

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 14th JULY 2014

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[14:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

I have no matters under A except to welcome you all back again after your lengthy sojourn since the last sitting of the Assembly.

QUESTIONS

2. Written Questions

2.1 THE CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR EDUCATION, SPORT REGARDING I.T. INFRASTRUCTURE:

Question

Would the Minister –

- (1) provide a detailed breakdown for the last three years in relation to the maintenance expenditure of the Department's IT infrastructure?
- (2) advise whether the company Logicalis has been contracted to rewire the majority of ESC sites to enable wifi and, if so,
 - (a) was this put out to tender?
 - (b) what, if any, were the alternatives?
 - (c) why was this quote accepted?
- (3) advise whether an electrical contractor was used for the wiring and, if not, why?
- (4) advise whether the existing wifi infrastructure that is, in some cases not even a year old, has been replaced?

Will the new wireless network allows teachers and students to work remotely and, if not, why?

Are some schools still waiting for their ICT Business Plan policies to be accepted and on what basis have some not been accepted?

Have schools been made aware of their budgets for September early enough to allocate funds for teacher training in ICT and, if not, why?

Does the Minister consider it is acceptable to have just one local network services provider for ESC, and what measures, if any, are in place to ensure that this monopoly position is not abused?

Answer

- (1) The detailed breakdown would put commercially sensitive information in the public domain. However, I am happy to provide the details to the Connétable in confidence. The overall maintenance expenditure is as follows. This includes the cost internet provision, firewall and

filtering, Wide Area Network provision, Wi-Fi networks, PC replacement, managed services provision, server replacement and repairs.

	2011	2012	2013	2014
Total	£1,215,685	£864,170	£1,176,242	£2,224,485

The 2014 costs include committed spend and anticipated spend

- (2) Logicalis is an approved States contractor. They are carrying out wiring in some of the schools but are also managing the project overall and co-ordinating the subcontractors. This means there is a single point of contact and also that Logicalis will test the cabling and provide a single warranty for all the work.

Each school building is different and the cabling requirements vary as a result. Each school was therefore regarded as a separate project and none reached the tender threshold. The work allocated to Logicalis was awarded in line with the requirements of the States of Jersey Financial Directions and States procurement procedures. There is a full Procurement Strategy for the Wireless Network Project.

Approved sub-contractors have been used that have existing relationships with schools and knowledge of the particular requirements of those buildings. The alternative would have been to use contractors with no prior knowledge of the schools. This would have increased risk in terms of cost and completion time.

- (3) Yes. Local electrical contractors that are approved to carry out States work have been used for this project.
- (4) As part of the Procurement Strategy for the Wireless Network Project full site surveys of all school buildings were completed. Existing cabling was reviewed to ascertain whether it could meet the requirements of the new wireless network. In some schools it was not suitable.

The new wireless networks will be connected to the new Wide Area Network (WAN) and associated new Internet feed. These networks need to be able to handle significant throughput with multiple devices connected simultaneously and many of the existing school networks are not designed to handle either the amount of traffic or the number of concurrent users.

Existing wireless hardware is being re-cycled where possible. However, in line with the “Thinking Differently” strategy, it is important to ensure there is no digital divide between schools and that all students and staff have the same new, fast, wireless network performance. This means existing wireless equipment may need to be upgraded with appropriate hardware. Length of time it has been in the building is not relevant. The equipment needs to be compatible with the latest requirements, which have been upgraded within the last six months.

Secure remote access to the network requires an additional application. This is currently being tested to ensure the design is correct, cost is minimised and security requirements are met. Once it is in place it will support of the concept of “anytime, anywhere” learning to ensure teachers and students can work remotely.

The majority of business plans have been approved. Some schools are waiting for final approval and have been asked to fine-tune or enhance certain details. They have been supported by the Project Team at the Department and all the business plans are likely to be approved by the end of term or early in September.

- 26 business plans have been approved and approval letters and funding have been issued to those schools.
- Three schools are due to submit revised business plans imminently following the initial feedback from the Project Team.

All schools were provided with a high level indicator of their budgets in December 2013. Further details were provided to every school in January 2014 so they have been made aware of their budget allocation well in advance and in time to plan for the autumn term. Funding is transferred immediately once business plans have been approved.

Yes. Having a single supplier is beneficial and helps to ensure consistency of service, security requirements, best value for money and ongoing support services.

This WAN contract is for a fixed period of three years with costs fixed over that term to ensure no monopoly position is created. The contract will be monitored and managed throughout and reviewed at the end of the period.

2.2 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING COMPANIES WITHIN THE J.T. GROUP:

Question

Would the Minister, as the shareholder representative, list the companies owned by or that are part of the JT group and would he also state their purpose and the return they provide to the parent company?

Answer

The results of JT Group Limited (which are consolidated to include all companies forming part of the group) for the year ended 31 December 2013 were presented to States Members by the management team of JT on Monday 30 June 2014. The presentation and the financial statements were subsequently circulated via email to all Members by the CEO of JT Group on Tuesday 1 July 2014. The presentation provided overall consolidated results and further details on the split of revenues in Jersey and elsewhere. JT advises that the returns of individual companies within the group are included in the consolidated published accounts for JT Group Limited to the extent that they can be disclosed. Each company is subject to regular performance review as part of normal business operations.

The companies owned by JT, or which are part of the JT group, are as follows:

Name	Purpose	Wholly or part-owned
JT (Jersey) Limited	Licensed telecom operator in Jersey	Wholly
JT (Guernsey) Limited	Licensed telecom operator in Guernsey	Wholly
Gigabit Field Force	Provides the personnel that rollout the gigabit fibre network	Wholly
Jersey Telecom (UK) Limited	Holding company of Ekit	Wholly
Ekit.com, Inc	Ekit US operating company http://www.ekit.com/ekit/CompanyDetails/	Wholly
Ekit.com Pty Limited	Ekit Australian operating company	Wholly
Ekit.com UK Limited	Ekit UK operating company	Wholly
Corporate Communications (Holdings) Limited	Holding company of Worldstone http://www.worldstone.com/	Wholly
Worldstone Group Limited	Worldstone UK operating company	Wholly
Corporate Communications (Europe) Limited	Worldstone European operating company	Wholly
Worldstone, Inc	Worldstone US operating company	Wholly
JTG Limited	Non-operational	Wholly
Donate Mobile Limited	Non-operational	Part
Cerillion Technologies Limited	Provides converged telecom solutions	Part
iVisum	Operates PayOffShore	Part

For the avoidance of any doubt, JT employees that occupy a position on the boards of any of the above companies receive no remuneration for doing so.

2.3 DEPUTY J.M. MACON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE PEDESTRIAN CROSSING AT MILADI FARM:

Question

Could the Minister explain what action, if any, has been taken to establish a pedestrian crossing at Miladi Farm, to include reference to:-

- a) the timeline of expected completion;
- b) any drawings that are currently underway and any consultation with residents or the Parish which has or will be undertaken?

Answer

My Department has assessed the request for a crossing on Longueville Road by Miladi Farm and concluded that because of the very low number of pedestrians crossing at that location and low accident history, a formal crossing, such as a Zebra or Pelican, would not be an appropriate or safe solution. The Department therefore designed a road realignment which would have enabled a pedestrian refuge island to be installed, however this required a small area of land acquisition from a private land owner and attempts to acquire that land failed.

Although the number of recorded accidents on Longueville Road by Miladi Farm is low, there have been several road injuries in recent years elsewhere along that route, including a motorcyclist fatality. The accidents are mostly centred around the junctions with La Rue des Prés, Les Varines and Plat Douet Road. This suggests therefore that a more comprehensive approach should be taken and the Department is designing a speed reduction scheme which will encompass the length of Longueville Road stretching from Rue du Prés junction to Plat Douet Road junction. This should reduce the likelihood of accidents along the route and also assist pedestrians who wish to cross at various locations along the entire length of that road. A provisional sum of £100,000 has been allocated to this project from TTS capital funding in 2015. The Department will discuss the proposals with the Connétable and a public consultation will be carried out later this year.

2.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE 'EN DESASTRE' PROCESS:

Question

Will the Chief Minister request the Viscount to publish all of the guidance material relating to the publication of a 'désastre' issued by the Viscount's Office, together with the protocols governing the publication of information about a bankrupt's finances, including when the information can be given out and who can receive this information stating further when this guidance was promulgated and last changed?

Answer

I can confirm that I am content to write to the Bailiff and the Viscount in order to convey this request.

2.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING REGISTRATION CARDS:

Question

Further to the response given on 17th June 2014, will the Chief Minister set out for members the number of people who have applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012, breaking down the numbers into the nationality and country of origin for all those who have applied during the first full year of its operation?

Answer

The figures below show all those people applying for registration cards under the Control of Housing and Work (Jersey) Law 2012 for the first full year of operation of the new law.

Applying for a registration card does not mean people are new to the Island, as we all need registration cards when moving house or changing jobs.

When issuing cards we ask for an applicant's nationality, not country of origin.

Nationality	
British (includes 9,944 Jersey-born)	18,446
Portuguese	3,293
Polish	1,838
Romanian	659
Irish	497
French	212
South African	124
Indian	118
Bulgarian	113
Thai	97
Latvian	81
Kenyan	77
Italian	74
German	69
Filipino	67
Hungarian	61
Spanish	54

Dutch	50
Australian	44
Canadian	40
Zimbabwean	39
Swedish	38
New Zealander	37
American	35
Slovak	31
Czech Republic	30
Pakistani	22
Lithuanian	20
Bangladeshi	19
Russian	19
Brazilian	14
Cypriot	14
Belgian	13
Austrian	11
Chinese	11
Malaysian	11
Turkish	10
Sri Lankan	9
Ugandan	9
Danish	8
Finnish	8
Jamaican	8
Mauritian	8

Maltese	7
Slovenian	7
Swiss	7
Venezuelan	7
Malawian	6
Norwegian	6
Egyptian	5
Estonian	5
Greek	5
Singaporean	5
Tunisian	5
Croatian	4
Grenadian	4
Israeli	4
Japanese	4
Moroccan	4
Cuban	3
Gambian	3
Ghanaian	3
Nigerian	3
Saint Vincentian	3
Ukrainian	3
Zambian	3
Albanian	2
Argentine	2
Barbadian	2

Jordanian	2
Nepalese	2
Tongan	2
Bahamian	1
Belarusian	1
Botswana	1
Bruneian	1
Cambodian	1
Ecuadorean	1
Guyanese	1
Icelandic	1
Indonesian	1
Iranian	1
Kazakhstani	1
Lebanese	1
Mexican	1
Mongolian	1
Sao Tomense	1
Senegalese	1
Vietnamese	1
Total	26,573

2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE GAMBLING COMMISSION:

Question

Will the Minister provide members with the following information regarding the Jersey Gambling Commission for each year since it was formed:

- a. the number and type of gambling licences issued;
- b. the revenue received from these licences broken down into each category;
- c. the number and type of external gambling licences issued - such as those issued to firms outside the Island and the income generated from them;
- d. the amount of money expended on support for problem gamblers and how it is spent;
- e. the salaries of the board, directors and staff of the Gambling Commission; and,
- f. the number, type and cost of conferences attended by Gambling Commission directors and staff?

Answer

The Jersey Gambling Commission came into existence in October 2010 and administered the Gambling (Jersey) Law 1964 during 2011 and 2012. In 2013 the Gambling (Jersey) Law 2012 came into force. Each period operated distinct licensing regimes. Detailed information regarding numbers of social permits or registrations prior to the implementation of the new Law has not been retained. Data for 2011 includes the last quarter of 2010. Social and charitable income was received in total of £14,110 (Q4 2010 & 2011) and £10,900 (2012).

For both 2011 and 2012 the following information can be provided:

LICENCES

Type	Numbers Granted	Fee
Amusement Premises Licence	0	£3,000 per annum
Betting Office/Credit Betting Licence	29	£3,000 per annum
Bookmaker's Licence	11	£500 per annum
Occasional Bookmaker's Licence	1	£150 per day plus £250 deposit
Track Licence	0	£500 per annum
Gaming Machines	0	£4,000 per machine per annum
Gaming Machine Type 2	55	£4,000 per machine per annum
Hosting Providers Licence	2	£5,000 per annum
Disaster Recovery Licence	0	£5,000 per annum

PERMITS

Type	Numbers Granted	Fee
Amusement With Prizes (Amusement Premises) Permit	0	£1,000 per annum
Amusement With Prizes (Commercial Event) Permit	3	£110 per event
Bingo Permit (Private)	No Data	£50 per annum
Bingo Permit (Public)	No Data	£10 per event
Cinema Racing Permit	No Data	£50 per event
Crown and Anchor Permit	No Data	£110 per table per event
Gaming at an Event Permit	No Data	£50 per event
Lottery Permit	No Data	£20 per lottery

REGISTRATIONS

Type	Numbers Granted	Fee
Bingo Certificate of Registration	No Data	£20 per calendar year
Cinema Racing Certificate of Registration	No Data	£20 per calendar year
Lottery Certificate of Registration	No Data	£20 per calendar year

Total Regulatory income for 16 months to December 2011 was £410,248.

Total Regulatory income for the 12 months to December 2012 was £364,287.

With regard to 2013 the picture is different because of the change in legislation.

LICENCES

Type	Numbers Granted	Fee
Bookmakers' Licence Class 1	8	£3,000 per premises per annum
Bookmakers' Licence Class II	3	£375 per annum

Occasional Bookmaker's Licence	1	£375 per annum
Crown and Anchor Licence	28	£110 per event
Track Licence	1	£500 per annum
Gaming Machines Class Licence	1	£0
Gaming Machines Category 3	6	£150 per annum
Gaming Machines Category 4	0	£500 per annum
Gambling Machine Licence	92	£4,000 per annum
Amusement with Prizes at Events	1	£110 per event
Personal Gambling Licence	6	£500 per annum
Thrift Club Class Licence	23	£25-150 per annum (£1300 total)

PERMITS

Type	Numbers Granted	Fee
Software Designers Permit	1	£1,250 per annum
Machine Suppliers Permit	3	£0
Hosting Service Providers Permit	2	£5000
Charitable Gambling Permit	2	£100-500

REGISTRATIONS

Type	Numbers Granted	Fee
Charitable Registration	19	£20 per calendar year

Total Regulatory income for the 12 months to December 2013 was £507,274.

No external licences can or could be granted under either Gambling (Jersey) Law. Licences are only issued to Jersey companies, regardless of where they might have operations.

£4283 was spent on assistance for problem gamblers in 2011. £4000 was to Gambling Therapy for development and provision of a dedicated Jersey webpage where Jersey residents could get help,

advice and support on line, with the balance spent on the printing of posters, pamphlets and awareness material for the Island's bookmakers. In 2012 the figure was £6000 for the operation of the www.gamblingtherapy.je site and this reduced to £3000 in 2013 because of the low levels of use. Funding of support for problem gambling is targeted to actual need and the Commission is working with the Health Department to assess the level of support that may be needed for face-to-face counselling to compliment the on-line service.

Commissioners' fees for the 16 months to December 2011 were £96,000

Commissioner's fees for the 12 months to December 2012 were £72,000

Commissioner's fees for the 12 months to December 2013 were £72,000

Staff salaries for the 16 months to December 2011 were £221,982

Staff salaries for the 12 months to December 2012 were £205,262

Staff salaries for the 12 months to December 2013 were £238,327.

The Commission attends two annual meetings with regulatory colleagues of the Gaming Regulators European Forum (GREF) and International Association of Gaming Regulators (IAGR). Working party groups of these two organisations also hold meetings that Commission staff attend when necessary and relevant. The Commission also regularly attends the International Casino Exhibition in London as well as certain other industry conferences and meetings as required.

Conference and travel expenses for the 16 months to December 2011 were £25,344

Conference and travel expenses for the 12 months to December 2012 were £15,244

Conference and travel expenses for the 12 months to December 2013 were £18,173.

2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING ANDIUM HOMES:

Question

Further to his answer of 30th June 2014, in respect of the Energy Efficiency grants made by his Department, will the Minister provide the following information:

1. the number and total value of grants approved under each of the criteria for eligibility for grants;
2. the number and total value of grants made in respect of properties sited within each parish;
3. whether details of these improvement grants are reported to the parish authorities for parish rate purposes;
4. whether they are reported for income tax purposes;
5. how he justifies not requiring repayment of these grants to private property owners in the event of onward sale of the sale of the properties, and
6. whether he will agree to review these policies to ensure that in future, taxpayers interests are safeguarded?"

