £150,000 and the Constable and I and Parish representatives are looking at various Parish schemes to implement next year, mainly around road safety. We do have our own budgets available for such matters, but an extra £150,000 will enable us to jointly extend the scope of those projects. Members will know that there is no shortage of projects on our ‘to do’ list, but we do have to continually prioritise. But, as I say, the main reason for bringing this amendment is the aversion of making *ex gratia* payments when there are workable alternatives, and I believe that this amendment offers Members a choice to provide a workable alternative arrangement without making and setting a precedent about *ex gratia* payments. I maintain the amendment.

The Bailiff:

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

11.2.2 Connétable M.P.S. Le Troquer of St. Martin:

I am not sure if maybe you will give me advice first; speaking on the amendment alone, I think my comments relate to both issues at the same time.

The Bailiff:

Well we are not going to have 2 debates on the same proposition.

The Connétable of St. Martin:

No, no, I will not speak twice.

The Bailiff:

So, I think if Members can confine their remarks on the amendment to the amendment that would be in accordance with Standing Orders.

The Connétable of St. Martin:

I had initial concerns back in the beginning of August when the Minister for Infrastructure, Deputy Noel, notified Members with what appeared on the initial reading to be a great news story, and that was in relation to P.61/2017, the Constable of St. Helier’s original proposition that he was to

eventually withdraw. The possibility of a donation, a gift, to the Parish of St. Martin of some £6,500, or in another way it was 0.01 pence on our set quarters, or a reduction of that because about £5,000 is the reduction of 0.01 pence. The Minister ended his correspondence to Members of the good news story with some caution, and Members will recall that, saying that it might be a misuse of funds voted for a particular purpose, and possibly to be seen in due course by the Comptroller and Auditor General as against the spirit of what the States intended to do to pay the Parishes' rates on their properties. Well, I am sorry, of course it was. This rang alarm bells with me; I am not sure the views of other Members at the time except a couple of them, who shared email responses to the Minister, that were copied to all Members. I think we should all take time to reflect on what is happening today, or might happen today. Surely it cannot be right that money is set aside for something else. We could do that for everything on our annual budgets. Where would, or where could, we stop? I think on a minor scale with my annual Parish budget in St. Martin, when our parishioners attend a Rates Assembly in late July each year they agree the estimates for each section of our annual budget, be that policing, the *trésor* vote, staff salaries, named reserve funds, our refuse collection; I cannot go back the following year at the Rates Assembly and say: "Well, look, we only spent half of our Honorary Police budget and we only resurfaced 8 roads instead of 12 by our Parish Roads Committee, and we decided to heat the church for 3 months instead of 5, so we did not spend all the *trésor* budget and we, therefore, used that money that we did not spend for the purpose we intended last year and we decided to decorate my office and put a shower in and a television and a sofa." It could not happen and is something that should not happen. The money goes back at the end of the year into the accounts that is not used for items and that were not agreed by parishioners at that previous rates assembly. I think of the scenarios mentioned earlier this morning by Senator Ferguson and the Chief Minister are the prudent housewife and the prudent husband, or the prudent partner; but the Senator also mentioned how the Constables run their budgets and that is how we do it. It is a starting point for the money in hand at the end of the year for setting a rate for the following year. Moral conflicts apart and possibly legal aspects set aside, the Minister realised in mid-August that we would not be able to proceed as he had suggested and he withdrew the suggestion that he had offered to Members - he sent that out by email to all of us - for those reasons and for the time reasons as well that I have just explained. He cited that D.f.I. would be unable to identify, plan and implement the vast majority of possible projects, and this was as long ago as 14th August. The other point I would like to raise today, during this speech, is that we are talking about a department, the Department for Infrastructure, that has seen its own budget cut drastically and having to make massive savings for the forthcoming year, and secondly also seeing proposed income sources not materialise - liquid waste and solid waste charges as an example. We are talking about the States of Jersey, it is a Government with a target of saving money in any case, and unfortunately today the Minister for Treasury and Resources cannot be with us to make his views known on the saving of £900,000. But, if I just go back to my Parish example that I have spoken about, we do not just spend it because it has not been spent. Voting against the Constable's proposition - and I will not go on to that part because I know we are going to come back to that - I am not speaking today because one Parish will receive more than the Parish of St. Martin for example. It should not go into that, the Minister has gone into the percentage-wise as what would be the rates money that the States would have spent on rates. I do not know if that is fair to start with but that is an aside. For the reasons I have already stated ... anyway, I will go back now, the Minister seems to have had second thoughts during the summer and he has given us this olive branch today, the best way forward that he thinks, his summer suggestion having not been progressed. He has come back to the Assembly today as I would have had to do at a Parish Assembly if I wanted to use Parish funds for something that was not agreed by the Parish Assembly, at the Rates Assembly. He is asking Members whether they would be minded to use the money set aside for the rates payments on infrastructure projects of their own - this is D.f.I. projects - and of course having to have consultation with the Connétables. Well, apart from the time his

department now seems to have found to add to the work, which he said he could not find in August because it was too late, and we are now 3 months down the line. All I can say, my initial reaction to the amendment was that I had a greater comfort ... and this is the process that I have had to do an additional Parish Assembly, re-diverting money for Parish projects, something a little bit further than the original proposition by the Constable of St. Helier. However, thinking about it since then, and in particular in the last few days, I have grave concerns. Is this any more than the States paying rates for 2017 but just by another method? It remains spending money that could have been a saving of nearly £1 million. The longer we sit in this Assembly such figures unfortunately and sadly tend to be seen as insignificant sums on the grand scale of things. Well I do not think so. £1 million is a lot of money to me, £900,000 is a lot of money. This is public money, not our money, and we do not need to spend it for the sake of it, and while thanking the Minister for the olive branch that he has given us, I ask Members today to think carefully before voting to support either this amendment or the proposition. I thank the Constable of St. Helier and the Minister for giving us the opportunity to debate it, but I am unable to support either.

11.2.3 Deputy S.Y. Mézec:

I strongly oppose this amendment and I urge the States to reject it and instead to support the proposition unamended from the Constable of St. Helier. I do not agree, I think, with anything that was made in the argument in his opening from the Minister for Infrastructure. He said that this was meant to be some sort of compromise and I simply do not agree with that, because I think this aims to deliver something which is manifestly completely unlike what States Members would have anticipated when we initially indicated our support for the States paying rates. He said that part of this amendment comes from an aversion to *ex gratia* payments and I can sort of understand where he is coming from there. I think, as a principle, we do not necessarily want to open the floodgates to all sorts of propositions to make random payments on no sort of consistent basis. I understand that, but I think the chance of this proposition opening the floodgates must surely be nil. There must be no chance of that doing that, because this is a very unique circumstance that we find ourselves in, which I presume will never happen again. We are not going to end up in a situation where there is money left over because of some speed bumps along the way that have made it difficult to get the States to pay rates in the first instance. This is not going to happen again, so I do not think there is any chance of this being anything other than a one-off, and I think it is a very worthy one-off given the situation we are in.