Answer

1. When referring to grant it might be helpful to clarify that in the Home Energy Scheme a 100% turnkey service is offered whereby eligible applicants in domestic properties have energy efficiency measures fitted to their home at no cost to them. Contractors are employed by the Scheme after having successfully tendered for work in accordance with procurement guidelines. The Scheme arranges, co-ordinates and pays for these contractors to carry out the identified energy efficiency improvements. The eligible individuals do not themselves receive any money directly.

The value of expenditure across the 5 eligibility criteria is as follows:

- In receipt of **Food Cost Bonus (GST)** = £1,009,816.85 grant spend within 317 unique properties
- In receipt of **Income Support** = £653,226.25 grant spend within 521 unique properties
- In receipt of **Westfield 65+ Health Scheme** = £958,449.69 grant spend within 468 unique properties
- **Low income islanders of age 65 and over** = £556,683.93 grant spend within 165 unique properties
- **Ministerial Decision exemption for applicants not normally eligible but having circumstances mirroring that of the eligibility criteria** = £10,918.17 grant spend within 4 unique properties

2. For the Home Energy Scheme the total value of expenditure in respect of private domestic dwellings, split by Parish, are as follows:

- Grouville = £188,360.88 over 78 properties
- St. Brelade = £732,943.38 over 270 properties
- St. Helier = £628,512.62 over 445 properties
- St. Clement = £294,468.88 over 149 properties
- St. John = £86,455.28 over 23 properties
- St. Lawrence = £209,727.09 over 82 properties
- St. Martin = £90,121.82 over 49 properties
- St. Mary = £50,404.55 over 17 properties
- St. Ouen = £161,988.42 over 46 properties
- St. Peter = £168,800.28 over 85 properties
- St. Saviour = £512,310.02 over 202 properties
- Trinity = £65,001.67 over 29 properties

3. The Department of the Environment does not report details of energy efficiency grants to the parish authorities for rate purposes. It does not have a data sharing agreement with any of the Parishes in respect of the applicants' information because the Department does not believe it is their responsibility to pass any of this information on to the Parish rates authorities. The rateable value of a property is assessed on the information returned to each Parish by the owner of the property in January of each year. It is the owner that is required to complete the [Annual Return](#) giving the full address of all property owned including the name and address of the occupier, if let.

Despite the onus being on the owner to provide any information on alterations to the Parish, the Energy Efficiency Service believes that the interventions offered by the Scheme would not be pertinent to the rates assessment of the property and for this reason does not encourage or remind the recipient of the grant to inform the Parish as part of their Annual Rates Return.

The energy efficiency interventions provided by the Home Energy Scheme include loft insulation, cavity wall insulation, draught proofing, pipe lagging, low energy light bulbs and heating system improvements including potentially a new boiler for example.

When filling in an Annual Rates Return, the owner is required to state if there have been any changes, including changes of use or alterations, the 'quality' of any house, building or other structure on the land in the previous year or the purpose for which the property is used.

The question may be suggesting that the provision of energy efficiency measures might affect the 'quality' of the property and thus should be declared. However, the Rates (Jersey) Law 2005 does not give a definition of 'quality' and it has always been our understanding that factors routinely considered by rates assessors do not include criteria such as the presence of loft insulation, low energy light bulbs or heating systems.

The Energy Efficiency Service provides grants to some of the most socio-economically vulnerable people in our community. If the provision of grant assistance were to have the effect of increasing that person's rates liability then that would be counter-productive to our aim of reducing costs to this group.

4. The Department of the Environment does not report details of energy efficiency grants to the tax Department for income tax purposes. It has always been the belief of the Department that the provision of grants under the Home Energy Scheme is not a taxable event for the householders in receipt of the benefit of the grant (e.g. the installation of loft insulation, etc.). Therefore there is no relevant information to pass from Environment to the Taxes Office in respect of the householder or for the householder themselves to pass on.
5. The Department of the Environment was charged by the State's Assembly with setting up a scheme that provided grants to vulnerable Islanders. The Minister, the Department and the Jersey Energy Trust (including a member of the Board well experienced in UK grant schemes) considered a number of options when developing the Scheme during 2009 and its evolution ever since.

The option to require repayment of the grant was not considered viable for a number of reasons:

- To require a repayment in the event of an onward sale would be a loan rather than a grant. Loans are entirely different from grants and not considered in the spirit of what was meant by the original State's decision. Moreover, the uptake of loans have been shown to be far lower than compared to when a simple grant is offered. An example would be the recent failure of the Green Deal loan programme in the UK an example of this where the UK government have now moved to a grant system to encourage the uptake of energy efficiency improvement measures. One of the aims of this programme was to help as many eligible people as possible.

- When developing the Scheme for Jersey a number of successful UK schemes were investigated and we were advised that simplicity is key to encourage uptake. Again repayment is considered a barrier to uptake and is not commonly a feature of other types of comparable UK energy efficiency schemes.
- A requirement to repay the grant in the event of an onward sale would be difficult and extremely time consuming to administer and is likely to be dis-proportionate to the value of the grant awarded. The average grant spend per progressed-property is £2,162. Individual expenditure per property will vary according to the type of property and its tenancy arrangements and thus the type of interventions that can be applied.
- If such a repayment-requirement were to be in place, there would be a necessity to have an up-front agreement at the time of application and this would be extensive and complex and likely to put many of our target group off from applying for the grant. Our Scheme primarily works with the elderly or disadvantaged in our community. A 100% turnkey service is provided for this group with the Department arranging and paying contractors and no money coming to the client. For many of our clients, this level of intervention and assistance is required for them to feel comfortable and confident for energy efficiency measures to take place in their home. It is likely that further complexity in the form of legal payback agreements would cause them distress and unease and potentially prevent them from coming forward to receive the energy efficiency measures. When potentially eligible applicants do not come forward for the scheme they lose out on measures that will reduce their bills and bring environmental benefits in the form of reduced energy use and greenhouse gas emissions. Further complications would involve consideration of the procedures in the event of the homeowner passing away/going into residential care and what liability would then be placed upon next of kin etc.
- If repayment of the grant was required a calculation as to the amount repaid would need to be made. This is a more complex calculation than simply recouping the whole amount that the measures cost. For example, a property might be sold 10 years after the installation of loft insulation at a cost of for example £1,500. A calculation to account for the depreciation in the value of that asset in the previous 10 years would be required before a reasonable and fair amount could be recouped.
- Finally and perhaps most importantly, even in the event of the onward sale of a home the energy efficiency measures installed will most likely remain in place. Therefore the benefits continue to be accrued for the lifetime of the installed measures which is often well over a decade. Thus the principle behind awarding the grant i.e. to bring comfort to the person occupying the home and environmental benefits to the Island will *remain regardless of the owner of the property*. Because the purpose for which the grant is awarded and the benefits they accrue remain in place, regardless of ownership. Therefore, it is not thought appropriate to attempt to recoup grant money and it is felt that tax payers interests are being safeguarded since the purpose for which the grant was awarded remains even if the original recipient no longer occupies the home for whatever reason.

6. For the reasons outlined above I do not currently have any plans to review these policies although the Energy Executive would be able to reconsider this as part of their ongoing role and monitoring of the delivery of the Energy Plan. The Deputy will recall from his Scrutiny Panel's examination of the Energy Plan that the Home Energy Scheme will continue to remain a core activity of the Energy Efficiency Service. However, our energy efficiency programmes will be extended into the able-to-pay sector although not with 100% grants in the format offered to the socio-economically vulnerable. He will recall from discussions and evidence given during his Panel's examination of the Plan that many of the target group eligible for the 100% turnkey service have now come forward to receive these grants and that going forward the Scheme will focus on new entrants to the eligibility criteria. Since this Scheme will become smaller in the years to come I do not consider it proportionate or reasonable to attempt to overcome the substantial obstacles (described above) that would arise in attempting to bring forward a repayment clause.

Conclusion

The Deputy is reminded of the open invitation that he has received to attend the Department to further discuss any queries he may have in respect of this Scheme, its client profile and its' administration.

2.8 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING J.E.C. WORK AT GREVE D'AZETTE:

Question

With regard to the JEC cable laying through St Clement, would the Minister, as the shareholder representative, advise –

- (a) how long Green Road will have been closed by the time the job is completed;
- (b) whether the 8 week partial second closure of Greve d'Azette to enable the cable to be pulled through the conduit will be exceeded;
- (c) why the cable jointing trenches were not created during the conduit-laying part of the exercise;
- (d) why other sections of road are being dug up to reach conduit bends; and,
- (e) what guarantees, if any, can be given that the cables can, in fact, be pulled through the conduits and, if so, when will this happen?

Answer

The road works in the St Clement area form an integral part of the £70m Normandie 3 project to install a third interconnector to mainland Europe. The project is a key part of Jersey Electricity's 10 year investment programme in its strategic infrastructure and will enable the company to access more secure, more affordable and more sustainable electricity from the European Grid over the next 35 years. The work has been planned years in advance in close liaison with Transport and Technical Services (TTS) and Parish authorities who manage access to the roads and coordinate

closures and diversions with all other utilities. The cable installation is by means of pre-installed ducts which allow greater flexibility in road closures and reduce the impact of the work in comparison to traditional 'open-cut' methods where up to 500m of trench is required to be excavated in stages and remain open while cables are pulled in.

- (a) A partial closure commenced on 10 June with a full closure from 16 June. The works are expected to be complete by 18 July (i.e. a closure of less than 5 weeks). Access to premises has been maintained throughout.
- (b) The partial closure of Greve d'Azette is expected to last 10 weeks.
- (c) It is common practice to install ducts first, then excavate the joint bays and complete the joints as cable sections are installed. With a duct installation program lasting 15 months there is no benefit to excavating joint bays in advance as they would need to be reinstated and then re-excavated prolonging the work and disruption and increasing the cost.
- (d) The duct section in question, between La Blinerie and Greve D'Azette, is the most challenging of the 6 sections on the installation. Ideally duct installations should be kept as straight as possible to reduce friction when cables are pulled through. A number of factors have introduced deviations from the planned route. These have included the high volume of existing services in the roads, requests by TTS to consider alternatives to digging through Plat Douet Road (which is viewed as a 'high traffic' road), and suspension of works at St Clements Road traffic lights by TTS and a resumption during winter months when the water table was very high. As a consequence additional excavations have been required to facilitate the cable installation.
- (e) Cable installation on this section is expected to be complete by 18 July. Work will continue on cable installation between Greve D'Azette and South Hill until early August.

2.9 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ENERGY EFFICIENCY GRANTS:

Question

Will the Chief Minister explain why he has not published a detailed report of the work of the Regeneration Steering Group following the assurances given in his reply to my question of 29th April 2014 that this would be forthcoming by the end of May 2014?

Would the Chief Minister advise –

- (a) the number of meetings of the group since his election and attendances by Ministers
- (b) the subjects discussed
- (c) the significant policy decisions made by the group, if any, detailing their outcomes and achievements
- (d) the directions given to the States of Jersey Development Company, if any, to carry out development of public property.
- (e) whether the group :

- (i) has been monitoring the location and quantity of vacant office units in town;
- (ii) has identified any particular areas of town which require priority for regeneration;
- (iii) has a policy to encourage long standing vacant secondary and tertiary offices to be converted or redeveloped to residential uses securing additional dwelling units, and, if not, why not?

Answer

The report requested has been under development since the Deputy requested it. While it is later than anticipated it is now complete and is being presented to the States.

2.10 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE REGENERATION STEERING GROUP:

Question

Will the Attorney General state whether the Viscount is authorised to publish Income Tax information relating to a bankrupt and whether the Viscount's protocols are human rights compliant, especially with regard to Article 8 of the Convention, and, if so, will he explain why?

Answer

Under the Bankruptcy (Désastre) (Jersey) Law 1990 and the Bankruptcy (Desastre) Rules 2006 ("the Rules"), the Viscount must require all creditors of a person *en désastre* to prove their claims. On occasion, the Comptroller of Taxes will be a creditor and will be required to prove his debt like any other creditor.

The Rules provide that the Viscount must, as soon as practicable after the date for filing claims has expired, fix a time and a place for claims to be inspected and notice of the period and place must be published in the Jersey Gazette and in any other way the Viscount thinks fit, and must be notified to the debtor. Inspection will include from time to time inspection of the claims of the Comptroller of Taxes as creditor.

Article 8 of the European Convention on Human Rights provides that everyone shall have the right to respect for his private and family life, his home and correspondence.

However, Article 8 is a qualified right and the protection afforded by it is subject to proportionate action by a public authority in accordance with the law where necessary in a democratic society in the interests of, amongst other things:

- i. the economic wellbeing of the country; or
- ii. the protection of the rights and freedoms of others.

Interference with a debtor's right to privacy by the Viscount in the discharge of his statutory obligations is accordingly justified on the basis that it is proportionate, in accordance with the law and necessary to protect the rights of creditors and the economic wellbeing of the Island.

The Attorney-General is not aware of any formal "protocols" as set out in the question.

2.11 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ASBESTOS IN SCHOOLS:

Question

1. Further to the Minister's response on 3rd June 2014, can he now confirm that all staff in all the schools which contain asbestos have been informed of exactly where the asbestos is?
2. Can the Minister state exactly what budget is allocated each year to asbestos removal and also indicate how much was spent on asbestos removal in the preceding five years?
3. Does the Minister agree that there is no known level at which asbestos is not a risk and therefore the children are being placed unnecessarily at risk of harm?
4. Given that the "Management Survey" of buildings is non-intrusive visual inspection, what steps, if any, is he taking to remove the potential risk with buildings containing ACMs?
5. Can the Minister state what steps are taken to ensure that any buildings used by the Education Department but not owned by the Department do not expose staff or students to asbestos?
6. Would the Minister provide the inspection reports for the years between 2008 and 2011 for all ESC sites that have asbestos?
7. Can the Minister advise whether he considers that there is no risk to students and staff at Highlands College?

Answer

1. Members are referred to answers to previous states questions raised by the Deputy with regard to asbestos (question 8187 on 18th March 2014 and question 8326 on 3rd June 2014). The responses below build on the information provided in those answers.

The information identifying where known Asbestos Containing Materials (ACMs) are within a property is available in the site Log Book¹ on sites where Jersey Property Holdings (JPH) has maintenance responsibilities. This information has been available to the site personnel for a minimum of five years and is updated on an annual basis after each re-inspection.

These Log Books are available to all school site staff (Head Teachers, Deputies, Teachers, Site Managers, Caretakers and other staff) and contractors working within these properties and if any site personnel require additional information or clarification on the content then the JPH team is available to assist.

¹ The Site Log Book is a property specific folder that contains operational, Health & Safety & generic documentation/ information relating to that property which provides contractors/ visitors with information to enable them to work within the relevant property safely. The contents include the following - How to use the Log Book, JPH contact details, Contractor sign in, Site specific hazards, Asbestos management plan, Passenger lift emergency contact details, Statutory inspections & other records.

It is incumbent on the Person in Control² on site to make their staff aware of the location of the Log Book and its content. JPH & ES&C officers work closely to ensure joint communications are released to the sites informing them of updates to the information held in the individual Log Books in a timely manner.

JPH under routine reviews of both the site Log Books and procedures for managing asbestos and, where appropriate, issue updated Log Books and Asbestos Management Plans (AMPs) to all sites where JPH has maintenance responsibility.

2. JPH spent in the region of £570,000 in the last five years on the management and removal of ACMs. Asbestos removal is only a part of the process of managing asbestos, with other management controls being monitor through re-inspection and encapsulation.

JPH does not allocate a budget for the removal of asbestos where it does not form part of any planned refurbishment project. However, if an incident is experienced or the ACMs deteriorate and requires removal, JPH prioritises funding for this project above other lower priority minor project works.

JPH holds information as to the cost of managing and removing asbestos on properties within its management remit.

3. The current accepted 'safe' level of air monitoring is <0.01 f/ml³, known as the Clearance Indicator Level. There is no absolute zero as other 'interfering' fibres can be respirable and must be included by the Analyst.

There is always a risk when asbestos is present in a building. Risks are managed through the implementation of policy and procedures to reduce the likelihood and potential impact on the property users to a safe and manageable level.

JPH actively manages the risk of ACMs in line with the requirements of the Health & Safety at Work (Jersey) Law 1989 and the Management of Asbestos in Workplace Buildings and Structures Approved Code of Practice (ACoP).