[16:30]

But also, because it will direct the money to a States department to essentially spend the money how it wants. Okay, the Minister has said that he would agree to spend the money in proportion to each Parish and that is good, and I certainly do not doubt his word on that, but it would ultimately be the States department that would decide how that money gets spent and that is not the intention that we would have initially anticipated when this first became an issue for the States over whether Parish rates would be paid or not. The reason that I want the States to be paying this money directly to the Parishes is because I want the Parishes to decide where the money is best spent. I think it is a general positive principle of local government, whether that is local government in Jersey, or anywhere else, which is that those who are closest to the people who are affected by decisions get to make those decisions with greater democratic accountability and more in line with the community of which they are a member, they are there at the frontline seeing it. In each different Parish they will have different things that they will want to focus on and the possibilities for what they can spend the money on might be quite exciting. I know that, in various different Parishes, they have some really interesting and positive things that they are involved in, I know St. Clement is particularly proud of some of the work they do as the Parish supporting vulnerable people in their community, that is something that would be great to see them helped with extra

money that they could potentially choose to spend on that if they wanted, or they could spend it on something else. But it would be down to the Constable, Procureurs, perhaps the Roads Committee as well, the people who are closest to having that democratic accountability for the people who will be affected by that. So, I do not think what the Minister is proposing is a compromise, because it is so far detached from what the initial aim of this was, and I think it is a basic principle of democracy that the money should be going to those who are accountable to their Parishes and who can make that decision, and the parishioners can hold them to account on it through Parish Assemblies, or elections, whereas people in 11 out of 12 of these Parishes have no ability to hold the Minister for Infrastructure to account. So, I think this is so far detached from what was initially proposed. I cannot support it. I hope Members will reject it and I hope instead they will back the proposition unamended from the Constable of St. Helier.

11.2.4 Deputy S.M. Wickenden:

I am happy to follow the last speaker. I too do not agree that this could be called a compromise. I would call it a reversal in some ways. I was concerned when I got the email from the Minister for Infrastructure in August and it said: "I have repeatedly voiced that I would like to use the £900,000 on infrastructure projects for each Parish in the same ratio as the States have paid rates this year. The projects would be decided upon by D.f.I. after liaising with each Constable." What if D.f.I. disagree with what the Constable wants? The power to choose what the money is spent on will sit with D.f.I. so if we want a Havre des Pas improvement on the roads he will say: "I would love to help you out there, but I want to move the refuse from Bellozanne to La Collette and that is for the Parish, so I am going to agree that that is a Parish project." There would be nothing the Constable could do. I think to call this a compromise is maybe a step too far because it is just reversing the decision and it is keeping the power where it already is right now before this proposition. So, I cannot support this amendment. I feel that from the information that I have been given it does not go to the spirit of what the Constable is asking for. The money comes from taxes from the people that live in the Parishes, it is going to be spent on the people that pay their taxes in the Parishes and certainly with the lion's share going to St. Helier where you could probably say easily 90 per cent of this Island uses St. Helier in some way, shape or form, whether it is night time economy, or whether it is going to the harbour, or whether it is going to work, shopping. But that is not an unfair thing to say. So, I will not be supporting this amendment but I would ask people to support the proposition; I think it is absolutely right.

11.2.5 Connétable S.A. Le Sueur-Rennard of St. Saviour:

I was one of those who initially voted against, for the simple reason when we were discussing this all of a sudden it was thrown in that the roads were going to be land, and I did not agree with that because we had already decided that the States were going to pay rates on the buildings and my Parish, St. Saviour, had already allocated the space on the computer for the Rates Department and we knew exactly what we were going to do, it was just going to be a case of pressing the button and everything was going to be forwarded, but because of my vote it was altered. But it is still on there and I am going to go against this, because there are things in the Parish that we want to do, and when I went back to the Roads Committee and the Parish and said: "Everything is now altered and we are going to have this £150,000 almost" they said: "Wonderful, we have got this we want to do, we have got this we would like to do" and I said: "Well, that is fine, the Constable of St. Helier and myself have spoken, I am with him all the way and this is going to be wonderful." Last week we had a Scrutiny meeting with the Deputy, and Deputy Montfort Tadier - who is on the panel with me - brought this up quite indirectly and it was mentioned that I had voted against and I said: "yes", and I explained why initially I had voted against. Then we were told we were digressing and that was knocked on the head. But, at the end of the meeting, as the Deputy left the building - the Deputy who is now bringing this amendment - he said: "By the way I have brought an

amendment.” I was absolutely fuming, because it could have been mentioned there what he was going to do but, no, that was another backhanded way of them getting our money. This is Parish money, I have promised my parishioners they are going to get it, and they are going to get it and we are going to spend it on what we want, not what the Deputy thinks he would like. I wish the Council of Ministers would just stop moving the goalposts and stay with what they promise everybody in the first place. So, I am not going to be voting for this amendment, but I am going to stay with the Constable of St. Helier and vote for what he wants and for what my St. Saviour parishioners want and deserve.

11.2.6 The Connétable of St. Clement:

Just very briefly, I think I should remind the Assembly that not one Constable, not one Parish, has come to this Assembly to ask for this money, only the Constable of St. Helier, undoubtedly the richest Parish in the Island on assets and on cash. But the fact that we have not come to ask for it, it would be wrong to use this money - which is taxpayers' money - for Parish projects, rather than for Island-wide projects if this money is lying around looking to be spent. If the States really want to spend this money on Parish projects, rather than Island-wide projects, fine, but the distribution I suggest, as suggested by the Minister, is wrong. The amount each Parish has to spend on its infrastructure projects should not be based on a rates distribution which the States have rejected. That seems to be some sort of flawed logic there. The States have agreed they are not going to pay rates for 2017 at least, but we are going to distribute the money on the basis that we would have done. Infrastructure projects, you will get pretty decent ones in St. Helier on this basis, and in St. Saviour; not a lot for £2,000 in St. Mary, or for £3,000 in St. John, £4,000 in St. Lawrence. It really is rather a silly way of talking about infrastructure projects. If the money is going to be done this way we all need to bid for what we need to do and, in conjunction with the Infrastructure Department, we decide what would be appropriate. What I am saying is: if this money is going to be spent on infrastructure projects then it needs to be prioritised on what is really needed, rather than what would be nice to do.

11.2.7 Senator P.F.C. Ozouf:

I rise to oppose the amendment brought by the Minister for Infrastructure on a number of different grounds. Like others, there are some remarks which can be made about this proposition which means that I will not have to say them again in the main proposition. An *ex gratia* payment is, I am told, because I have got an iPad, so that I can look up meanings of words, and the *Oxford English Dictionary* tells me that an *ex gratia* payment is Latin and it is most often used in a legal context and it is when something has been done *ex gratia* it is being done voluntarily. In law an *ex gratia* payment is a payment without the giver recognising any liability, or obligation. Now, of course, that has to be the right way, because the Constable's original proposition was defective because, of course, it called upon the States to pay rates on their property when the law was not there. So, we had this slight, if I may say, blip, this technicality last year, where I am quite sure if it would have been not with the confusion of the roads - and I will come to an irritating fly swat that the Constable has previously used in a second - but effectively if we would not have had the sort of irritation of this road thing I am sure that it would have been approved. I can see and I am delighted to follow the Constable of St. Saviour who quite rightly says that this must be ... she is the Constable of the second largest recipient of monies has the burden ... I really do take exception to the Constable of St. Clement saying that St. Helier is the Island's richest Parish. What is the definition of rich? Well, rich may be that they have more commercial rates, they have more houses, they have more people; but rich does not mean to say that they are better off. How dare he say that they are rich when the Parish of St. Helier and St. Saviour is burdened with the great amount of excessive - in comparison to others - States buildings and receives nothing for them, yet has to deal with all the servicing that is associated with those offices and those schools, additional

drains on resources of roads, of rubbish collection, of all the other things. The Constable of St. Helier has for years campaigned for this. I have mentioned Dr. John Kelleher's book *The Triumph of the Country* before and I understand his book is to be republished shortly, and of course there has been for years this debate about the town and the country; and here we go again. I got a transcript from the Greffe, which I had transcribed from the debate in 2005 of the Rates Law and the Constable of St. Helier says: "Before giving my enthusiastic support for this", which was the introduction of this new arrangement for unified rating systems and the introduction of commercial rates, he said he wanted to: "swat an irritating fly that is buzzing around my ear and does so every time we debate this subject. The Deputy of St. John every time does this." Now, of course I am not talking about the current Deputy of St. John, I am talking about a previous one. Every time there was a proposition that dared to suggest that the Constable of St. Helier wanted fairness for his parishioners, or the Constable of St. Saviour wanted for her - or previously his - parishioners they were swatted by arguments of unfairness. It is blatantly unfair. It has got to be sorted, and if an *ex gratia* payment is the recognition that there is not the law yet because we did not manage to get it done last budget, but it is effectively ... there is no precedent of an *ex gratia* payment being a worrisome issue for the Minister for Infrastructure, or the Council of Ministers. There is no worry. This is an *ex gratia* one-off payment, because we did not fix the decision that we had made to put in the M.T.F.P. the payment of rates to the Parish. We have not got the legal mechanism, so we are doing an *ex gratia* payment, we are doing an *ex gratia* payment as a one-off, because the money is there. I am sorry to say to the Constable of St. Martin, this is not money lying around, it is money allocated for the dealing of the unfair burden that his Parish does not have, but I am afraid that other Parishes do. His Parish has a total of £6,500 worth of States property in his Parish. St. Helier has £642,000 worth of commercial property and other property of the States of which they get nothing.

[16:45]

I am sorry, it is just not fair. It is not money lying around; it is undoing, redressing an unfairness that has been in place for years. It used to be the unfair welfare burden that was burdened by St. Clement. It would be a different argument today if we were dealing with the unfair welfare burden that used to be also a problem to the Constable of St. Clement today. He would be on the other side of the debate because he, of course, only gets £25,000 if he gets his rates. He had a massive welfare burden of much more than that, when we dealt with that. Now, because it is St. Helier and there just seems to be this sort of St. Helier/St. Saviour versus the others. I hope the Constable of St. Brelade, who is looking at £41,000 for certainly some nice Parish improvements there. They should be allowed on this *ex gratia* payment basis an amount agreed in the M.T.F.P. Yes, the law is not there, but the agreement in principle was made in the M.T.F.P. The law did not come because of a technicality last year, and I am sure we are going to sort it out this time with the budget and there are budget amendments to do that. But there are still going to be the other proposals to find the money for the resources to pay for it as well. I know some Constables do not like that, but I am afraid there has been already an extant decision to agree revaluation of commercial property, and I am bringing an amendment in order to do that. If the other Parishes do not want to do it that is fine, it can happen in St. Helier and St. Saviour willingly and I am glad to see that the Constable of St. Saviour is nodding in agreement; because that is going to be fair and reasonable, particularly for retailers, hospitality and others, and it will be the offices that will pay. There is no precedent for an *ex gratia* payment that is going to be problematic. This does not happen often. It certainly should not happen again. It has been an unfairness for years. We have agreed the budget. It is an *ex gratia* payment because we have not got the law in place. Let us just agree and pay it, and let the Parishes decide and not others. It is not just the Parish Constable that is going to decide, it is going to have to be an allocation made to a Parish and it is going to be a Parish Assembly that will vote on the project. Now, that is democracy that is far better than the

democratic principle of, if I may say with the greatest of respect ... I like very much the Minister for Infrastructure, he is a really nice chap, I know he is a very reasonable and nice chap. But I am sorry, it is going to be more democratic if it is the Parish Assemblies that receive this money and decide it is going to be spent, because that is how Parishes work and that is how Parish democracies work. That is what we should do. We should reject this proposition and we should enthusiastically and universally agree what we agreed in the M.T.F.P., to give the Parishes the money that they have not had for years and their Parishes are worse off. They are not richer, I say to the Constable of St. Clement. How dare he? They are not richer, they are poorer. I urge Members to vote against this proposition and support the underlying proposition in large numbers.