All of the JPH asbestos documentation has been produced in conjunction with our independent Health & Safety advisors Coppolo & Coyde who have provided advice and guidance to ensure the final documentation meets the requirements of the Health & Safety at Work (Jersey) Law 1989 & ACoP.

JPH have also worked with the States of Jersey Corporate Health and Safety Manager in providing updates for review and comment. JPH are on the working group assisting in the production of the States Corporate Asbestos Policy. JPH have provided the Health and Safety

² The Person in Control (PIC) is the member of the team with overall responsibility for the business activities, staff, visitors and Health & Safety, examples of a PIC are Chief Officers, Directors, Head Teachers etc

³ f/ml – Fibres per Millilitre of Air - Air sampling involves drawing a known flow rate of air through a filter for a measured time, so that airborne particles are collected. The filter is then prepared for microscopical examination. The calculated total number of fibres collected on the filter is divided by the volume of air sampled to determine the fibre concentration in terms of fibre per millilitre of air (f/ml).

Inspectorate with the documentation for their review and comment with received comments being included in the documentation.

4. JPH manage ACMs in line with the current ACoP. An Asbestos Management Plan is in place for each site under JPH's management and Refurbishment and Demolition (R&D) surveys are undertaken when works are planned that are likely to disturb the fabric of the building. If the R&D survey identifies ACMs that will impact on the planned works then, where appropriate, JPH instructs the removal of the material as part of funded refurbishment works. Where no refurbishment project is planned, the asbestos is managed through stringent processes and procedures to minimise the risk level.

JPH have carried out a risk based approach to removal of ACMs with the removal in areas accessible by staff, pupils and the public being the highest priority. Following this a review of any remaining ACMs is undertaken, which will recommend either further removal, encapsulation or other appropriate management processes.

In a previous answer to a question raised by the Deputy the approximate costs of removing all of the known ACMs in ES&C buildings was identified as being in the region of £3million (not including the additional cost of decanting the building occupants to temporary accommodation during the works).

5. The following response has been provided by ESC as it is outside the remit of JPH and the Minister for Treasury and Resources.

If a Landlord is renting a property to a third party then it is incumbent on the landlord to provide the necessary documentation at time of signing the lease that any ACMs present are appropriately managed. The landlord is also required to undertake annual inspections and update the relevant documentation provided to the tenant.

6. These reports and re-inspections are carried out by suitably qualified external organisations on behalf of the department and are available through a web based portal. A meeting with Deputy Hilton has been arranged on 28th July 2014 to provide access and review with JPH, to further demonstrate to the Deputy the processes and procedures currently in place between JPH and ESC. JPH are happy to meet with any other Member at this time, or at their convenience, to provide access to the reports and explain the associated processes and procedures.
7. There is always a potential risk of the presence of ACMs as the Management survey is a visual survey. However, as previously stated, JPH manage asbestos across its portfolio in line with the Health and Safety at Work (Jersey) Law 1989 and the Management of Asbestos in Workplace Buildings and Structures Approved Code of Practice.

If the inspection reports indicate any change in the materials' consistency or stability, or site staff identify changes in the material, then JPH would look to undertake an R&D survey to ascertain the extent of the deterioration and, if appropriate, schedule removal of the material in accordance with the required legislation.

2.12 DEPUTY M.R HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE AUTHORITY OF THE VISCOUNT TO PUBLISH INDIVIDUALS' INCOME TAX INFORMATION:

Question

Will the Attorney General state whether the Viscount is authorised to publish Income Tax information relating to a bankrupt and whether the Viscount's protocols are human rights compliant, especially with regard to Article 8 of the Convention, and, if so, will he explain why?

Answer

Under the Bankruptcy (Désastre) (Jersey) Law 1990 and the Bankruptcy (Desastre) Rules 2006 ("the Rules"), the Viscount must require all creditors of a person *en désastre* to prove their claims. On occasion, the Comptroller of Taxes will be a creditor and will be required to prove his debt like any other creditor.

The Rules provide that the Viscount must, as soon as practicable after the date for filing claims has expired, fix a time and a place for claims to be inspected and notice of the period and place must be published in the Jersey Gazette and in any other way the Viscount thinks fit, and must be notified to the debtor. Inspection will include from time to time inspection of the claims of the Comptroller of Taxes as creditor.

Article 8 of the European Convention on Human Rights provides that everyone shall have the right to respect for his private and family life, his home and correspondence.

However, Article 8 is a qualified right and the protection afforded by it is subject to proportionate action by a public authority in accordance with the law where necessary in a democratic society in the interests of, amongst other things:

- i. the economic wellbeing of the country; or
- ii. the protection of the rights and freedoms of others.

Interference with a debtor's right to privacy by the Viscount in the discharge of his statutory obligations is accordingly justified on the basis that it is proportionate, in accordance with the law and necessary to protect the rights of creditors and the economic wellbeing of the Island.

The Attorney-General is not aware of any formal "protocols" as set out in the question.

2.13. DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE LAW DRAFTING LIST FOR ALL DEPARTMENTS:

Question

Will the Chief Minister produce the law drafting list for all departments including the estimated completion dates for each piece?

Answer

This table is a list of the Law Draftsman's Office work currently in progress. It does not include -

- Draft enactments that have been lodged for debate.
- Any project for which drafting instructions haven't yet been received.

If a project is marked “awaiting further instructions”, the law draftsman is unable to provide an estimate of when the project will be complete.

Confirmed timings of States debates will be subject to decisions by ministers and their departments.

Dept	Description	Status
CMD	Armed Forces Offences and Jurisdiction Law	Q1/2015
CMD	Census Law changes to permit rolling census and data sharing	Q2/2015
CMD	Public Finances Law amendments re P.92/2013 justice policy and resources	Awaiting further instructions
CMD	Transfer of Functions regs – admin of markets	Ready
CMD/FS	Banking Business (Depositor Compensation) (Amendment) Regulations	Q4/2014
CMD/FS	Dormant Bank Accounts	Q1/2015
CMD/FS	Financial Services Commission (Misc Prov) legislation re civil penalties	Q3/2014
CMD/FS	Limited Liability Partnerships Law	Q4/2014
CMD/FS	Money Laundering Order further amends	Q3/2014
CMD/FS	Financial Services (Trust Company Business (Exemptions)) Order amendment	Awaiting further instructions
CMD/FS/JFSC	Auditors	Awaiting further instructions
CMD/FS/JFSC	Business Names	Awaiting further instructions
CMD/FS/JFSC	Cross Border Payments Regulations SEPA	Awaiting further instructions
CMD/FS/JFSC	Deregulate supervision of property management agents – now, as of Jan 2014, Proceeds of Crime (Amendment of Schedule 2) Regulations, formerly exemptions Order	Q3/2014
CMD/LAP	Social Desastre (Jersey) Law	Awaiting further instructions
CMD/LAP	Criminal Justice Standard Scale of Fines	Q4/2014
CMD/LAP	Dogs Law amendment	Q4/2014
CMD/LAP	Parish assemblies amendment	Ready to lodge

Dept	Description	Status
EDD	Air and Sea Ports (Incorporation) Law and subordinate legislation	Draft out to consultation, May 2014
EDD	Financial Service Ombudsman – part 2, Regulations and Order required for consultation in 2014	Q3/2014
EDD	Intellectual Property (Registered Rights) (Misc Prov) Law	Q4/2014
EDD	Liquor Licensing Law	Q4/2014
EDD	Plant Varieties Law	Q3/2015
EDD	Shipping – Fishing Vessels Safety Provisions and Safety Training Regs + 2x Orders	Q1/2015
EDD	Shipping(oil pollution) Liability and Compensation Law	Awaiting further instructions
EDD	Weights and Measures Law and x3 Orders amendments	Q4/2014
EDD	Tourism Gen Prov Order amendment	Awaiting further instructions
EXTREL	European communities accession of Croatia	Ready
EXTREL	Extradition Law Article 7 amend	Q3/2014
EXTREL	United Nations Sanctions Law	Q1/2015
HA	Export Control Order	Awaiting further instructions
HA	Prison Law amendments Am 7	Awaiting further instructions
HA	Sex offenders Orders	Awaiting further instructions
HA	Criminal Injuries Compensation Scheme amendment	Q3/2014
HA	Prison Rules amendments	Q1/2015
HOU	Housing Transformation project phase 1 Regulator	Awaiting further instructions
HOU	Residential Tenancy Condition Report Order	Q3/2014.
HSS	Dentists Registration Law	Awaiting further instructions
HSS	Adoption Law amendments	Q1/2015

Dept	Description	Status
HSS	Food safety Regulations	Q2/2015
HSS	Medical Practitioners (Registration) (General Provisions) Order Medical Practitioners (Registration) (Responsible Officers Order)	To be made after P.114/2014 adopted
HSS	Public Health and Safety (dwellings) Law	Awaiting further instructions
HSSD	Community Provisions (Traditional Herbal Remedies) (Jersey) Regulations	Q3/2015
HSSD	Food Safety Law amendment	Awaiting further instructions
HSSD	Health Insurance (Pharmaceutical Benefit) Order amendment, oral contraceptives	Q3/2014
P&E	Community provisions - TSE	Q4/2014
P&E	Community Provisions – Vet Checks Regulations x 2	Q4/2014
P&E	Community Provisions (Aquatic Animal Health) Regulations	Q4/2014
P&E	Pet Travel Regulations	Must be made before end 2014
P&E	Planning and building (Public Inquiries) Order amendments	Awaiting further instructions
PPC	Register of Names and Addresses (2014 Elections) Regulations	Q3/2014
PPC/CMD	Standing Orders amends x 2 And Appointed Day Act	Ready to lodge
SEB	Pensions Reform – implementing Regulations	Some Regulations ready now; balance read Q4/2014 – Q1/2015
SEB	PECRS QROPS compliance PE(CRS) (General) (Am 12) Regs	Complete reforms post-pensions
SEB	Teachers Super AVCs existing members Order amend	Complete reforms post-pensions

Dept	Description	Status
SOCSEC	Income Support Gen Prov Order - amendments re personal care element for children	Awaiting adoption of P.90/2014
SOCSEC Mark Richardson	Orders amendments re change in pensionable age	to be made, July 2014
SOCSEC	Reciprocal agreement with Chile	Awaiting signing of agreement with Chile
T&R	2015 Budget legislation	For lodging July 2014
T&R	Income Tax Law amendments re pensions and flexible retirement	For lodging July 2014
T&R	Teachers super QROPS compliance Teachers Super (Admin) (Am 3) Order	Complete post-pensions reforms
T&R/ HA	Civil Asset Recovery (Misc Disclosure Provisions) Law	Awaiting further instructions
TTS	Cycle helmets Order	Depends on P.30/2014 being adopted
TTS	Pedal cycles, P.27/2010	Q3/2014
TTS	Road traffic – traffic signs consolidation	Awaiting further instructions
TTS	Road traffic infringement notices	Awaiting further instructions
TTS	Roadworks and Events Law	Q4/2015
TTS	Seat belts	Q4/2014
TTS	Drainage –Designation of Flood Defence Order	Awaiting further instructions
TTS	Battle of Flowers Order	Ready
TTS	Jersey Seaside Festival Order	Q3/2014
TTS	Motor Vehicle (Driving Licences) Order amendment	Q3/2014
TTS	Motor Vehicle Registration Law amend re field squadron vehicles	Awaiting further instructions
TTS	Policing of Parks amendment	Awaiting further instructions

Dept	Description	Status
TTS	Rd Traffic Grouville Order amendment	Awaiting further instructions
TTS	Road Traffic Trinity Order amendment	Q3/2014

3. Oral Questions

The Bailiff:

We then come to Oral Questions but I wonder if I could raise one matter. I understand, Senator Ozouf, that you will be leaving the Chamber shortly to represent the Island, is that right?

Senator P.F.C. Ozouf:

Yes, I am shortly to be leaving to attend the same event that Senator Bailhache is, at the French Embassy in London, so I will be leaving as soon as I can after my expected question from the Connétable of St. John. The Chief Minister would stand in for me but if Members want me to answer it then perhaps they could ...

The Bailiff:

There is that question, but there is also an urgent oral question to the Minister for Treasury and Resources and it seems to me that perhaps we take that one first and then, if Members agree, take your questions first.

Senator P.F.C. Ozouf:

The only problem is I have just had notice of that question and there will be a period of follow-up questions, which I would ask that the Chief Minister could answer, probably with his notes, but I am not in a position to be able to answer the likely supplementaries from that because I have just literally had notice of it. So perhaps it would be, if it would be acceptable, either for the Chief Minister to answer it or for me to answer it first thing tomorrow morning.

The Bailiff:

You will be back tomorrow morning, will you?

Senator P.F.C. Ozouf:

I will be here bright-eyed and bushy-tailed first thing.

The Bailiff:

Deputy Le Fondré, you have posed the question to the Minister for Treasury and Resources, do you want to ask it now of the Minister for Treasury and Resources when he has only just seen it or would you prefer to leave it until tomorrow?

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

I am happy to ask the question today, to be honest.

The Bailiff:

Of the Minister now?

Deputy J.A.N. Le Fondré:

Yes, Sir.

The Bailiff:

We will see what happens. You will have to do your best, Minister.

Senator I.J. Gorst:

Sorry, I do not wish to confuse matters unnecessarily. This obviously falls under the remit of the States Employment Board, of which I am chairman so I will be answering my question. I am happy to answer today the second question. I think the Minister for Treasury and Resources is trying to say if Members wished him to answer it he of course would need to be briefed by the States Employment Board and that could either ... I can either answer it because I am briefed or it can be answered in the morning by the Minister for Treasury and Resources who will then have been briefed.

The Bailiff:

We will leave Deputy Le Fondré to think which he wants to do and we will get to that one when we get to ...

Senator S.C. Ferguson:

I think the Chief Minister has forgotten that the Treasurer is appointed on the basis, if I remember correctly, of a proposition brought to the States by the Minister for Treasury and Resources.

The Bailiff:

The Chief Minister says it is a States Employment Board matter and he is happy to answer.

Deputy J.A.N. Le Fondré:

The reason I was looking slightly puzzled is because on my Order Paper as well as my Urgent Oral Question there appears to be one by Deputy Southern with the Minister for Treasury and Resources as well.

Senator P.F.C. Ozouf:

Yes, and that is going to be answered by my Assistant Minister because it falls within his remit of responsibility.

Deputy J.A.N. Le Fondré:

That is why I was looking slightly puzzled.

The Bailiff:

Then we will leave the urgent oral questions and consider them after the ordinary oral questions, as usual, but is it question 3, Minister, you are saying you are particularly well-briefed on? Then do Members agree that we take the Connétable of St. John's question 3 first?

3.1 Connétable P.J. Rondel of St. John of the Minister for Treasury and Resources regarding the Chief Executive of J.T.s recent bonus payment:

I do not like jumping the queue, but if I must. Given the number of complaints received by Jersey Telecom in relation to the new billing system, is the Minister, as the shareholder representative, content that the Chief Executive of Jersey Telecom receives a bonus of £118,000 bringing his total wages to £308,000 and, if so, please explain why?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I am grateful for taking the answer first. To provide some context to the Connétable's question, it is worth noting that the number of complaints received in relation to billing has gone from 0.16 per cent of bills in January to 0.08 per cent of bills in June 2014. The new billing system is just one

aspect of a large programme that J.T. (Jersey Telecom) is delivering. J.T. had its best financial year for over 130 years in 2013, with turnover increasing 26 per cent to £151 million and profits increasing by 12.4 per cent to £33.7 million. So I am content that the framework for the C.E.O.'s (Chief Executive Officer) bonus, which was agreed in advance by the Remuneration Committee of the independent J.T. board directors, is calculated on appropriate performance basis. As appropriate for a C.E.O. the majority of his bonus was linked directly to the financial results.

3.1.1 The Connétable of St. John:

Can the Minister tell us in how short a period of time the average complaint or query about a telephone bill is dealt with? Whether it is over the telephone and what the waiting time is for a response?

Senator P.F.C. Ozouf:

I have a detailed briefing note, which I am happy to send to the Connétable about the number of complaints between January and June is, and how long they take to deal with. I have got lots of notes about this. I have answered lots of questions previously on this complaints issue.

3.1.2 Deputy M. Tadier of St. Brelade:

Does the Minister think that the £118,000 would have been better spent as a loyalty bonus to J.T. customers rather than giving it to one chief executive of the company?

Senator P.F.C. Ozouf:

I take the responsibility of agreeing remuneration of the directors of all the utilities that we have a vote at the A.G.M. (Annual General Meeting) on and all utilities, their total remuneration package, has to be voted at the A.G.M. It is something the Assistant Minister and I take very seriously, and I have to say that you have to reward executives in appropriate ways. Bonuses are an important part of driving an executive's performance and I have to say the chief executive of J.T. is reforming the business, modernising it, changing it, making some of the difficult decisions like introducing a new financial system, and running the fibre project. I think the performance of himself and his staff is praiseworthy. Not everything is perfect but dealing with a changed organisation is difficult and I congratulate the work he is doing.

3.1.3 Deputy J.H. Young of St. Brelade:

Could the Minister tell us whether the bonus arrangements in J.T. cascade down the management structure so that the levels below the chief executive, who do the work, as it were, get a share in the bonuses?

[14:45]

Senator P.F.C. Ozouf:

There is a bonus structure in place for all staff so that they are all part of the success of the growing business. I am happy to find an appropriate way of explaining exactly what that bonus system is, if the Deputy wants.

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

Does the Minister support the wholesale introduction into companies owned by ourselves of what is a private practice, the use of what are enormous bonuses to motivate their top staff?

Senator P.F.C. Ozouf:

I believe in performance related pay so, yes, I do not only believe it should be introduced for States-owned entities as driving the executives and giving staff part of something to achieve and strive for, which is not only financial results. It is performance of customer service, *et cetera*. I do

not think it should only be restricted to companies, and it is not fair to say it is only private companies. I think it should be introduced across the board and I think the Minister for Economic Development and Chief Minister have said very similar things in recent times.

3.1.5 Deputy R.G. Le Hérissier of St. Saviour:

Two points: could the Minister confirm, as made in a public statement recently, from whom he received advice; and secondly, would he accept that asking for £10 million for a new billing system, where the States had previously loaned £19 million for Gigabits, showed a total lack of proportion?

The Bailiff:

Those are 2 quite separate questions, so just answer one of them.

Senator P.F.C. Ozouf:

I did not get the second one.

The Bailiff:

Answer the first one then.

Senator P.F.C. Ozouf:

I was so confused by it I am not sure I understood the question. He is going to have to restate it. It was just ... sorry.

The Bailiff:

One question, Deputy.

Deputy R.G. Le Hérissier:

From whom did the Minister receive advice in terms of paying the bonus?

Senator P.F.C. Ozouf:

I have recently got advice on to a new bonus system from external advice, or rather the Treasury has got external advice in relation to a new bonus system. I do not know and have not got, because the current bonus system, which this bonus triggered, was agreed some time ago, and I cannot recall but will return to the Deputy on exactly who the external advice was. There might not have been any for this one. Certainly we are looking at the current bonus scheme and looking forward of aligning the objectives and getting external advice, but no decisions have been made on that.

3.1.6 Deputy G.C.L. Baudains of St. Clement:

It appears that the Minister for Treasury and Resources is satisfied with the performance of the chief executive. Could the Minister tell me if that includes the unfortunate court case between Jersey Telecom and J.C.R.A. (Jersey Competition Regulatory Authority) and would he also concede when the Minister talks about a tiny number of complaints received that that was but a fraction of the problems suffered by customers?

Senator P.F.C. Ozouf:

The chief executive of Jersey Telecom is very well known to a number of Members, makes himself available to Members with their questions, responds promptly. He is a chief executive that has reformed J.T. almost beyond recognition to the organisation that he inherited, which was in a good state but needed to be further modernised and improved. So he should be thanked and I do have a high regard for the work that he is doing, and the executive team. It is challenging. I spent 6 hours with the executive and non-executives on Friday, went through their business plans, spoke about

the larger issues and I am very pleased and satisfied that they are dealing with an incredibly challenging situation extremely well, and they should get the enthusiastic support of us, not criticism.

The Bailiff:

I think the question was about the number of complaints and whether that included the court case.

Senator P.F.C. Ozouf:

I apologise. I have made it clear before that I am not happy with the fact that public money, whether or not we regard it as so, because J.T. money was spent on the court case. But I would remind the Deputy, J.T. won that court case.

3.1.7 Senator L.J. Farnham:

In light of the increased profitability leading to the larger bonus to the chief executive, would the Minister for Treasury and Resources share his opinion with the States Assembly as to whether he feels as a result of the improved performance and increased profits the value of Jersey Telecom has increased significantly therefore delivering a benefit to the taxpayer?

Senator P.F.C. Ozouf:

I think the impressive thing about J.T. and the results that are happening there, is that the increased profitability is coming in no small measure from the business that they are carrying out outside the Island, so yes, Jersey Telecom, on the basis of the Manx Telecom valuation, it would be well in excess of £300 million and I would also note that their C.E.O., which is in the public domain, the basic salary of that C.E.O., which is a smaller entity, is £200,000 basic salary and a bonus of £400,000 following the completion of the recent sale. So J.T. is doing well and outside the Island, which is great.

3.1.8 The Connétable of St. John:

Does the Minister consider the billing system is 100 per cent okay, given that it cost us, I believe it was £10 million; is £10 million that was spent outside the Island, why was that system not put in place within the Island?

Senator P.F.C. Ozouf:

I have answered many questions about the billing system. The billing system is not just simply changing some invoicing, it is a fundamental restructuring of the financial management system of the J.T. company, which was absolutely required to give customers better information, usage data, text messages when they are over their limit, all this an old system could never do. J.T. were right to invest in it. It is wrong to criticise the £10 million investment in it. Yes, there have been problems and when you have transitional data from an old system to a new system there are going to be issues. That is why customers were rightly unhappy and that is why I have impressed upon J.T. that they need to fix it. Was everything right? No. Are they fixing it? Yes. Was the decision right to change it? Absolutely, yes. Should have probably done it earlier.

The Connétable of St. John:

I was right in putting the question, things were not altogether tickety-boo then.

Senator P.F.C. Ozouf:

The problem is often in politics when you do not make a decision you are not criticised. When you do make a decision you are still criticised and that is the problem. I want an organisation that rewards people for making the difficult decisions and not only when a problem happens, when the

tough gets going the tough gets working. Yes, it was tough, but they are fixing it and they should be thanked.

3.2 Deputy J.A. Martin of St. Helier of the Minister for Planning and Environment regarding the conditions attached to the planning permit for the Police Headquarters:

Given that the creation of an additional storey of car parking spaces at Green Street was a condition of the planning permission for the Police Headquarters, can the Minister explain whether the permit allows construction of the new headquarters to commence before the additional storey of car parking is built?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

Yes, it does.

3.2.1 Deputy J.A. Martin:

How will the Minister for Planning hold the Minister for Treasury and Resources or the Minister for Home Affairs to account then if once this is built... how will he make sure the extra storey of car parking is put in place?

Deputy R.C. Duhamel:

This is in the nature of planning obligations. The full wording of the condition on the car park permit is as follows: "The proposed car park extension hereby approved shall be constructed and provided before the first occupation of the new police headquarters building adjoining the site under planning permit P.2012/1005 and shall thereafter be retained and maintained as such." If indeed the building is not created then I assume that there are legal niceties that can be entered into to stop the occupation of the Police Headquarters building without that condition applying.

3.2.2 Deputy J.A. Martin:

The Minister for Planning says hopefully there are legal niceties. He has just read out that they may build the police station but nobody can occupy it until the extra storey is on Green Street Car Park. Can he therefore ask why they are not enforcing it prior? We do not want another empty building on that corner for 15 years.

Deputy R.C. Duhamel:

Presumably that in itself is a sufficient safeguard, in that the building Police Headquarters having been built, will not be able to be occupied under the Planning Law until the requisite work to put extra car parking spaces has been undertaken at the Green Street Car Park. I think the Deputy should also realise the intention on behalf of the Transport and Technical Services Department and the Property Services Department and indeed the Home Affairs Department, the car parking facilities can quite easily be accommodated by mechanical means and should not represent a very large building programme. I am fully expectant that subject to the planning obligations as set, the States departments would strictly adhere to them.

3.3 Deputy J.A. Hilton of St. Helier of the Chairman of the Comité des Connétables regarding the declaration of convictions by candidates for the position of Connétable:

Following the recent removal of policing powers from the Connétables, will the Comité be bringing an amendment to legislation to make it a requirement for candidates for the position of Connétable to declare convictions at a nomination meeting to mirror the requirements for Senators and Deputies?

Connétable J.L.S. Gallichan of Trinity (Chairman, Comité des Connétables):

The very short answer is yes, however I will attempt to do a little bit more than that. The committee wrote to the Attorney General in June 2014 seeking advice on the steps that could be taken. The committee is looking to bring forward legislation but pending that all Connétables will undergo a full C.R.O. (Criminal Records Office) check. This is done, as it was in the past. This is not obligatory also for States Members, such as Deputies and Senators, so we will be, but unfortunately I do not think there is a timescale to get the legislation in place for this election in October.

Deputy J.A. Hilton:

No further questions, Sir.

3.3.1 Deputy M. Tadier:

Would the Chairman confirm that there is no nationality requirement to be able to stand for Constable and, on that basis, if there are to be criminal background checks how will those records be processed for those seeking election in the future, who are not of British nationality?

The Connétable of Trinity:

At the present time, obviously if we have a C.R.O. check, those that are not British nationalities have to go to their consulate abroad sometimes to obviously seek that. But the only problem I would say that they have to ... I am sure the Connétables realise, apart from St. Helier, you have to reside in the Parish where you wish to be Connétable. Hopefully, before all these problems happen, there will be legislation in place that will cover these things in future.

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

I think the Chairman of the Constables ducked the question really. The question was: if a person of foreign nationality applies to become the Constable, they will have to live in the Parish obviously to do that, what happens then if you cannot get a criminal record check? That is what the question is about because many states do not supply the information; that is one of the problems we have. Jersey people will have to comply with the check and it can be done but people coming from numerous other countries, there is no way of getting those records, so what is the Chairman going to do in this circumstance?

Senator L.J. Farnham:

I wonder if I may seek clarification. I understood one had to be a British national to sit in the States Assembly.

The Connétable of Trinity:

The other thing which the Connétables are thinking is the Deputies and the Senators make a voluntary declaration, so there is no reason why the Connétables in future could not do that, so that would apply to that as well, but hopefully the law will change, or these States will change, this will... we will all be equal, the Connétables and the Deputies and the Senators will be on the same level of declaration. At the present time we do not do that but to cover ourselves, which we have been doing before, because formerly we were police officers, we had C.R.O. checks carried out on ourselves so that was guaranteed whereas a person making a voluntary declaration could forget to say something, and how do you prove that?

3.3.3 Deputy G.P. Southern:

Does the Committee of Connétables have under discussion the prospect of standing separately for the States and thereby joining the Deputies and Senators in having to take that oath?

The Connétable of Trinity:

That has not been discussed by us.

3.3.4 Deputy J.A. Hilton:

I believe the Constable of Trinity said in his earlier answer that he could not bring the amendment before the next election. Could he just confirm for me that the Connétables will all voluntarily declare any convictions at the time of nomination?

The Connétable of Trinity:

It would be a voluntary one, I agree. I think that we could in fact talk to the Connétables and if they have to give a voluntary one, that will be fine.

3.4 Deputy G.P. Southern of the Minister for Social Security regarding action following the decision of the Assembly to adopt Deputy Martin's amendment to the Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014):

What action, if any, has the Minister taken, or does he have under consideration, following the decision of the Assembly to adopt Deputy Martin's amendment to the Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014) and to support special payments for child personal care?

[15:00]

Senator F. du H. Le Gresley (The Minister for Social Security):

Since the recent States debate, I have met with Deputy Martin on 2 separate occasions together with other Ministers and Assistant Ministers to discuss the situation and to agree practical steps that can be taken to implement the States decision. Officers are currently in discussion with the Treasury and Resources Department and this may then need the backing of the Council of Ministers as to funding to meet the additional cost of providing benefits during 2015. I would also submit a growth bid to the M.T.F.P. (Medium-Term Financial Plan) 2 to secure funding for 2016 and onwards. Subject to identifying an appropriate budget and, with Deputy Martin's agreement, I will then lodge amendments to the Regulations that have been left incomplete to allow the debate to be brought to conclusion on 9th September. The amendments will separate the 3 categories of disability as follows: the P.C.(Personal Care) 3 highest level benefit will be available from September in line with my original proposals; the new benefit for P.C.2 will be introduced from the start of next year with successful claimants receiving backdated payments from the beginning of 2015 and the final category of P.C.1 will remain within income support for the time being with additional research being undertaken to identify the most appropriate support for these families. This work will be co-ordinated with the initial stages of a disability strategy for the Island.

The Bailiff:

Deputy Southern, do you wish a supplementary?

Deputy G.P. Southern:

Yes. I am somewhat sceptical about the need to research Level 1 disability since it was specifically a point of pride that we had distinguished between levels of impairment and had this lowest level to get to people. Other than that, for once I thank the Minister for his prompt and apparently accurate well-targeted action.

3.4.1 Deputy J.H. Young:

Could I ask the Minister just to clarify? He said he was putting in a bid to the next Medium-Term Financial Plan for 2016 but clearly also said he was going to implement some of the new structures

earlier. Can he just confirm that means he is going to meet those benefits from existing balances and resources?

Senator F. du H. Le Gresley:

No. Well, the Deputy is partly correct, we would have one year to fund of the current Medium-Term Financial Plan. I do not have the money unless I make savings within tax-funded benefits, that is why I am having discussions with the Treasury to see if we can release money, perhaps from contingencies or some other method, to allow me to make P.C.2 payments in 2015.

3.5 Senator A. Breckon of the Minister for Health and Social Services regarding the allocation of Social Workers to all 4 States Secondary schools:

Can the Minister advise whether Recommendation 8 of the Scrutiny Panel Report (Health, Social Services and Housing S.R.6/2009) into the Co-ordination of Services for Vulnerable Children, which recommended that Social Workers be allocated to all 4 States Secondary schools, has been implemented and, if not, why not?

Deputy J.A. Martin (Assistant Minister for Health and Social Services - rapporteur):

Yes, to answer the Senator's question, there was a report from Kathie Bull and then the recommendation from Williamson and then a report from Scrutiny - which the Senator chaired - to make sure these recommendations were implemented and there has been a social worker in the 4 States Secondary schools since 2009.

3.5.1 Deputy G.P. Southern:

Does the Minister know whether the presence of a social worker in each of the schools has been continuous and does she know whether there have been times when there has been no social worker in place?

Deputy J.A. Martin:

At one of the schools at the moment there is continued maternity leave and that has been hard to cover because of the way the structure of the multi-agency team is made up; we are working with a school counsellor, educational psychologist and educational welfare. The terms for the Multi-Agency Support Team was to promote inclusion and have positive outcomes for young people and have emphasis on identifying early intervention. It is working very well in some schools. There has been a review just completed. Unfortunately, it is so near completion I do not have all the outcomes yet but as soon as I do we will recommend that they will come to the House.

3.5.2 Deputy G.P. Southern:

A supplementary, if I may? Will the Assistant Minister bring to the House year-by-year a list of when those social workers were in place and when they were not?

Deputy J.A. Martin:

Yes, that can be easily done. Also, on top of just the 4 schools, the social workers - or the teams - now go into the alternative curriculum, d'Hautree House, and, very recently, Victoria College and Beaulieu. There is a need and we just need to make sure the need is right. As the Deputy said, covering these social workers is a completely different job from the other social workers and we have been finding it hard to cover if they have been off. I can get the dates for the Deputy and hopefully the report will look at the whole team that is working to have early intervention in our schools for the children.

Deputy G.P. Southern:

I have every confidence the Assistant Minister will do.

3.5.3 Senator A. Breckon:

Is the Minister aware that putting resources into this area prevents problems escalating to a more critical level and putting greater strain on Social Services?

Deputy J.A. Martin:

I could not agree more with the Senator and that is what we must make sure we are getting right. The Education team sees the majority of our children over x amount of weeks a year and I have asked, along with the Assistant Minister for Education, Sport and Culture when we started this term, to look at can they start going into primary schools where they identify an 11 or 12 year-old who has got emotional and behavioural problems, and they do now. I absolutely agree with the Senator, more of this should be done but we have got to get it right and is it a social worker, is it somebody else? The team should be working with all the children that are identified. I absolutely agree with the Senator's sentiment.