11.2.8 Senator I.J. Gorst:

We are having an interesting debate and I will find myself, perhaps, in an interesting place. The Constable, when he moved his proposition, I think very rightly reflected on the history of this decision, or the need for the States to pay rates, and that has just been eloquently explained by Senator Ozouf why it is the right decision to do that. This Assembly made a decision in the past and then overturned it, and we have just heard from one of those individuals who voted against that decision. We would not be where we are today if some of those votes against were in favour of what was being proposed. We have just heard there is one vote changed. But I also see there are quite a number of heads down, and we heard another colleague say why he felt it was the wrong thing to move the money full stop. It was not supporting, the amendment was not moving the money, full stop. It is in the spirit of trying to move this particular issue forward that the Minister for Infrastructure and myself agreed that we should present this position to the Assembly as perhaps a step that those who are still not convinced about the need to pay rates, but are convinced that infrastructure projects around the Parish are the right approach to take, and those who are concerned that Parishes may use it, as would be right, to reduce their rate if they so wish. Or, as we have heard from the Constable of St. Saviour, officials have got a number of projects on which they would like to spend this money. But we have to break and we have to move through the blockage that we have found ourselves in over the years. I fear, and I hope I am going to be wrong, that we might have people voting against the amendment for all the good reasons that have been explained, and then people voting against the actual proposition to give the money to the Parishes as well, because they are still to be convinced about the States paying rates and the mechanism to transfer that money and the mechanism to raise that money. So Senator Ozouf I think rightly said that there should be a reasonably straightforward mechanism of revaluation, and again I know some of my colleagues do not like that and have opposed it. If that is simply a revaluation in St. Helier or St. Saviour, and if there is a need for a slight uplift then to cover the transfer of rates cost, that is the direction we should be going in; but I stand here and I know that that is not a universally accepted direction. In fact, sometimes we do not always say in this Assembly the difficulties that some of our colleagues face, and I know that the Constable of St. Helier has faced difficulties with his other colleagues in trying to build a consensus - if you can call it a consensus when there is only one person on your side, I am not sure, there is now 2 - trying to build that consensus about moving the issue forward. Because it is one of those issues where everybody seems to agree in principle, or has done, but then when it comes down to doing something, putting one's hand in one's pocket, deciding on how the money should be spent, or delegating that decision to the Parishes, suddenly gets a lot more difficult. I am, for that reason, supporting this small step, even though I understand and accept the reasons that speakers have said about taking the great plunge. I just hope that they are today, if we are not taking the small step, going to persuade enough people to take the great plunge instead. I am happy to take a small step in the first instance. If it is defeated, then plunge I think it has to be.

11.2.9 Deputy J.A. Martin:

I will be brief, and I appreciate what the Chief Minister thinks he is trying to do, but I just think that this amendment muddied the waters for me because ... and I do not agree with what he said about the principle, to me it has been established, everybody thinks that the States should pay rates, it was just a bad law when it came back. Again, if that had had a good scrutiny on it, it may have got through, or issues raised earlier than when it came to the debate. I will not sort of labour on this amendment too much, it is just wrong that this money is there and it would have gone to the Parishes if the rates were payable rates. This is just money that now sits in a pot, it just happens to be with the Minister for Infrastructure, and I do not want him to be able to have the final say - as Deputy Wickenden says - on the things that the Parishes want to do. I probably will not support this. I was not sure which way the Constable of St. Clement was going, but he seemed to think that if it was passed the calculations then were not right, so did he want it divided by 12 so St. Clement may get more? There could have been moves for amendments, but this is what it would have looked like if the States had gone through and the Parishes had got their rates, so it is simple. It is all about a little bit of, to me, a bit of control one step too far with the Minister for Infrastructure, as it was said earlier, and I have to repeat it. Parish Assemblies, the people who see what is going on in their Parish, even the bigger Parishes, they attend, they know how to spend the money. The projects are normally, whether infrastructure or not, come in probably more cost efficient, a bit cheaper, and normally on time. I am looking at the Minister for Infrastructure and St. Helier Parish does work with his workers and we do a lot of good work. But this, to me, is just one step too far. The money should come and it should be for each Constable to take it to their Parish assembly to be able to spend it.

11.2.10 Deputy J.A.N. Le Fondré:

I am very much of the view that I will not be supporting this amendment. I will be supporting the main proposition. I think I was consistent with my stance in the last 12 and a half years of being in the Assembly, and I also speak as a past chairman of a panel, or board, that was set up by the then Minister for Treasury and Resources, Senator Le Sueur - of which the Connétable of St. Helier will remember, I think that was 2006 or 2007 - with a very strong and clear recommendation that the States should pay rates. I think that has been my stance even before I came into politics. I regard it very much as a principle of a level playing field. There are organisations out there and businesses out there that effectively perform exactly the same function as organisations within the States or departments within the States, one pays rates, one does not. It should be consistent and, therefore, the States should be paying rates, and it will make them start thinking about empty properties and things like that, in my view. It is a step. But certainly in relation to this amendment, I think it should not be that if the States - which the States have done a number of times - have approved the principle of paying rates - we have done that, a number of times that vote has been passed - the money this time has been allocated, therefore, the principle has been accepted that the money should go to the Parish. It is not under the control of a States department and, therefore, in my view this amendment should not be supported; the main proposition should be. I will just say I had definite reservations the last time around, I cannot remember if it was the M.T.F.P., or the budget - I have lost the plot on that in terms of when it happened - but, in my view, it was made overly complicated, very difficult to administer, and in fact I do not think it was in the spirit of the principle that the States had previously adopted, in other words the States paying rates. That was why it went out. One could say that was the way it was designed. I do not know on that front, it may have been just somebody making it very complicated, but it did not work. But the basic principle should be the States pay rates and, therefore, I have absolutely no problem with the principle of an *ex gratia* payment, but I think it should be under the control of the Parish, therefore, I am rejecting this amendment and I am supporting the proposition.

11.2.11 Deputy S.M. Brée:

I have listened with interest on the debate on this amendment and I am still at a complete loss to understand why on earth this amendment was brought in the first place. If you agree with the Parishes receiving rates on States properties that should be left for the debate we are going to have on the main proposition, amended, or not. So, really, what is the point of this amendment? It would appear to be to attempt to wrest control out of the Parishes' hands and put it into Infrastructure, so that Infrastructure can decide for themselves what projects each Parish will have, after consultation, of course, with the Constable.

[17:00]

I am at a loss to understand why the Minister would seek to take control of that money. If the States have agreed, in principle, that the States will pay rates on their buildings, then those rates are owed to the Parish in which that building sits. It is up to each individual Parish to decide, as it does at the Parish Assembly, what it is going to do with the rates income it receives. It is not, in my opinion, up to the Minister for Infrastructure to dictate at the end of the day, which is what it will be, what each Parish will receive. I would urge Members to throw this amendment out and get back to the important debate, which is on the allocation to the Parishes of the funds set aside for the payment of rates.