3.6 Deputy M.R. Higgins of the Minister for Health and Social Services regarding the level of evidence seen by the Minister in relation to a specific child protection matter:

Further to the Minister's response to my oral question on 30th June 2014 regarding the Head of Children's Service comments that a young child observing a sexual act at close proximity does not represent a child protection issue, could the Minister confirm whether she has had sight of all the supporting evidence/correspondence relating to this particular child protection matter to support her department's actions and her statements to the Assembly?

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

I met with the individual concerned over a year ago and I reviewed some of the supporting evidence and correspondence to that case, but not all; some of it is purely operational matter. I leave it at that.

3.6.1 Deputy M.R. Higgins:

Can the Minister tell me if she has seen a copy of this letter which was written by the Head of the Children's Service to the individual concerned? It says: "While I understand your concern and anxiety around the outcome of our previous assessment, I remain confident the situation you referred to, while misguided and inappropriate, did not necessitate further action of the child protection procedure. For your information, I have personally reviewed the recording and concur with the conclusions reached by my own team and our police colleagues. Of course, should you have any new concerns or information you think we may need to be aware of then I would urge you to contact our team." I might add, the Minister at that meeting was also shown some still photographs taken from the videotape and the final paragraph says: "On a related matter, I would urge some caution circulating sensitive pictures without the subjects' consent, given that we have made it clear to you that we do not consider it to be a child protection matter." In other words, a young child observing at extremely close proximity, almost being held, and what was going on being described to him, does not represent a child protection matter in the eyes of the Head of the Children's Service and yourself. Is that correct, Minister?

The Deputy of Trinity:

As I said, this is an operational matter. I cannot say whether I have read that particular letter or not; that was over a year ago. But this issue was looked at by the Probation Office, the Jersey Police, as well as the past Chair of Safeguarding and the present Chair of Safeguarding. It is a multi-agency decision.

The Bailiff:

Do you wish a final question then, Deputy Higgins?

3.6.2 Deputy M.R. Higgins:

I will just come back to that, yes. The only person who has seen the tape out of all those people she has mentioned is one, the Head of the Children's Service and a police officer who did not provide the full information to that particular body. I have seen the minutes of that body and it is not in there, so is the Minister still content to say the matter has been properly investigated and that it is not a child protection matter?

The Deputy of Trinity:

It has been a multi-agency approach and, as I said to the Deputy last time, if he feels that it is not appropriate the door is still open to talk to the independent Chair of the Safeguarding Panel and I would suggest that he does.

3.7 The Connétable of St. John of the Minister for Economic Development regarding the implications of the expiry of the lease for the Airport Fuel Farm:

Given that the lease for the Airport Fuel Farm is due to expire, what action, if any, is being taken to ensure that there is no travel disruption to passengers and plane operators and can the Minister advise whether the Airport Fire Service could be used as crew to fuel aircraft in the event of industrial action by existing staff?

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

As I have already explained to the Connétable and was subsequently made public on Monday, 7th July, the Ports of Jersey have already implemented their contingency plan; this includes providing a short-term licence for the provision of fuel at the airport to ATF Overseas Holdings Limited. The company involved is ASIG, a division of BBA Aviation who is among the largest independent aviation supply companies in the world. While fire service crews at other airports perform a fuelling function, the Ports of Jersey's contingency plan centres on professional aviation fuel suppliers. As announced by the company, they intend to be fully operational by the end of September which is when Rubis have announced to customers and staff their intention to withdraw from the aviation market in Jersey. The contingency plan has been specifically designed and implemented to ensure continuity of supply at competitive prices.

3.7.1 The Connétable of St. John:

Could the Minister explain why he misled me in saying ...

The Bailiff:

Connétable, you cannot accuse another Member of deceiving you. Could you rephrase it?

The Connétable of St. John:

I will try and rephrase it. Could the Minister explain when he was explaining to me what was possibly being put into place for the airport that he mentioned the Fire Service were being considered, knowing full well at that time that advice was being put in place or things were being put in place for that not to be the case? To me I believe it was a misleading statement he made at that time and it was to send me off on a wild goose chase to look for additional evidence. Will the Minister accept that he was trying to divert my attention from the staff who may be going to be made redundant and, therefore, may take action over the next few weeks prior to this all being settled? Will he accept that he cannot pull the wool over my eyes all of the time?

Senator A.J.H. Maclean:

I very rarely would try to pull the wool over the Connétable's eyes. All I can say to Members is that I shared in confidence with the Connétable some information when he inquired about this matter, which is an important matter. I did explain to him, in confidence, that we had considered all options which of course included, as I mentioned in my earlier remarks, the fact that airports globally used typically fire service staff to provide fuelling and that is a fact; it happens around the world. The solution, however, that has been put in place here in Jersey is not seeking to use staff from the Fire Service to provide that service, so I hope that clarity today is clear and I hope the Connétable appreciated my earlier confidential discussion with him which was intended to be helpful.

[15:15]

3.7.2 Deputy S. Power of St. Brelade:

Could the Minister indicate whether the installation that is known as the Fuel Farm, the tanking reservoir system that is at the airport, in all considerations will have to be replaced in the next few years? Is it fit for purpose as it stands at the moment or does major work have to be done at the airport?

Senator A.J.H. Maclean:

At some point, yes, it will need to be updated and upgraded. The facility there is of a certain age now where reinvestment is required and we have been having discussions for about 2 years with Rubis about the fact that the leases were coming up for renewal. We have extended the leases now, the 2 leases, because Members may well remember that in fact there were 2 fuel operators, Esso and Shell originally, hence the reason why there are 2 leases in place. One has been extended until the end of October; the other one currently runs until the end of December. Part of the future arrangement for supply at the airport is going to include necessary investment in infrastructure.

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

The original question refers to the possibility of industrial action. Will the Minister make a pledge here to make it a priority to maintain at all times a constructive dialogue with the workers at the airport to ensure that no party feels aggrieved with an end settlement and no party feels the need to go on strike?

Senator A.J.H. Maclean:

Yes, that is a very good question. Of course, we always undertake to ensure that staff in circumstances such as this are looked after in the best possible way. I can tell Members that in fact the company that has undertaken the temporary facility had already made an open offer to staff that many of whom will be taken on board by the new temporary facility and obviously with the expertise they have they would have every opportunity to find work in any new entity that gets a permanent lease arrangement over the Fuel Farm at the airport.

3.7.4 Deputy G.C.L. Baudains:

I wonder if the Minister could advise whether the forthcoming cost of renovation of the facilities there was part of Rubis' decision not to proceed and will the upcoming cost create a potential problem for a new firm coming in later on?

Senator A.J.H. Maclean:

No, that was not the trigger. I have mentioned that we have been in discussion with Rubis for some time and that was largely around the fact that we did some work in the aviation and maritime fuel supply chain. We had some independent analysis done of the fuel chain and that was done

independently by an organisation called Arup. That suggested that there were some monopolistic pricing arrangements at the airport that seemed to be at a level that was not in the interests of the Island, from a competitive point of view, or, indeed, driving more business, and that has really been at the heart of the discussions. There was some unexplained margin that we feel needs to be addressed and that is where the discussion started some 2 years ago.

3.7.5 Deputy S. Power:

It is a supplementary question in relation to the Minister's previous answer to me. Is the Airport Fuel Farm, for want of a better phrase, regarded as a strategic asset and should it be in public ownership or is the Minister content that the problem lies with the fact that it is not in public ownership?

Senator A.J.H. Maclean:

It is effectively in public ownership. There is a lease arrangement where the facilities are, I accept, owned by the operator currently. In due course the model most effective, in my view, would be probably a partnership arrangement between the airport - or the Ports of Jersey, as is the case - and whoever the supplier/operator of the facility happens to be. That again is part of the commercial negotiations that would need to be undertaken to ensure a long-term and sustainable facility at the airport. What we are most concerned about obviously is the security of supply but also the fact that the aviation fuel that is supplied is at a competitive rate. Currently that does not appear to be the case.

3.7.6 The Connétable of St. John:

As Rubis and others have control of the Island fuel supplies, does the Minister believe that a new operator at the airport will bring down the price of fuel if they have to purchase it via the existing Fuel Farm consortium?

Senator A.J.H. Maclean:

I think it is a step in the right direction. Yes, we need to be very conscious of the arrangements for the import, storage and distribution of fuel within the Island and to ensure that the whole market, not just the aviation fuel we are discussing in relation to this particular question, is competitive and in the interests of the Island, not just consumers but businesses as well. That is a matter that the Competition Authority are attending to at the moment and, indeed, in due course I am sure there will be an appropriate moment to make further notice of what the outcome of that review is. It may well be that some form of much closer regulation of the market is going to be required to ensure that we get that outcome in the event that competition is not available.

3.8 Deputy M.R. Higgins of the Minister for Home Affairs regarding the States of Jersey Police Force's duty to report any child protection concerns or issues fully and accurately to the appropriate States bodies:

Can the Minister explain to Members whether the States of Jersey Police Force has a duty to report any child protection concerns or issues fully and accurately to the appropriate States bodies and if not, why not?

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

Yes, the States Police have a duty to report any child protection concerns or issues fully and accurately to the appropriate States bodies and as they currently do for the Multi-Agency Safeguarding Hub. In relation to the matter to which this line of questioning relates, which dates from 2011, States Police did that by a strategy meeting held on 6th January 2012 which was

attended by a number of agencies, some of which were already well aware of the issues which the Deputy wishes to raise.

3.8.1 Deputy M.R. Higgins:

Thank you. I am pleased that the Minister has mentioned that meeting because I have copies of the minutes to it and I can tell him that he is mistaken. Basically, in the minutes, although it mentions a sexual act took place - I will not name the individual - it says here: "Went to the police legal adviser straightaway. There was not anything illegal in the footage viewed by the police. There was no criminal offence as a sexual act in front of a 2 year-old is not a criminal offence so no police investigation." There was no other explanation whatever about what went on, including the fact that the gentleman concerned who was engaged in the act was explaining to the child, at very close proximity, what he was doing. Does the Minister think that is giving full and accurate information to the child protection body?

Senator B.I. Le Marquand:

I see absolutely nothing in those minutes which contradicts what I have already said.

3.8.2 Deputy J.A. Hilton:

This matter is obviously causing extreme frustration to Deputy Higgins and this is why I am asking this question. In answer to a previous question to the Minister for Health and Social Services, we understand the police, social workers, the former Chair and present Chair of the Safeguarding Board jointly made a decision. Given that the questioner alleges only one professional viewed the tape which allegedly involved grossly inappropriate behaviour in front of a young child, does the Minister agree with me that maybe this is an occasion when his intervention is appropriate?

Senator B.I. Le Marquand:

No, I do not. I do not know many professionals saw the tape in question. I do know that it was seen by the police and, contrary to what Deputy Higgins said previously, they looked at the whole of the tape and looked at the details to which he was referring, although I do not have details of all of that. It is a matter in which they have correctly performed their duties and passed on information appropriately.

3.8.3 Deputy T.A. Vallois of St. Saviour:

Could the Minister confirm under the child protection policy all child abuse investigations should be jointly undertaken by qualified police and Children's Service personnel in accordance with the Home Office guidance booklet? Would the Minister be able to confirm whether that is the case and whether that has been reviewed because the child protection policy states that it is 2008?

Senator B.I. Le Marquand:

The position here is that the States of Jersey Police, as I said in answer to questions last time, took advice as to whether what they had seen on the tape constituted a criminal offence. They were advised that it did not and, indeed, the minutes, which Deputy Higgins read out today, confirmed that. They therefore had no further basis of pursuing an inquiry further.

3.8.4 Deputy M. Tadier:

On that basis, does the Minister believe that there is a compelling argument for a change in the law so that the event described by Deputy Higgins, and perhaps understood by the Minister to have taken place, could in future be considered a criminal offence?

Senator B.I. Le Marquand:

There could well be a case for it to be a criminal offence to commit an overt sexual act in front of a child, that I would accept, but there is not at the moment.

The Bailiff:

Deputy Higgins, do you wish a final question then?

3.8.5 Deputy M.R. Higgins:

I find it remarkable the Minister keeps on referring to there was no criminal offence but he does not talk about it being a child protection matter. The point is the police officers saw the tape and did not make any reference whatsoever to child protection concerns and, I might add, that other Children's Officers who were at that meeting had not seen the tape and also made no comment about it being a child protection matter so I wonder about the quality of child protection in this Island. What I ask the Minister just finally, does he think that the police should have given the full information ... in fact, no, sorry, the question I was going to ask is the police have been asked to change and provide full information to this panel and my understanding is they have refused to date to provide correct information about what was on the tape and what took place so the panel is fully informed. Will the Minister tell me whether the police have now corrected their records, advised all the parties who were on the multi-agency body and also the court that acted on the information that it was given, have all been fully informed of the events that have taken place and that the records are now fully correct?

Senator B.I. Le Marquand:

I have already said that the group that met in January was fully and properly informed as to the issues.

3.9 Deputy G.P. Southern of the Minister for Housing regarding the waiting list for applicants to the Housing Gateway, who are pregnant:

Will the Minister justify to Members why applicants to the Housing Gateway who are pregnant are not placed on the waiting list at the appropriate level until their pregnancy reaches the seventh month and does he not consider that discriminates against these applicants?

Deputy A.K.F. Green of St. Helier (The Minister for Housing):

The Housing Gateway allocations criteria are so that applicants who have the greatest need for social housing are given priority on the waiting list in the fairest order. This is done by noting that many people in need of social housing have different reasons for needing that social housing. Being pregnant in itself is not a reason to need social housing; being pregnant and in need of better accommodation is. There is a whole host of factors which we must consider for all applicants. Given that the waiting list at the moment has 863 applicants presently on the highest priority band, I have to ensure that it is done in the fairest order. Deputy Southern asked me this question in Questions without notice 2 weeks ago and I said that I thought that it was time to perhaps review that policy and, given that the policy extends back to 1990, I have already initiated a review of this policy. That does not necessarily mean that it will change but the review of the policy means that we will be looking at the most appropriate way to support people - ladies that are pregnant in gaining social housing - if it is appropriate to do so.

3.9.1 Deputy G.P. Southern:

Is the Minister aware that the date of first application stays with the applicant when they move from Band 2, not quite extreme urgency, to Band 1 which is extreme urgency, and that date which you first are accepted on to the list sticks with you and that this in itself discriminates against those who are pregnant?

Deputy A.K.F. Green:

This policy is no different to somebody who is disabled or a family that suddenly finds themselves homeless; that same date policy exists. But, as I have said, I am prepared to review this: not only prepared to; I have already started doing that.

3.9.2 Deputy S. Power:

I wonder if the Minister is able to give the Assembly an indication of the number of applications he has within the department at the moment for accommodation for women who are pregnant, who are either up to 7 months or are on his various lists?

Deputy A.K.F. Green:

I do not have that information but I am more than happy to distribute it later.

3.9.3 Deputy M. Tadier:

Given the fact that women will know for up to 9 months beforehand that they are pregnant and that the department will know that there will be a need in many cases for these to be housed, why are they not simply put on the list earlier than 2 months before? Is the real reason because the Minister wants to keep the lists as short as possible?

Deputy A.K.F. Green:

I do not think anyone can accuse me of trying to keep the list short. I use the fact that the list is as high as it is to justify the fact that we need more social housing and the whole of the Housing Transformation Programme is based on the fact that we have this waiting list on a very tight criteria.

[15:30]

That said, there are lots of people waiting to be adequately housed in social housing for numerous different reasons. I am prepared to look at the appropriateness of pregnant ladies but it is not the fact that they are pregnant that entitles them to access social housing, they have to be pregnant and in inadequate housing or other circumstances. There are lots of disabled people also on the waiting list waiting to be housed.

3.9.4 Deputy M. Tadier:

Is there not a difference? A disabled person does not necessarily know 9 months before they become disabled that they are going to become disabled whereas a pregnant woman usually does know that. Would it not give the department more time to prepare and more time to source appropriate accommodation for all of these people in need if they were simply to put the individuals on the list earlier rather than 2 months before the delivery date, when often women and families have got other great considerations on their mind?

Deputy A.K.F. Green:

As I said, I am prepared to look at the policy as to whether the 2 months is right. But being pregnant in itself does not, as I keep saying, entitle people to access social housing, it is a whole host of different reasons and there may be, when we look at this policy, other things that we can do to support ladies who need that support other than just straightforward social housing.

3.9.5 Deputy G.P. Southern:

If it is the case, as I have heard in the past from Housing staff, that the reason for the delay is that the person might lose their baby, is the Minister aware that there is only a 7 in 100 chance of miscarriage when you are pregnant and that 85 per cent of miscarriages occur in the first 3 months;

there is only 1 in 100 chance of miscarrying the child? Protecting themselves in that way as a department, or as Andium Homes, is not justified.

Deputy A.K.F. Green:

The Deputy may well be right but when we are looking at the allocation of homes we are looking at the needs, the size of the family and the suitability of the accommodation being allocated or, conversely, the unsuitability of the accommodation that the person is in. It is a whole host of factors and that applies across all the needy of the Island, not just pregnant women.

3.9.6 Deputy G.P. Southern:

If I may - final supplementary - comparing 2 eligible people, one of whom is pregnant and one of whom has a disability, the person with a disability will get put on the list straightaway and the person who is pregnant will get told to come back, let us say, in 3 months' time when you are 7 months pregnant. Is that not discrimination?

Deputy A.K.F. Green:

I do not believe it is discrimination but, as I have already said, and I said 2 weeks ago, we are looking at this policy just to make sure that it is current and fit for purpose today. It was formed in 1990 and it is right to look at it again.

3.10 Deputy J.A. Martin of the Minister for Treasury and Resources regarding the creation of an additional storey of car parking spaces at Green Street:

It does look very similar to the first question but I am going to ask it anyway. Given that the creation of an additional storey of car parking spaces at Green Street was a condition of the planning permission for the Police Headquarters, can the Minister explain why this is not being built first?

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

I understand Deputy Martin's concerns over the car parking and can assure her that the additional spaces will be developed in parallel with the development of the Police Headquarters. This is in full compliance with planning condition 26 which requires the provision of additional car parking spaces prior to the first occupation of the Police Headquarters. Building the extension first would delay the Police Headquarters project by a 6-month construction period which would in turn incur additional costs through inflation. By combining the 2 contracts we will also enable the selected contractor to reduce overhead costs through the sharing of equipment and facilities between both parts of the project and provide the space for a single contractor to co-ordinate and manage the works. There are, therefore, sound reasons why these works should take place together as part of the same contract. While the final programme will be provided by the contractor, it is currently envisaged that the 6-month car park project will take place early in the overall project and will allow the additional 64 spaces to be brought into use before the Police Headquarters have been completed. This approach complies with what we have been asked to do as part of the planning process; they will not further delay the development of the Island's first purpose built Police Headquarters and will result in an efficient construction process.

3.10.1 Deputy J.A. Martin:

Just a supplementary, can the Assistant Minister confirm that the tender that is out now to contractors does include the building of the 64 spaces of Green Street car park which was an answer to a written question I asked 2 weeks ago?

Deputy E.J. Noel:

Yes, we have got tenders out to 4 contractors: 3 are local contractors and one consortium of local contractors and this is for the combined project.

3.10.2 Deputy M.R. Higgins:

Can the Assistant Minister tell us that during the period of construction how many car parking spaces are going to be denied to members of the public while the work is going on?

Deputy E.J. Noel:

The amounts of spaces that are going to be occupied while the works are carried on will vary throughout the period of construction. As I said, hopefully within the first 6 months the extension to the Green Street car park which will produce 64 spaces, which is 11 more than are supplied to this Assembly, will hopefully be available in the summer of 2015.

3.10.3 Deputy M.R. Higgins:

The Minister did not answer the question. I said while the construction was going on of the new police station and the extension to the car park, how many car parking spaces are going to be denied to the public while the construction is going on?

Deputy E.J. Noel:

The Deputy's hearing cannot be as good as some other Members because I did answer that part of the question. It will vary throughout the length of the contract.

3.10.4 Deputy J.H. Young:

The Minister has explained the phasing of this particular project on the need to have a single contract for both the Police Headquarters and the extension to the car park and the issue of costs. Is he able to tell us what he has budgeted overall, the combined budget of the scheme will be, i.e. what the extra cost will be?

Deputy E.J. Noel:

The extra cost of building the 64 additional spaces is still budgeted at £1.5 million, as has already gone into the 2014 Capital Programme.

3.10.5 Senator S.C. Ferguson:

The Assistant Minister talks about the efficient construction and that the tender has gone out to a number of firms. Can he confirm that this tender includes the requirement for the contractor to design an access programme for materials and machinery to the site?

Deputy E.J. Noel:

Yes.

3.10.6 Senator S.C. Ferguson:

A supplementary: but is this not normally done by the developer before the tender is put out to contractors?

Deputy E.J. Noel:

No, the Senator is mistaken there; it is a part for the contractors to come up and is one of the things that we consider whether or not to award the contract to a contractor or another.

3.10.7 Deputy J.A.N. Le Fondré:

Given that the expenditure that the Assistant Minister just referred to ...

The Bailiff:

Deputy Maçon has just volunteered a sum for the Christmas appeal.

Deputy J.A.N. Le Fondré:

I was going to say which was about £1.5 million, but obviously we can reduce that by £20, I think. On the extra storey as a direct outcome of the project, i.e. as a condition of the planning permit, is the expenditure accounted for as part of the total capital cost of the project and is it included in the project?

Deputy E.J. Noel:

No. The additional costs for the car park was a direct result of a decision by the Assembly so, therefore, it is an additional £1.5 million on top of the budget already allocated for the police station.

The Bailiff:

Very well, do you wish a final question, Deputy Martin? Then that completes Questions on Notice but, as Members will be aware, I have allowed certain urgent questions.

4. Urgent Oral Questions

The Bailiff:

The first 2 are by Deputy Southern and are on the original supplementary Order Paper. Deputy, I understand you had originally intended to take them in reverse order so do you wish to ask the question of the Minister for Health and Social Services?

Deputy G.P. Southern:

Yes, that seems the logical way to me, thank you.

4.1 Deputy G.P. Southern of the Minister for Health and Social Services regarding consultation over planned major changes to the maintenance and engineering responsibilities of some Health and Social Services employees:

To the Minister for Health and Social Services then: would the Minister explain why there has been no consultation over planned major changes to the maintenance and engineering responsibilities of a significant sector of Health and Social Services employees with their representatives prior to the announcement of these changes?

Connétable J.M. Refault of St. Peter (Assistant Minister for Health and Social Services - rapporteur):

The decision to transfer a number of Health and Social Services buildings to Jersey Property Holdings was made back in 2005 and the process of transfer - that arrangement - has been under way since 2006. I can confirm that meetings with the staff in the presence of their union representative began last week about a change which will not take place until January 2015. The union shop stewards were themselves advised of the announcement in a meeting the day before the staff were advised. This is not a major change; there are no job losses, no changes to working hours, nor to the employment status of any employee. The appropriate dialogue will continue with both staff and union to ensure a smooth changeover. The Health and Social Services engineering teams are fully committed to undertaking the extremely important work of maintaining the front line service medical equipment. By transferring some mandatory work and activities to Jersey Property Holdings existing Health and Social Services teams will be released to undertake essential

equipment maintenance functions ensuring the best possible service is provided to Islanders at both the General and Overdale Hospitals.

4.1.1 Deputy G.P. Southern:

Is there a plan already in place and has this been shown to the representatives of those workers or not?

The Connétable of St. Peter:

All the workers were fully apprised of the intention.

Deputy G.P. Southern:

I asked about the representatives of those workers.

The Connétable of St. Peter:

The representatives were given the same information - the full information - as well as staff.

Deputy G.P. Southern:

Did the full information ...

The Bailiff:

I am sorry, Deputy, you have asked your 2. I think I saw some supplementary questions and I will come back to it.

Deputy G.P. Southern:

By all means.

4.1.2 Deputy J.H. Young:

Could the Assistant Minister tell us does this transfer include specialist work such as, for example, medical gases on which the clinical services depend, is it proposed to transfer those into Property Holdings?

The Connétable of St. Peter:

No, definitely not. The essential medical services in the General and Overdale Hospitals will continue to be maintained by the maintenance staff at the General and Overdale Hospitals. Part of this move is predicated by another piece of work which is separate to this, which is the closure of Queen's House, which requires us to move the approximately 12 staff that are there up to Overdale to join up with the rest of the maintenance team thereby consolidating our maintenance effort in one place.

4.1.3 Senator S.C. Ferguson:

Has the full budget attached to the workforce been transferred and why has it taken so long?

The Connétable of St. Peter:

The answer is yes, and why; it has been a matter of trying to find the budget to transfer to Property Holdings for the works that they will now do on the properties that are non-core to the Health and Social Services.

4.1.4 Deputy G.P. Southern:

The information given to the representatives of the workforce, did it consist of one and a half sides of a fax looking remarkably like this?

The Connétable of St. Peter:

Without seeing the details; that was the information that was given to them on paper but they were also addressed by their management staff on top of that and able to ask questions on the details.

4.1.5 Deputy G.P. Southern:

On the assumption that the plan is not finalised and written in stone when will the first consultation or negotiation meeting take place over this transfer with the representatives of the workers concerned?

The Connétable of St. Peter:

As there are no changes to any staff conditions or workplace practices there have been no changes at all to the levels of the grades of the workers concerned, there is not a requirement to negotiate with the unions on any changes to the contractual obligations. This is merely a consolidation of the 2 workforces, some of which are out at St. Saviour with the ones that are currently at Overdale Hospital and J.P.H. (Jersey Property Holdings) taking on responsibility for the outlying properties.

4.1.6 Deputy G.P. Southern:

If I may, the final supplementary? Thank you. Given that the modernisation programme is supposed to operate with the co-operation of all the workforce and the Minister stating that this is not a matter for negotiation is one thing and certainly does not smack of co-operation anywhere, but in the absence of negotiation will he consult with the unions concerned fully before anything is implemented?

[15:45]

The Connétable of St. Peter:

Certainly, those are our commitments to continuing negotiations with the staff concerned and the union representatives.

4.2 Deputy G.P. Southern of the Minister for Treasury and Resources regarding assurance regarding outsourcing Health and Social Services maintenance and engineering services to private contractors:

Would the Minister for Treasury and Resources assure Members and representatives of the Health and Social Services employees concerned that planned changes to maintenance and engineering responsibilities brought about by reorganisation will not involve the outsourcing of services to private contractors?

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

The transfer of responsibility for the maintenance of a number of community buildings within the Health and Social Services estate to Jersey Property Holdings will involve some work activities being transferred to J.P.H. These work elements are clearly defined within the approved service level agreement and under the defined landlord/tenant functions. As the Deputy is well aware, J.P.H. does not retain direct labour to undertake these work elements and therefore external contractors may be procured to undertake these tasks. As the Deputy is also aware, use of external contractors will not result in any Health and Social Services Department engineering redundancies. The Health and Social Services Department engineering teams are fully committed to undertaking the extremely important work of maintaining front line services for medical equipment by transferring some of the mandatory work activities to J.P.H. or release the existing Health and Social Services Department staff to undertake essential equipment maintenance functions and to ensure the best possible service is provided to the public of the Island.

4.2.1 Deputy G.P. Southern:

How interesting. This is privatisation by the back door. Where in the modernisation programme or any other document produced since the last Strategic Plan has the Assistant Minister declared that we are going to privatise the public sector work force and does this not mean this is the first step?

Deputy E.J. Noel:

This is merely doing more for less.

The Bailiff:

Does any other Member wish to ask a question? No, then Deputy, please continue.

4.2.2 Deputy G.P. Southern:

Doing more for less by the use of privatised work forces which may or may not be under the same terms and conditions as the workforce operating today, and if they are doing more does that not mean there will eventually, if not immediately, be less work for the members at Health and Social Services to do?

Deputy E.J. Noel:

No, it is the opposite. They will have more time to do more front line essential services; and the non-essential services - the routine maintenance of buildings - will be dealt with by J.P.H.

Deputy G.P. Southern:

If I may, Sir?

The Bailiff:

Yes, very final supplementary.

4.2.3 Deputy G.P. Southern:

How many private sector employees will be employed to do this work in this particular change and how many in total of the work force used by what is the department called, J.P.H., does J.P.H. employ in total?

Deputy E.J. Noel:

I have already said that Jersey Property Holdings do not directly employ any direct labour staff. Those details that the Deputy has requested I will obtain from my department and forward on to him.

4.3 Deputy S. Power of the Chief Minister regarding the resignation of the Treasurer of the States:

Thank you for approving it. Would the Chief Minister explain to the Assembly whether the resignation of the Treasurer of the States was expected, and does he believe that her resignation is related to other resignations of senior Treasury officials in the past year?

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

The resignation of the Treasurer was not expected. She has resigned from her position to return home to the U.K. (United Kingdom) and we value the significant development work for the Treasury that she has led over the last 4 years. The Treasurer has said that it has become increasingly important for her to be nearer to her family and she feels now is a fitting time to hand over the baton and to look for new challenges. I am not aware that her decision was related to that of any other Treasury staff who have left the organisation.

4.3.1 Deputy S. Power:

Is the Chief Minister concerned with what I would loosely refer to the attrition rate and loss of senior management positions in Treasury including a Comptroller and Auditor General, 2 previous Treasurers, an interim Treasurer, the head of Property Holdings, the head of Waterfront development, all within the last 4 years? Does this not cause him concern that this is the latest resignation in a senior management position related to Treasury? It is causing concern, will he not agree?

Senator I.J. Gorst:

No, as far as I am aware they have all resigned for their individual reasons. We are a large organisation. Some areas of the organisation work under pressure delivering specialised services and if the Member were to look at the expected tenure in the U.K. of these senior types of positions they are anywhere from 3 to 5 years.

4.3.2 Deputy G.P. Southern:

Does the Chief Minister have any evidence of disagreement between the Minister for Treasury and Resources and the Treasurer prior to her resignation?

Senator I.J. Gorst:

Ministers and chief officers disagree all the time. They work through those disagreements on behalf of the public. If we look at the work that the Treasury have delivered over the course of the last 4 years I think we can say there is a partnership that has worked well and delivered on behalf of Jersey.

Deputy G.P. Southern:

If the Minister does have evidence will he reveal it?

Senator I.J. Gorst:

I have answered that question. The results of the work that has been delivered shows that the Treasurer and the Minister for Treasury and Resources have worked well over the last 4 years contrary to what the Deputy is trying to suggest.

4.3.3 Senator S.C. Ferguson:

I thought our senior officials usually lasted longer than 4½ years but my question is, is there a compromise agreement attached to this?

Senator I.J. Gorst:

There is no compromise agreement as such. There is of course agreement when somebody is wishing to resign in this way. It is a very important job. It is very important that we ensure continuity and we believe that that is what we have delivered in this instance.

4.3.4 Senator S.C. Ferguson:

Is there a payment, a golden handshake to be paid to the departing Treasurer?

Senator I.J. Gorst:

There is no golden handshake. The Senator is aware that the States Employment Board delivered a new policy in regard to departing employees about 2 years ago. That was looked at by the Comptroller and Auditor General. It arose out of a number of issues that this Assembly is well aware of and the agreement reached with the Treasurer is well within the policy of the States Employment Board and meets simply the contractual obligations.

4.3.5 Deputy M. Tadier:

The Chief Minister was careful to preface his earlier answers with: “As far as I am aware”, which leaves open the suggestion that the Chief Minister may not be fully aware of all the facts. Will the Chief Minister advise whether or not an exit interview has taken place or will take place with the Treasurer to find out what lessons can be learned either for her resignation or for ways to improve things in that area?

Senator I.J. Gorst:

I have no doubt that an exit interview will be undertaken. I simply worded my answer in the way that one would expect. The reasons that I have been given for the Treasurer’s resignation do not include the reasons indicated in the question and therefore I say that I am not aware of any. The Treasurer will continue working over the next few weeks. She will be delivering the Budget to States Members later this week and to members of the media as well.

4.3.6 Deputy M. Tadier:

Will the Chief Minister also be able to report back to the Assembly to show whether or not the Treasury-related senior civil servant office post holders seem to suffer from a higher attrition rate than perhaps those of other departments, and if so why that is?

Senator I.J. Gorst:

That is a good question. I am not aware that that is the case. I was simply quoting what happens elsewhere in the world. I think that senior officers... they are pressurised jobs. They are important jobs. Ministers rightly hold them to account. This Assembly wants them to deliver on the priorities of this Assembly and with the best will in the world people cannot remain providing that service for a great length of time. That is one of the reasons that they command the salaries that they do so. I do not think there are issues as suggested by the question.

4.3.7 Deputy M.R. Higgins:

Would the Chief Minister care to comment on the strong rumour going around that one of the reasons for the resignation was a disagreement between the Minister for Treasury and Resources and the Treasury over the presentation of the accounts and whether it will show a deficit or not?