11.2.12 The Connétable of St. Brelade:

I will be very, very brief. It saddens me to vote against the Minister for Infrastructure, because I have always had a very close relationship with ... well, not too close a relationship, but a good relationship with the Minister for Infrastructure and we have done some really good work together, which makes me even sadder to have to vote against this. But, to be clear, I am not treating this as rates income. It is as simple as that. If it is an *ex gratia* payment, call it what you want, it comes with no strings attached and it is not, for me, rates income. The important point, I think, in regards to voting against this is that - I think people have already said it a couple of times - it is, for me, a Parish Assembly decision as to where that money is spent. I think the money is given within that spirit: that it is for the Parish to decide. I agree with Senator Ozouf in regards to that. If I had to accept and there was no other choice but to accept this amendment, then I would accept it, because I know I can work with the gentleman behind me and I know I can trust him to do what he says. My other comments, really, will be around the main proposition. But, like I said, I cannot support this amendment and I urge people to reject it.

11.2.13 The Connétable of St. Helier:

There have been some excellent speeches on the amendment. I am particularly grateful to Senator Ozouf, who prevented me from leaping to my feet midway through the debate on the amendment, when he took the Chairman of the Committee of Constables to task for the way he described St. Helier. Having said that, of course, the Constable of St. Clement was right to query the logic of the amendment, because if, as some Members believe, rates should not be paid by the States this year then why treat this unspent sum as if they were going to be paid this year. So, he is right to say the amendment is illogical. The amendment, it seems to me, almost invalidates the proposition. It must have been a close call when you consider it, because effectively the amendment leaves the money that the States should be paying in rates ... as every business and domestic ratepayer in the Island pays their rates bill every year. Some of them get stung with the late payment. Some of them recently have, I know, in certain Parishes. But, everybody in the Island pays their rates bill, except the States. The States have been avoiding that duty for many, many years. We agreed in the Strategic Plan that the States would start paying rates. We agreed in the M.T.F.P. that they would start paying rates in 2017. Then, to use the rather nice phrase by Senator Ozouf, there was a blip in the last budget debate, various red herrings were dragged across the path of the debate and by 3 votes the States decided not to spend that money on paying rates this year. I make no bones about

it, my amendment is an attempt to get the States to reverse that decision and to pay rates this year. I must say, I am disappointed with the Chief Minister's speech. I thought he was going to make a big step when he stood up and said he was going to upset people, because I thought he was going to upset his Minister. I thought he was going to be a big-step Chief Minister and not a small-step Chief Minister. **[Laughter]** I think he should be bold. He should accept the fact that we have made the decision to pay rates this year, so it is not right to leave the money with the States Department. The States, after all, just look at the last couple of weeks ... what do the public think about the States' ability to spend money wisely? I am not going to give examples and these do not all fall at the Minister's door, although one might look at the cost of the Seaweed Conference and ask why that was so expensive. But the fact is that we all know ... Senator Ferguson said it this morning, that the Constables and the Parishes use their funds wisely. I say to Members, do not put this States rates money for 2017 back in the States' pocket, put it in the Parishes pocket, so that that Parishes can decide what to do with it.

The Bailiff:

Does any other Member wish to speak? If not, I call the Minister to reply.

11.2.14 Deputy E.J. Noel:

We have had a good debate this afternoon, for which I am grateful. This is not about whether or not the States pay rates, or not. We have had that debate and the States are going to pay rates. This is about whether, or not, we make an *ex gratia* payment. I am comfortable with making *ex gratia* payments, which is why I offered Members this as a genuine compromise, whereby States Members can still get the money to the Parishes to do things for parishioners and Islanders, which has been my stance ever since the vote last December. I have said that a few times publically and I have said it in email and correspondence to the Constable. As I said, it is not about the States paying rates. The States are going to pay rates. The States do already, in fact, pay rates. I believe my department pays in excess of £300,000 a year currently in rates on certain properties. So, it is not about that. It is about whether or not we are comfortable making *ex gratia* payments. I personally find that uncomfortable, which is why I went for this option. It is not about me, either, keeping control of the funds. This is a way of getting that money that otherwise is just going to be carried forward and go back to the Consolidated Fund into the Parishes to do good works in the Parishes. Admittedly some are more material than others, but I leave it for Members to decide. It is really up for where they stand with *ex gratia* payments. I maintain my amendment.

The Bailiff:

The appel is called for. I ask Members to return to their seats. The vote is on the amendment brought by the Minister for Infrastructure, P.81. I ask the Greffier to open the voting.

POUR: 13		CONTRE: 30		ABSTAIN: 0
Senator P.F. Routier		Senator P.F.C. Ozouf		
Senator I.J. Gorst		Senator L.J. Farnham		
Senator P.M. Bailhache		Senator S.C. Ferguson		
Senator A.K.F. Green		Connétable of St. Helier		
Connétable of St. Clement		Connétable of St. Lawrence		
Connétable of St. Saviour		Connétable of St. Mary		
Connétable of Grouville		Connétable of St. Ouen		
Connétable of St. John		Connétable of St. Brelade		
Deputy of Trinity		Connétable of St. Martin		
Deputy E.J. Noel (L)		Connétable of Trinity		
Deputy of St. Martin		Deputy J.A. Martin (H)		
Deputy of St. Peter		Deputy G.P. Southern (H)		
Deputy T.A. McDonald (S)		Deputy of Grouville		

	Deputy J.A. Hilton (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy of St. John		
	Deputy M.R. Higgins (H)		
	Deputy J.M. Maçon (S)		
	Deputy R.G. Bryans (H)		
	Deputy S.Y. Mézec (H)		
	Deputy A.D. Lewis (H)		
	Deputy of St. Ouen		
	Deputy L.M.C. Doublet (S)		
	Deputy R. Labey (H)		
	Deputy S.M. Wickenden (H)		
	Deputy S.M. Brée (C)		
	Deputy M.J. Norton (B)		
	Deputy of St. Mary		
	Deputy G.J. Truscott (B)		
	Deputy P.D. McLinton (S)		

11.3 States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the payment of rates on States' properties (P.81/2017) - resumption

The Bailiff:

Very well, we return to the main proposition, which is now open for the debate. Does anyone wish to speak? Senator Farnham.

11.3.1 Senator L.J. Farnham:

I just simply wanted to ask the Constable of St. Helier when he sums up to ... or any other Constable who might want to comment. It was the Constable of St. Brelade that said he would not treat this as a rates payment. But, I am sure that some parishioners might want to retain some of that money to reduce the rate in their Parish. I just wondered if that had been considered and whether the Constable would like to comment on that.