Senator I.J. Gorst:

The accounts have been published as far as I am aware. If I were to listen to every single rumour that I hear every day it would be a very strange world. The Treasurer has her reasons and I believe that we should accept and respect them. She is an individual. She has worked hard on behalf of Jersey and we should thank her and respect the decision that she has given and let the department continue with the good work that it has started.

4.3.8 Deputy M.R. Higgins:

Can I ask a supplementary? Obviously Members have been asking about the number of people, can the Chief Minister advise us whether Senator Ozouf attended his anger management classes that he was going to ... the Chief Minister said that he was going to have some counselling.

The Bailiff:

I do not think that arises out of the question, Deputy.

4.3.9 Deputy J.H. Young:

Can the Chief Minister give the Assembly a categorical assurance that he is not aware that the events surrounding the Treasurer’s decision to resign can be in any way construed as constructive dismissal requiring a compromise agreement? Can he give that assurance specifically to the Assembly?

Senator I.J. Gorst:

That is a legal definition and people argue about that in front of the Employment Tribunal. I do not believe that that is the case. I have said that we have reached agreement. It is not a compromise agreement. The Treasurer, as I said, will continue her work. Members will be speaking to her later this week as she supports the Minister for Treasury and Resources in delivering the Budget not only to Members but to members of the community and to the media. I also said, and I reiterate it, that the States Employment Board delivered a new policy with regard to departing employees of such seniority and the agreement that we have reached with the Treasurer is in line with that policy, and that policy was reviewed by the previous Controller and Auditor General as reasonable.

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

With this 4-year appointment that has been can the Chief Minister advise what succession planning has been put in place, and will we be seeing a local for this position in the future?

Senator I.J. Gorst:

If the Deputy has read the press release it includes that the successor is the chief officer currently of Social Security, who was previously Deputy Treasurer of the States, and he has agreed to act in that role and then we will consider the future and recruit to the substantive position. I believe that that individual is an excellent individual who has served the States well. I believe that he has all the required abilities to work in this role on behalf of the States and I believe that that does indeed show good planning for the future.

4.3.11 Deputy J.M. Maçon:

Supplementary please. Can the Chief Minister confirm that there was no succession planning put in place and will he look to give an undertaking that there will be succession planning for this role in the future?

Senator I.J. Gorst:

How can the Deputy say there is no succession planning in place when we have taken a Deputy Treasurer for the States, moved him across a department, got more experience of a department which is in the future going to be integral to the Treasury Department as a chief officer and then can bring him back as an Acting Treasurer? That is exactly what succession planning looks like. It is exactly what we are aiming at right across all departments.

4.3.12 Deputy M.R. Higgins:

The Chief Minister in his answer almost implied that the person has moved across permanently. Will he confirm to this House that ...

The Bailiff:

No, he did not, Deputy Higgins. He made it clear that this was an interim appointment.

[16:00]

Deputy M.R. Higgins:

Yes, but the way he spoke about him it was almost as if he has got the job permanently.

The Bailiff:

No, Deputy, you have had your question and I do not agree with its continuance.

Senator I.J. Gorst:

Sir, I would like to answer that because if the Deputy looks at the evidence last time we needed an Interim Treasurer we had to go off Island. This time we needed an Interim Treasurer and we can find one who is already working for us. I think that is something that we should be pleased about.

4.3.13 Deputy J.A.N. Le Fondré:

To paraphrase that saying, to lose one Treasurer is unfortunate, to lose 2 in less than 5 years might be considered careless, given the importance of the position and the previous reference to exit interviews and also the perceived perception of an attrition rate out of Treasury. Will the Chief Minister undertake to ensure that the exit interview does place, and that as Chairman of the States Employment Board he will be in attendance to ensure that all and any causes are known?

Senator I.J. Gorst:

That will give me no problem at all. It is not normal for political attendance at such interview but I have no problem with that and no doubt an exit interview will be undertaken.

4.3.14 The Connétable of St. John:

Will the truth ever come out exactly what has gone on over the last 2 Treasurers?

Senator I.J. Gorst:

I have already said when somebody gives the reason for resigning we should, I believe, accept and respect. I do not think that it is very helpful for either the States, the department that the individual is leaving, which continues to have a heavy workload and needs the support of this Assembly, or the individual. We live in a world where things can be said across social media that follow people for the rest of their lives and therefore we have to be very careful about what we say about our employees. We have to respect the reasons for their wish to return to the U.K. in this case and I have nothing further to say.

The Bailiff:

Very well. We will then come to the next question.

Deputy S. Power:

Do I get a final wrap-up question?

The Bailiff:

I am so sorry, Deputy Power. You are absolutely right.

4.3.15 Deputy S. Power:

That is okay, Sir, I can understand why you forgot. My last question is to the Chief Minister and he appears to be a word wizard at plastering over cracks and has 2 parts like the first question. When was the Chief Minister first made aware that the Treasurer was likely to resign, and is he concerned at what are substantial repeated reports of tension within Treasury?

Senator I.J. Gorst:

I am not sure whether I should answer that question now or it is the question that Deputy Le Fondré is going to ask me in some moments and I can answer it then. I suppose I can answer it now and answer it again in a couple of minutes. I am informed that the Treasurer offered her resignation on 1st July but I can confirm that I was informed of it the following day. As I have said, within these departments Ministers hold officers to account. The amount of work that the Treasury has done over the last 4 years is phenomenal. More work than I think they have done in many, many decades. They have launched a bond into the market at a phenomenal... They have done 3-year planning. They are doing long-term capital programme planning. Of course there will be tensions

within the department to deliver such a large amount of workload but the fact that they have produced that workload and they have been producing on behalf of Jersey shows that the individuals at the top of the department have worked together productively on behalf of Jersey.

Deputy J.A.N. Le Fondré:

I do not know if you are aware of the slight exchange I have been having with the Greffier. Is it possible for me to defer this question until the Minister for Treasury and Resources himself is back as it does seem something that really only the Minister for Treasury and Resources can answer and not the Chief Minister?

The Bailiff:

It is up to the Chief Minister and normally we must follow the timetable but if the Chief Minister is happy to see this put off to tomorrow then it can be done.

Senator I.J. Gorst:

I am really in the hands of the questioner. I tried to say earlier that I would be happy to take it. I have just answered the question. It would, of course, be better to try and deal with all of them today but equally the Minister for Treasury and Resources has said he is happy to answer it in the morning.

The Bailiff:

The point is that there is an enormous agenda and today was done in order to ask questions.

Deputy J.A.N. Le Fondré:

We were not aware that the Minister for Treasury and Resources was away. It is directly relevant to Treasury and I would think it was appropriate to be able to ask a question and allow Members to ask a question directly of the Minister for Treasury and Resources.

The Bailiff:

The Chief Minister has agreed he does not mind, so do Members agree this can be taken first thing tomorrow morning?

Senator L.J. Farnham:

I am trying to be helpful and I understand the politics behind this but I thought we have just learned the answer to Deputy Le Fondré's question.

The Bailiff:

He is still entitled to ask his question. Do Members agree then that Deputy Le Fondré wants to take this tomorrow morning? Very well. That completes all the questions.

5. Questions to Ministers without notice - The Minister for Planning and Environment

The Bailiff:

We come next to Questions to Ministers without notice and the first period is to the Minister for Planning and Environment. Do any Members wish to ask any questions? Deputy Power.

5.1 Deputy S. Power:

Can the Minister for Planning and Environment confirm whether his Historic Buildings Officer has been asked to consider an application to erect a tower crane in the cemetery of Green Street adjoining the proposed Police Headquarters building?

Deputy R.C. Duhamel (The Minister for Planning and Environment):

I am not in a position to confirm that either way but I will find out and advise the Deputy and the House accordingly.

5.2 Connétable J. Gallichan of St. Mary:

Is the Minister aware that in some cases as there is no requirement for building works to be finished in order to keep a permit live, only to be started, that some neighbours are living next to building sites with onerous conditions for extended periods of time, and would he look to see whether this can be addressed?

Deputy R.C. Duhamel:

The Constable makes a valid point. When we do issue permits it is to ensure that the work is not only undertaken according to a quality standard, but indeed that it is finished to that quality standard and I will endeavour to have talks with the department to see if we can do what she suggests.

5.3 Senator L.J. Farnham:

Would the Minister confirm that should the States agree to rezone Field 622 in St. Ouen that that would only be provisional and that the development of that field would be completely dependent on the presentation and approval of a village plan?

Deputy R.C. Duhamel:

That indeed is the right reading of the situation and we shall have further to say on that proposition when we get to the discussion of the Island Plan, either tomorrow or Wednesday, but Deputy Farnham is correct.

5.4 Deputy J.H. Young:

The Minister is a member of the Regeneration Steering Group. Could he please advise the Assembly how many meetings have been held of that group of which he has been ... since his election as Minister and how many he has been invited to attend?

Deputy R.C. Duhamel:

I am not sure which Deputy the Deputy is referring to. I am not, as far as I am aware, a member of the Regeneration Steering Group and specifically the Minister for Planning and Environment was not asked to be such a member.

5.5 Senator P.F. Routier:

My question relates to the granite gates at the entrance to Howard Davis Park. I notice they have been moved over the last few weeks. I was wondering what planning permission or what conditions have been put on that approval to move the granite gates. Could the Minister enlighten me?

Deputy R.C. Duhamel:

The work on the granite gates on the roadside were part of a Ministerial Decision that I took a number of weeks ago. A small amount of work is to be undertaken to widen the entrance on to the La Route du Fort and there is further work in terms of the removal of the home oaks and the replacement by semi-mature specimens of the same variety of tree and there is further work to introduce a temporary gateway within the body of the park to facilitate the delivery of large equipment for large-scale events. I am sure if the Senator was to read the conditions that attach themselves to the Ministerial permit, he would be happy or content that all best options have been considered to deliver something that all users of the park will find acceptable.

5.5.1 Senator P.F. Routier:

I have been asked by constituents about this. Will the nature and the visual aspect of the gates be of a similar nature to what they were before?

Deputy R.C. Duhamel:

They will, yes, but somewhat less wide. If you are a lorry, wider.

5.6 The Connétable of St. Mary:

Following on from questions a couple of weeks ago, I was interested to read the lead article in the *Sunday Times* magazine, was entitled "*The plant that ate Britain*" was about the Japanese knotweed and I wondered, as it is costing the British Government about £165 million a year, whether the Minister thinks he has been able to eat enough in the last 4 weeks to avoid our problem accelerating to this level?

Deputy R.C. Duhamel:

It is interesting. That is, you heard it from the Deputy first. But the Deputy did not say that he would personally be eating all of the knotweed. He said that the solution was that it should be eaten and then he cited that there were 3 classes of person or organisms that would eat it. That would be humans; it would be animal fodder and the third option was a particular type of aphid, *aphalara itadori*. If the Constable had also read *New Scientist* of 5th July she would see that there was heavy reference in that article to the 2010 introduction of that species of aphid which is doing great guns in reducing the knotweed problem.

5.7 Deputy G.C.L. Baudains:

How does the Minister enforce the Noxious Weeds Law? Does he have dedicated officers on the job and if so what is their success rate? Because there does seem to be a lot of ragwort around these days.

Deputy R.C. Duhamel:

There is no such thing as a Knotweed Law at the moment. There is the Injurious Weeds Law which, in relation to ragwort, as has been mentioned in this House on previous occasions, does not stipulate that the growing of ragwort in a particular field or other location is in itself an offence. The offence is caused if seeds blow from that plant across to agricultural land and cause an agricultural nuisance. I did indicate in my questions to this Assembly that should one of the ways of dealing with Japanese knotweed, or indeed any other injurious weeds was to grant the Minister extra powers to remove or to prohibit the growing of these plants in one's garden, then that would be a fifth or perhaps a sixth option that would be given due consideration.

5.8 Deputy J.H. Young:

Could the Minister for Planning and Environment tell his opinion, if he is not a member of the Regeneration Steering Group, how that group can be facilitated to incorporate his development plans and planning policies for the urban area if he is not a member of it?

Deputy R.C. Duhamel:

Members will cast their minds back to the discussions that took place when we were setting up the States of Jersey Development Company and the importance of coming forward with a proper memorandum and articles of association and understanding as to the linkages with that particular body and other States Members, notably, those Members sitting on the Urban Regeneration Steering Group. The outline of how the work will be undertaken was that the Minister for Planning and Environment would come forward with masterplans and development briefs. At such a point, should any of those plans overlap any States land interest, it was at that point that the States of

Jersey Development Company would get involved, if that land was surplus to requirement, and at that point plans will be drawn up by that body and Property Holdings perhaps and overseen by the Regeneration Steering Group to ensure that the masterplan considerations and the development brief considerations of the Minister for Planning and Environment were considered.

[16:15]

So I think for that reason that is probably why the Minister for Planning and Environment was not chosen to be a member of the Steering Group. He gets first say and second say and it is only once things have been decided a little bit more fully that these other bodies come into play.

5.8.1 Deputy J.H. Young:

Could the Minister inform us whether he regards that situation as entirely satisfactory or is it something we should be thinking about changing?

Deputy R.C. Duhamel:

I think I said at the time that I thought the whole process of setting up a States of Jersey Development Company was not perhaps the best way forward but that if we organised it with the protocols that I have just outlined then that would be a satisfactory way of proceeding, so I am living with it at the moment.

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

A wall was built on St. Lawrence, probably about 5 months ago, for which an application has not yet been published by the Minister's department. Will he advise the Assembly what the policy is on ensuring that when something has been built, if it is brought to his department's attention that a planning application has not been made, something is done is about it?

Deputy R.C. Duhamel:

I thank the Constable for her advice. If indeed the owner of the wall has not made a retrospective application then they are in breach of the Planning Law and must do so or otherwise risk the opportunity of enforcement action which might well end up in the wall, as built, being removed.

The Connétable of St. Lawrence:

My point is that the department has been made aware of it and as yet, I understand, nothing has been received from the applicant.

Deputy R.C. Duhamel:

I thank the Constable for her advice and I will check with the department to see at what stage any enforcement applications or work is being undertaken or indeed, what the state of play is for the department to be expecting a retrospective application.

5.10 Deputy J.M. Maçon:

In the 2001 Island Plan there called for a masterplan to be delivered on the Five Oaks area. Can the Minister advise what work has been undertaken in that area, please?

Deputy R.C. Duhamel:

That is absolutely right and it was one of the areas that I was particularly keen, being a St. Saviour resident for most of my life, to incorporate along with the other suggestions that were made at the time for some areas and some bollards and other places. All of this masterplanning work is being undertaken. I do not have a large number of staff unfortunately within our Forward Planning Department and subject to the restrictions that have been placed, not only on my department but on other departments in terms of maintaining the growth of staff within the department to reasonable

levels or indeed, making cutbacks, I am going as fast as I can. It is intended to proceed with these masterplans but we will do it in a framework that is ... that I am able to do with the existing staff. If Members feel that we should be running a little bit faster then I am open to suggestions that perhaps further recommendations might be made to the Minister for Treasury and Resources through the budget procedures in order to ask for growth in the staffing function.

5.11 Senator L.J. Farnham:

We spoke earlier of succession planning. I just wondered if the Minister felt that his time in Planning had prepared him for the role of Chief Minister, should he decide to put his name forward for it, if he is successfully elected, of course?

Deputy R.C. Duhamel:

Yes, I think it probably has.

6. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

Does any other Member wish to ask any questions? Then we will end that period and come on to questions to the Minister for Social Security. Deputy Southern.

6.1 Deputy G.P. Southern:

Is the Minister aware that despite the adoption of Lean processes in his department that applications for a second determination still take up to 3 weeks before being seen by a second determining officer?

Senator F. du H. Le Gresley (The Minister for Social Security):

I have not got the exact details in front of me. I think the target is less than the Deputy is inferring and if we are not achieving that target I would suggest it is down to volumes, but it is not an issue that I am aware is a problem.

6.1.1 Deputy G.P. Southern:

Is the Minister content then that what ... in one case that I know of, was some routine errors in an assessment took 3 weeks to be addressed?

Senator F. du H. Le Gresley:

A redetermination can be for a number of reasons. If it is to do with an assessment for health in some shape or form; an impairment component, these could take much longer than redetermination for other reasons. As I said, I am not aware there is a problem. If the Deputy believes there is, perhaps he could let me know the issues that he is concerned about.