11.3.2 The Connétable of St. Brelade:

I said it with the amendment, I am going to support this proposition, but I am going to support it with the caveat that, as I have just said, I am not going to accept this money as a rates income, because the States have rejected that. We have got to get to a point where we know the consequences of accepting that rates money. It was clear within the budget debate last year that it said it needed to provide a mechanism for the revaluation of rateable values needed to be approved. If that is what we are going to do, then I need to know what that is going to mean and what impact that is going to have on Parishes. Clearly, if we are looking to revalue, we are revaluing for a reason and it is going to be to get the money back that we are going to accept in regards to rate payments. Now, from St. Brelade's point of view, we are receiving £41,897. Under a revaluation, I do not know what extras St. Brelade is going to have to pay in regards to States rates, in regards to recouping that money, because, clearly, the Treasury Department has to balance those books. Now, when I know what that is then I will support it. I am for the States paying rates, but I want to know what the whole package is before we get around to that. I have been contacted by parishioners to say: "Why are you not accepting this money?" If it is purely a no strings attached payment then that is the reason I am supporting this, but this is not the States paying rates. That is another debate. That is for another day. That is when I have in front of me all the detail that was not there in the budget debate last year. There is no such thing as a free lunch and I am wary about this in some ways being treated as a free lunch, because, again, we do not have all the information I think we

need to inform us on what those rates and what that evaluation is going to look like. Any revaluation or mechanism to revalue is going to have an awful consequence on our rates officers in regards to how we are going to develop that and how that is going to be brought forward. Like I say, I am going to support the Constable of St. Helier on this, but I am supporting him with a caveat that when we get to a Parish Assembly I will not be treating it as rates money, I will be treating it as an *ex gratia* payment, which is exactly what he has got in his proposition. I want to be totally clear to my parishioners about where I stand on this. As far as I am concerned, I think I cannot be any clearer. This is not me accepting this as rates money. This is me accepting this, or the Parish accepting this, as an *ex gratia* payment.

11.3.3 The Connétable of St. John:

I did not speak on the amendment, because really, as far as the Parish of St. John is concerned, either, I, as Constable, sit down with the Minister to discuss how the money should be spent, or the Minister sits down with me, as Constable, to decide how the money is spent. So, this money will be used toward some of the schemes to provide safety within the Parish. However, I do take very great exception to a comment made earlier by Senator Ozouf that St. Helier is hard done by over rates and the States do not pay rates. I feel it my duty to remind this Assembly that some years ago Welfare was centralised and the parishioners of St. John had a 75 per cent increase ... that is a 75 per cent increase in their rates overnight, so that St. Helier could reduce their rates. That should be very clearly noted. I do not want to go into too much detail, but small Parishes do have significant costs when it comes to maintaining the Parish Church and to maintaining certain wonderful historical buildings. This is an enormous burden. If I was to carry out full repairs on St. John Church, as was recommended in one report ... I say in one report, because I have another report giving a slightly different result, I would be spending 2 and a half years of rates. That is 2 and a half years of all the Parish rates on upgrading the church. Whereas St. Helier spent £2 million, I believe, on upgrading their church, which was a small percentage of one year's rates. So, just remember: we all have our swings; we all have our roundabouts. But, today we are not discussing the principle of paying rates; we are discussing the principle of an *ex gratia* payment. This was budgeted for. It was voted on. I think, therefore, the payment should be made and I look forward to sitting down with the Minister to discuss how this could be best used for the Parish of St. John.

[17:15]

11.3.4 Senator P.F. Routier:

In the opening speech, the Connétable of St. Helier mentioned that he was hoping that some of this money would be going towards a scheme in Havre des Pas. I would just like him to confirm that that will be the case and perhaps like to learn a bit more about whether other schemes and improvements are likely to come forward and to be funded from this money in the Parish of St. Helier.

11.3.5 Senator P.F.C. Ozouf:

If I may just respond to the remarks of the Constable of St. Brelade firstly and perhaps give him some emolument to assuage some of his concern that he has. The issue is that there is a timing difference between the fact that the States has agreed the M.T.F.P. allocation for the rates to have been paid and the lack of delivery of the legislation in order to correct it. It is perfectly correct, but there is a further timing difference as well. The timing difference is that the money for the States to pay it was not effectively legislated for by way of amendment to the law for the difficulties that we have just had. So, he can treat it as an *ex gratia* payment, it does not have to be treated as rates, but it is income which, under my understanding of Parish law arrangements, he has to go to the Parish Assembly to get approval to spend it. So, it is like other income. That should deal with that. The thing about the other side of the transaction is that there was always this problem that, of course, as

the Constable of St. Brelade has said in other debates, there is no free lunch. There is an outstanding problem of how was the million pounds, or so, that was going to be required for the States to pay rates and where was it going to be found. The idea was that it was going to be found by a future revaluation of commercial properties, of which the majority of the commercial properties are in St. Helier and the majority of which are offices. Because of an absence of a revaluation, because they have been stamped at 2002 levels and office rents have gone up broadly in line with inflation. Other retail premises, such as hotels have gone down. There has been the unfortunate unintended consequence of simplifying the way that rates are levied to make it easier for the assessment committees, which is the economic unfairness, which means that there are winners and losers. The losers are, in proportion, the retailers and hospitality people. The winners have been the office owners. Jersey has incredibly low commercial rates in comparison to virtually all other jurisdictions. I know the United Kingdom is not a jurisdiction with which one likes to compare, but if we were effectively levying a commercial rate which was equivalent in the United Kingdom then the Parishes would be getting 80 per cent of rent roll on commercial rates. In Jersey it is between 2 and 4 per cent, depending on what the actual real value of the property is now. It has become out of proportion. I know the problem of revaluation is causing Parishes concern. I understand that, but there is also a need to understand the economic unfairness of fixing something for ever in time when markets adjust. Retail is in difficulty. We are just about to have a debate on retail taxes. Effectively this might be some emolument in order to reduce on balance the ... effectively redistribute the commercial rates income and add some to pay for, if the States was to agree, this as States paying rates. So, the States are going to be funding this from, effectively, its resources. So, taxpayers are going to fund this for the first year. That is what this debate is about. We are having this, because we have agreed to do it. It is being funded by taxpayers, without a corresponding income line from, effectively, commercial rates which will largely come from offices. That is a debate for the budget. Hopefully, we are going to be able to sort this out. Hopefully, there is going to be a way of dealing with the understandable concerns of the Parish Assessment Committees that do not want to have to go through a revaluation and particularly those Parishes that have got not much in comparison with St. Helier and St. Saviour commercial rates, where the unfairness is clearly there. It is very, very clearly there from the work that I have been doing recently. That is the difference. I hope that that would assuage Members' concerns and assuage the Constable of St. Brelade's concern. All the effect ultimately, subject to the States' approval, is going to be effectively an uplift. My calculations are about 23 pence per square foot, offices in town are going to pay more to pay for the States paying rates. Because there will be enormous amount of quarters exist for that. By the way, that does not mean to say, before the Constable of St. Clement gets too excited that they are rich, with the right to levy rates. Some of it, of course, goes to the Island-wide rate that paid for the unfair Welfare burden. That extra does not go to the Parishes. A lot of it goes to the States in order for the Island-wide rates to be paid, because of the unfair Welfare burden, which was an outrage and an unfairness. I hope the Constable of St. Clement, who has put his light on, is not going to stand up and say that another former son of a Constable of St. Saviour, who was treated unfairly, does not know what he is speaking about in relation to this. I hope that that is not going to be the situation, because we both share a common history of both our fathers being Constables of St. Saviour. I know he will say that fairness is important, because he did so in Welfare. I hope he is not going to start saying that there is an unfairness or an overly fair arrangement ...

The Bailiff:

Can you come back to the point, please?

Senator P.F.C. Ozouf:

I was basically just putting my oar in first, because I know he is going to come back in. There is a division in the Constables and it is not a fair one. I think we need to be fair to St. Helier, St. Saviour and St. Brelade, in that order. The others, I know it does not matter hugely to them, but it matters to those 3 Parishes. If they want to do a revaluation they should be allowed to do it.

11.3.6 The Connétable of St. Clement:

I will not speak immediately about Senator Ozouf's obvious lack of knowledge about the rate system, but we can come to that a little bit later. If I offended him, or anybody else, by suggesting that St. Helier was the richest Parish of the 12, then you have only to look at our balance sheets and income expenditure accounts to see the accuracy of that remark. I do have a difficulty in accepting a gift. A gift, which is not rates, as my colleague the Constable of St. Brelade has said, it is not rates at all, it is a gift, which we do not have to ask for and in reality we do not need. I will tell you why we do not need it. It is because the budget this year for our Parishes was set in July, or August, and that was fixed for the total amount we are going to spend in this 12 months to the end of April. The bills have gone out. The bills have mostly been paid. So, the reality is that unless we have something that we did not budget for then we do not need the money now. This is an extra unexpected windfall. That is all it is. In the proposition there is no restriction, whatsoever, on how that money should be spent. It could be put to overspends, if we have spent more money than we expected to, or planned to. It can be a special project, which the parishioners will decide upon. Or it could go, if the parishioners so decide, to reduce the rates next year, which might be a bit of a folly, because the rates will only go up the following year, whether the States pay rates or not, because the same money will be collected on the budget. We do not decide what we are going to spend the rates money on, we decide what we are going to spend and then decide how much the rate is going to be, which is a much more sensible way of budgeting and planning. One, or 2, Members spoke about the burden on St. Helier of these States properties. That burden could be resolved quite easily, because other Parishes have commercial properties in them and some Parishes do not even collect the waste, for example, from commercial properties. Other Parishes charge commercial properties in addition to the rates for collecting their refuse. It is a matter for each Parish to decide what it is going to spend and how it is going to spend it and who it is going to spend that money on. There is no restriction ... if St. Helier and the States decided that it is unfair, the States could offer to pay for their refuse collection and the other services they use. That would be a perfectly legitimate thing to do and something that happens in other Parishes now. Now, Senator Ozouf goes on at length about revaluation as if some miracle is going to happen and everything is going to be fair and equitable. Absolute nonsense, because any new revaluation - which is going to take years to happen, because every single property would have to be revalued - will raise not one extra penny in rates, because the Island-wide rate is fixed by law. The States could change that, or increase it, but I do not think that would be very popular. The Parish Assembly fixes the amount required by the Parishes and, therefore, the Parish rate. All the revaluation will do is redistribute who pays what. No extra money is going to be raised. Some people will pay less. Some people may pay more. Some people will be very happy. Other people will be very unhappy. There is a judgment to be made there, but it is really not going to affect the finances of the Parish or the States one iota. It is going to cost, because it will be a major work to be done to do this so called revaluation. No one knows how to do it, even the Treasury, at this moment in time. I really do not know which way to vote. It is nice to get the money ... looking a gift horse in the mouth. I do not know. I will decide in a minute.

11.3.7 Deputy J.A. Martin:

Just briefly. It is good to follow the Constable of the Parish I live in. I am sure, as one of his parishioners, that he may have set the rate, but there are things that he can do with this money. It is a shame to hear that he says that with the revaluation, which will not be easy, there will be winners

and losers, but it is going to be the right winners and losers. As Senator Ozouf said, you have shops paying too much and are losing customers, or not getting too much in and others in finance and in great big offices who are not ... it is exactly the same. So, I just sort of rise to address something that the Connétable of St. Martin said earlier about whose money is this and where does it come from and we should not be spending it. Well, the money has been raised. The money is there. I can think of so many projects in ... I am a Deputy for St. Helier and I live in St. Clement and I was a resident of St. Saviour. There are always things you can do for your community. I understand what the Constable of St. Clement is saying, but I do have, believe it or not, a lot of respect for every Constable. Not one of them would spend this money silly. They have to send it to a Parish Assembly and then there can be amendments from the floor, or there will be other propositions put. Every Constable knows they are not pet projects, these are projects that people want in their Parishes that get put off each year, because a lot of people sensibly do not want rates to go up. So, I think it is a windfall. I think it was voted. I said earlier that the rates never got paid because the law was defective when it came and so we are where we are. But, I really do not think that anybody should turn this money down. In the scheme of things, St. Helier looks like it gets a lot of money, but it has 33 per cent of the population. Divide that out evenly. It might be the richest ... I could go on. I will leave it up to the Constable I work for to sum up. But I think this is time to divide this out, to put this to bed and the Constables, now the amendment has failed, will have full control with the Parish Assemblies how they spend this money in their Parishes, which is all part of the Island. All the Parishes added together makes the whole of Jersey and it will make it better.

11.3.8 Deputy A.D. Lewis:

Anybody listening to this debate from the outside today would think Groundhog Day, or are we in a different parallel universe, unless I am getting confused myself. I think the Constable of St. Clement confused himself.

[17:30]

I would recommend to him: please do not kick a gift horse in the mouth. This is a sensible way of resolving a problem that we have created ourselves, to a certain extent, by not foreseeing a problem that the Minister for Infrastructure has seen, but even he has not accepted, by the sound of things, that the reason why we are where we are is because of a quirk in the process. That is all it is. The issue of not wishing to make *ex gratia* payments is not a great thing to do as an accountant. I would fully understand why the Minister would say that. But, he also knows why we are where we are. This is a creative solution to resolve it. So, I would thoroughly recommend to all Members that they simply go for this. It solves the technical problem. We have another day to debate the bigger issue, which is the continuance of that payment. But I do hope that the acceptance that we had in the Assembly, not that long ago, that the States should pay rates is a given. So, we are discussing a technicality. I would hope today we can resolve it, because, otherwise, people looking into this Chamber from the outside today would think ... well, I do not quite know what they would think, but I do not think we were thinking rationally. The rational solution is the one the Constable has brought to us today. We should go for it. We should get on with this and stop discussing this. This is everybody's town, not just a town for St. Helier residents, it is everybody's town. It is the capital of our Island. Therefore, we should be proud of it and we are. But it has to be paid for. The debate about cost of how that is run is for another day. But, there is an acceptance among the public, I believe, that there is a cost to running a small town that does not have the opportunity to create economies of scale, like other towns around the U.K. We cannot share things with another town down the road. Senator Ozouf's suggestion that in the U.K. commercial rates were considerably higher is true, but they pay for policing, education and numerous other things. That is not to say that I do not believe that commercial rates are still lower than they could be, because

there are lots of things that we could do. That does not mean we should not have financial constraint as well. I am also slightly confused, by the Constable of St. Clements - well, he seemed confused - about the issue of whether the Parish should decide how this money is spent, or not. One moment he was saying they should and the next moment he was saying that they should not. I was a bit confused there. I hope we can stop all the confusion today. Put a message out to the public that we made a decision, we are sticking to it, we have a plan, we are not keeping constantly changing our minds on this issue; the decision is made and the way around it is with an *ex gratia* payment. It is a sensible approach to resolving a spiny problem that has been around for a long time. Let us get on with it, vote for it today, resolve the problem and get on with the business of running our Parishes and not least running our capital of Jersey, which needs this to happen. We have to stop debating it and get on with it. Then in the future we can make sure that this type of problem, of having to resolve a technical/financial problem, does not occur again and we think ahead, so we do not have the problem we have today. So, I would urge Members: please vote for this, let us get on with it and resolve the problem today.

The Bailiff:

We have past 5.30 p.m., can I just test the mood of the Assembly: do you, Members, wish to continue this evening on this particular proposition? I hope that that might act as an indicator as well, because we have had quite a full debate.

11.3.9 The Connétable of St. Saviour:

I am going to add to the confusion. Sorry about this. But, I am the oldest Member of the House, I pressed that I was in favour of the proposition and I am definitely not after this very heated debate that I gave. I do apologise, just pressed the wrong button. But we are all confused, but I am not confused about the fact that I do want this money for my Parish. I will be staying with the Constable of St. Helier, who has tried most of his life, I would think, to get this through. I am going to stay with him and so is St. Saviour. I do apologise for having a senior moment in pushing the wrong button.

The Bailiff:

It has happened before. Does any other Member wish to speak? If not, I will ask the Connétable of St. Helier to sum up.

11.3.10 The Connétable of St. Helier:

I am going to resist making a remark about pushing buttons. **[Laughter]** I do share the Constable of St. Brelade's wariness about seeing this as a long-term decision about the States paying rates. I have enough scars to know that this is not a decision about the States paying rates. This is a decision about the States paying rates in 2017, in this year. It is rates money, as far as I am concerned. I believe it is up to the ratepayers to decide what to do with it. Senator Farnham began the resumption of the debate by asking whether it could be used to reduce the rates. I am sure, as a later speaker said, the Parish Assembly, if the Constable decides to call one, could decide to hold the money over to reduce the rates in the following year. So, it is in fact a small step. I urged the Chief Minister to take a big step when we were debating the amendment, but I do see this as a small step. The big step will come at the end of next month, when we have the Budget debate. Hopefully we will put the matter to bed for good. That irritating fly appeared again, the fly that Senator Ozouf reminded me ... I coined that phrase in 2005 about a former Constable of St. John, I think he was a Deputy of St. John and became a Constable. I am not going to go there. I am not going to engage now with the Constable of St. John to try to explain the principle of the States paying rates. We have heard the example of the town church before. I just would like to correct him, we did not pay that £2 million in a year; it was spread over several years. Incidentally, St. Helier does not receive anything from the States for the fact that we have our annual service there. Perhaps we should be

levying a bill. The Constable of St. John is still smarting over the equalisation of Welfare, which I think is a pity, because the unfair burden of Welfare, which was not just St. Helier; it was St. Clement, St. Saviour. The urban Parishes suffered because of the Island's policies in concentrating development in the urban areas. Of course, the Welfare burden fell unfairly on the urban Parishes. Was it not a good thing that St. John parishioners now take an equal share of that burden with everyone else across the Island? Senator Routier asked whether the Parish Assembly of St. Helier could vote the money for a Havre des Pas scheme. Of course, they could. It is entirely up to ratepayers. The Havre des Pas improvement group is certainly the most active residents group that I am aware of in the Parish and I am sure they will be turning up mob-handed to make sure that some of this money goes to their corner of the Parish. Senator Ozouf gave us another good speech. He started off by offering Constable of St. Brelade an emolument. I think he meant emollient. **[Laughter]** That is just to help out Hansard later on. The Senator has always had a good grasp of the subject and I do look forward to the amendments that he has promised, to find a way of finding a sustainable solution to the States paying rates, so that we do not have to do this every year, in this year's case, I think, 3 times. We do not want to have these debates. I do not want to have these debates. I hope that the Budget debate, which is coming up at the end of November, will provide a solution and we can move on to other things. The Constable of St. Clement, he was not so much a red herring as an old chestnut; this idea that if we do not charge the States for services that would be a solution, would it not? Well, of course, it would not be, because rates, as he should know, are a form of local taxation based on the attributes of property. They are basically like council taxes in the U.K. If we allowed the States off the hook, every other ratepayer could come to us and say: "Well, Constable, I do not want you to collect my bins, I am not paying my rates any more. It is not just about services. It is a form of local taxation from which the States have been exempt for far too long. Hopefully, as I say, at the end of next month we will sort it out well and truly. I thank other Members who have supported the proposition. I maintain the proposition and ask for the *appel*."

The Bailiff:

The *appel* is called for. The vote is on the proposition of the Connétable of St. Helier for the allocation of the payment of rates and funds for payment of rates from States properties. I ask Members to return to their seats and ask the Greffier to open the voting.

POUR: 38		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Martin		
Senator P.F.C. Ozouf		Connétable of Grouville		
Senator I.J. Gorst		Deputy of Grouville		
Senator L.J. Farnham		Deputy of Trinity		
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				

Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

The adjournment is proposed. Before we adjourn, can I just announce that the Privileges and Procedures Committee have lodged the Connétables (Amendment No. 2) (Jersey) Law P.110. The States now stand adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:41]