6.2 Senator L.J. Farnham:

I am aware this is the well-respected Minister's final questions without notice and he will be sorely missed by the Assembly. I just wanted to ask him if he felt he had achieved the accomplishments he set out to achieve when elected to the post.

Senator F. du H. Le Gresley:

I do not want to waste Members' time on this question, if only to say that I set the department a very tight schedule of law changes and improvements for the delivery of services and I am pleased that the majority have come to fruition. In particular I hope I get Members' support this week for Family Friendly Rights.

6.3 Deputy J.H. Young:

Is the Minister for Social Security aware of the current discriminatory policy being applied by the Assistant Chief Minister and the Population Office applying the Marriage Breakdown Policy requiring people with young children, who have been in Jersey for 7 years with no income being required to move out of a house they own into private rental accommodation, forcing the payment of income support? Is he aware of that? Does he regard that as satisfactory and does he think it right that we have policies that end up forcing those people into that situation?

Senator F. du H. Le Gresley:

As the Deputy alluded, this is not my area. I would need to have a lot more information. This sounds like a particular case and as always I need to hear all the arguments and all the evidence before I would make any comment.

6.4 Deputy R.G. Le Hérissier:

Has the Minister made the same very good provision for succession planning within his department as the Treasurer has within the Treasurer's Department? **[Laughter]**

Senator F. du H. Le Gresley:

I think the Deputy is alluding to the movement of my chief officer to be Acting Treasurer. Yes, we have had an excellent member of staff who has been Deputy Comptroller of Social Security and he will assume the post of Comptroller in the absence of the Comptroller moving to Income Tax. Sorry, I am getting myself totally confused here because everybody is moving somewhere. We have succession planning in place, in summary.

6.5 Deputy G.P. Southern:

Oh, come on now. Get warmed up. We have got 4 days of this. Is it still his department's policy only to allocate a bedsit rate under income support to single persons on their own, and especially to young people under 25?

Senator F. du H. Le Gresley:

Yes.

6.5.1 Deputy G.P. Southern:

In the Minister's opinion, does this policy not cause hardship in that should a single person move into a one-bedroom flat, they get the lower rate, bedsit rate only, and therefore have to make up their rent from their other income?

Senator F. du H. Le Gresley:

That is the choice of the individual. They are advised that we only pay the bedsit rate so if they choose to go into a one-bedroom flat that is their choice.

6.6 Deputy T.A. Vallois:

Could the Minister confirm whether there has ever been a full assessment of income support since its inception in 2008 as to whether it is meeting its objectives of the States Assembly and if not, why?

Senator F. du H. Le Gresley:

At the last sitting I answered an oral question from Deputy Southern and I explained all the different reviews that had taken place during my term as Minister. In answer to the Deputy's specific question of a full assessment, that has not taken place. The department proposed, in carrying out research on a living wage, to do an assessment of income levels based on the income

distribution survey that is currently being carried out by the Statistics Office which is only done, I think, every 4 years or something like that. Using that information we will be better placed to carry out the full assessment that the Deputy is alluding to.

6.6.1 Deputy T.A. Vallois:

Can the Minister then confirm that the objectives that were set out by the States Assembly to set up the income support system were not, in fact, proper objectives and therefore a large amount of the income support system had to be tailor-made along the way?

Senator F. du H. Le Gresley:

I was not here when the income support system was debated by this Assembly but I would suggest that it has delivered on all objectives on the basis that it was there to assist low income families who were in work, people with disabilities, to help people who needed residential care and during the recession we have just been through it has proved its worth by supporting something like 6,500 families, so I would suggest that it has delivered on all its objectives.

6.6.2 Deputy T.A. Vallois:

I am sorry, but how can the Minister say that when there has not been a full assessment on the income support system as to whether it has been meeting its objectives?

Senator F. du H. Le Gresley:

I think experience will tell us it is delivered. I mean, how else would we be in the position to have helped all these families over these years? To me, the output is the best way of delivering on or assessing delivery on objectives.

6.7 Deputy G.P. Southern:

The Minister has reminded me that I asked him about reviews and at the end of that question I said: "And as result of any reviews" and he had a long list of them: "Is there any documentation been produced and would he release them if so?" I have not seen anything since so I presume none of those produced a report that was worth circulating to Members. Is that the case?

Senator F. du H. Le Gresley:

It was only a few days ago that the Deputy asked me that question and I have not had a chance to discuss it with officers.

The Bailiff:

Does any other Member wish to ask a question? Very well. I will bring questions to an end. I can inform Members before we move on, that a further third amendment to the Draft Referendum (Composition of the States Assembly) (Jersey) Act has been lodged, this time by Senator Ozouf.

Deputy G.P. Southern:

That one even later than mine, Sir?

The Bailiff:

You would not have thought it was possible, would you, Deputy? **[Laughter]**

Deputy G.P. Southern.

I would not. My God, the man is a genius.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Minister for Economic Development - statement regarding the Sea Transport Policy

The Bailiff:

Very well. No matters under J so we will come to K, Statements on a Matter of Official Responsibility and the Minister for Economic Development is to make a statement.

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

On 4th February this year, I made a statement concerning the possibility of a new long-term permit to operate ferry services for Condor Ferries. I promised then to keep Members up to date on progress. Today I am signing a Ministerial Decision amending the Sea Transport Policy. Members will be aware that a permit system for the provision of ferry services is necessary to ensure that certain services are sustainable. Up to now permits have been required for combined passenger and car ferry services. However, it is now necessary to amend the policy to ensure that Jersey continues to have long-term, sustainable, modern and affordable ferry services. As a consequence, I am writing to the Harbour Master instructing him to instigate the due legal process to allow Condor Ferries to make an application for new permits to include roll-on/roll-off freight services. Consistent with the amended policy the initial permit would last for 7 years followed by a second 3-year winding-down permit if required. As on previous occasions, due process means that the application will be published and all interested parties asked to comment on the application before a final decision is made. As part of this I shall in particular direct that any proposed agreement between the Harbour Master and the company is published as far as reasonably possible.

[16:30]

Clearly there will be elements that are commercial in confidence but overall it is important that what is being proposed is clearly understood. The new permit, when issued, will replace the current interim 5-year permit covering car and passenger services, which terminates on 31st December 2018. I have determined that a longer term period is necessary to attract the investment in new vessels for our key car and passenger links. I am in no doubt that granting a new permit covering car, passenger and freight services will provide the Island with long-term certainty about such essential matters as freight supplies and all-weather passenger services. The amendment to policy and the instructions to begin the due process to award new ramp permits follows very extensive and detailed discussions with both Condor Ferries and the Jersey authorities. Much work has been done as to how we can effectively measure and monitor performance and prices on car, passenger and R.O.-R.O. (roll-on/roll-off) freight services. I can assure Members that when signed, Condor Ferries will be required to adhere to clear performance standards. In the light of the possible purchase of the new Austal 102 fast passenger and car ferry, the configuration of the number and types of ships has again been considered. I can confirm that we will continue to require an effective combination of high speed services and the all-weather freight and combined passenger and freight vessels. At the same time, we reviewed the car, passenger and freight business model to establish the extent to which it could sustain competition. In doing this work, I have engaged C.I.C.R.A. (Channel Islands Competition and Regulatory Authority), external business and economics experts and, of course, the States Economic Adviser. The C.I.C.R.A. advice clearly indicated that against the Island's strategic objectives - namely stability in our sea links - a negotiated position with the current operator is preferable than an open tender exercise. As a result of this work, I have determined that it is necessary for the new policy to include roll-on, roll-off freight as well as combined passenger and car services. An additional effect of the new policy is that high speed foot passenger-only services could not be operated in isolation on the northern route but competition on the foot passenger-only market on the southern route remains possible. L.O.-L.O. (lift-on/lift-off) freight and inter-island sailings remain outside of the policy.

There will therefore be no change in practical terms in that a single R.O-R.O. operator will continue with a permit to provide on a non-exclusive basis all northern freight and combined high speed passenger and car services that meet current and future expected demand. In return for such a requirement, we should give the operator a 10-year tenure agreement. While the permits together will have a total 10-year duration there will be an effective break clause after 7 years. At the end of the first 7-year period, there is a planned exit period for the last 3 years of that period. This will give the States the flexibility to either negotiate a new deal with the existing operator or to secure services through a competitive tender. In exchange for the length of commitment from the operator, and the requirement that it will meet current and future expected demand, Jersey will receive: a new £50 million state-of-the-art vessel replacing 2 ageing catamarans. This vessel has the capability to handle heavy weather conditions comfortably for passengers and therefore it will also deliver improved reliability; strict performance targets requiring remediation plans should performance deviate and potentially termination or if they are not adhered to; guaranteed full service of sailings with minimum schedule across all market sectors that the current operator already covers; a profit monitoring and capping mechanism to ensure service efficiency for Jersey. Should profits rise above an independently monitored upper limit, the operator will be compelled to reduce prices and/or return the excess profits back into the sectors that generated it. I should stress to Members that the new ramp permits, when issued, will be non-exclusive. A competitor that may wish to operate will have to provide a similar service to the incumbent provider. As a consequence, any *bona fide* ship operator can apply at any time to run a similar service, car, passenger and freight and the Harbour Master would be required to give them consideration. We have reached this point after long and detailed discussions with stakeholders and interested parties. I would like to take this opportunity to add my profound thanks to all who have been involved. I look forward to the completion of due process and a successful conclusion that will deliver to Jersey long-term sustainable, modern and affordable ferry services.

The Bailiff:

Now 15 minutes of questions. Deputy Southern.

7.1.1 Deputy G.P. Southern:

The Minister talks about a profit monitoring and capping mechanism to ensure service efficiencies for Jersey. Is it not the case that he will have to examine in some detail the structure of the company and its subsidiaries, which is ultimately owned by Macquarie Bank whose business model is to give high interest loans to its subsidiaries running the service and therefore reduce profits artificially so it looks good on the surface but the people who pay are the customers. Is it not the case that he will have to do more than simply profit monitor?

Senator A.J.H. Maclean:

As I have said to Members in my opening statement, there have been lengthy and detailed considerations to this particular arrangement and obviously arriving at a position where we can carefully and appropriately monitor the performance of the business has involved an equation - a R.O.A.C.E. (Return on Average Capital Employed) calculation as it is known - which is a return on average capital employed. By looking at that and putting in place specific tramlines as part of the operating agreement which sits under the ramp permit, that allows a basic line between 7 and 13 per cent of profit that the company will be allowed, which is looked at based on international benchmarking of similar ferry operators and deemed to be a fair and reasonable figure to ensure competitive and fair pricing and also reinvestment in the model. So it is not something that has been done just on the back of a fag packet, if I can put it that way; it is a detailed calculation which we believe will meet the aims of the agreement.

Deputy G.P. Southern:

But does the Minister not accept that the business model of Macquarie in this particular area is such that it artificially reduces profits and therefore profit monitoring alone will not be sufficient to assess the efficiency of what is being delivered?

Senator A.J.H. Maclean:

We have had independent advice, not just from the Economics Unit. We have also had Oxera looking at this. We have had the Competition Authority looking at this. The advice that we have had - and it is deployed elsewhere in international ferry markets - is that this particular proposed mechanism, regardless of the ownership, which the Deputy seems to be suggesting is a problem here... but Macquarie invest quite significantly in a range of infrastructure investment globally and regardless of that this is the advice that we are having. This is the model that is deployed elsewhere and it is most appropriate. Never before in Jersey have we had a model of this nature put in place. It has been a very broad and weak way of monitoring pricing in the past.

7.1.2 Deputy G.P. Southern:

Will the Minister agree to release those reports and advice to Members of the States?

Senator A.J.H. Maclean:

The areas that will not be and are not commercially in confidence, yes, will be published as part of the ramp permit arrangements. I think that will give more than enough comfort and detail to the Deputy and Members.

7.1.3 Senator L.J. Farnham:

I welcome the Minister's first statement and I believe that it is potentially very good news for the tourism industry and the wider economy as certainly tourism, I think, are looking for some certainty into the future of the very important sea links to the Island. I see that the new vessel replaces 2 vessels and I just wanted the Minister to reassure the Assembly that there will be ample capacity, not just to ensure that the tourism market is ably catered for, but also to prevent over demand for a vessel at times of the year which could lead to competition issues.

Senator A.J.H. Maclean:

Yes, I am delighted to do so. The 102 Austal is a substantially larger vessel. It has got 20 per cent more capacity; that is 46 per cent in winter and 15 per cent in summer. More importantly it has got... or equally importantly, I suppose, it has got 50 per cent more car capacity in the peak periods. So I think this is going to add an extra dimension and certainly from the point of view of tourism, this, in my view, is extremely good news.

7.1.4 Deputy G.C.L. Baudains:

I notice with dismay that the Minister is continuing to require the use of high speed services by Condor. Given the likely service reliability issues arising from replacing the current 2 ferries with one so if it breaks down we have got nothing, and the fact it cannot use Weymouth, why is the opportunity not being taken during this period of flux to dispense with the fast ferry requirement and instead, as I have asked the Minister many times, upgrade the conventional ferries so they can get to the United Kingdom from Jersey in 4 hours. Let us face it; the fast ferries use 1,000 gallons of diesel an hour. The conventional ferries would be more economical.

Senator A.J.H. Maclean:

On the last point, the new Austal 102 is an extremely economically viable vessel. It is very modern. In fact, it has only got delivery miles on the clock, if I can put it like that, so I think the Deputy will find that ... and certainly as far as Condor are concerned they want a vessel that is going to have low burn costs, which is not the case for the current catamarans. The Deputy has

raised this particular point before. I think in due course there are options for traditional faster vessels but at the current time there are none available on the marketplace certainly that fit the dynamics of the Channel Islands market but more importantly the advice we have had is that a negotiated agreement with the current operator is the best way forward. There were discussions about the configuration and type of fleet and indeed, I suspect, as we go through this period, 7 years, and a potential 3 after that, that the future configuration when other vessels are replaced, could well include the type of vessels that the Deputy is referring to but the timing is not right at the moment.

7.1.5 Deputy S. Power:

In the third paragraph of the first page, he refers to: "Writing to the Harbour Master instructing him to instigate due legal process." Could he give an indication of the timescale on this now, and on the second-last paragraph, penultimate paragraph on the same page, could he give an indication of what modifications will have to be given, if any, or have to be taken, if any, on the 2 ramps at the Elizabeth Terminal?

Senator A.J.H. Maclean:

As far as the timetable is concerned - the ramp permit, assuming it is issued and there are no particular unforeseen delays - it is expected would be around about the middle of August, so that is the period. We would advertise for a month and clearly there would need to be necessary time for the Harbour Master to consider any applications or issues that are raised as part of that process. So the middle of August is what the target date happens to be. I am not aware that there are any modifications required as far as the ramps are concerned at the harbour.

7.1.6 The Connétable of St. John:

Given the reasonable service given by Condor, will the Ports of Jersey also be assisting the operators by facilitating them with the catering services that people have to use within the building? Because for some months the restaurant, *et cetera*, and bars were closed. Will the Minister make sure that these are 100 per cent operational by the time the new vessels come into play?

Senator A.J.H. Maclean:

I am not quite sure how relevant that is but it is nevertheless an important point. I can say to the Connétable and to Members that, yes, there has been a changeover in terms of catering facilities at Elizabeth Harbour. I think that the outcome ultimately, although it has taken longer than would have been anticipated, the temporary facility is good but nowhere near what we would expect but in due course, I think Members will be pleased that Islanders will get far improved service down there. We are hopeful that that will be open for the peak summer period. I cannot give a guarantee to him but I am happy to update Members in due course as negotiations are completing on that particular issue.

7.1.7 The Connétable of St. John:

That comment appears to be a similar comment to what he made some months ago. Can he give some certainty because if Condor are wanting to invest money they do not need their passengers to be having to go to a type of cafeteria instead of having the full facilities? Surely your department or the Economic Development Department can get their act together and get a new tenant, *et cetera*, in that building so the passengers can have the full experience, not have an experience which is only a ... well, as we have at the moment, which is far from acceptable to the travelling public.

[16:45]

Senator A.J.H. Maclean:

It is completely unlinked, in fact, to the statement and I would simply say to the Connétable that the worse the facilities are at Elizabeth Terminal, the more beneficial, probably, to Condor because members of the travelling public will spend more money on their vessels; the services on the new Austal 102 are far superior. Nevertheless, the Connétable does ask a good question about facilities at Elizabeth Terminal. It is disappointing that the previous tenant of those facilities no longer is in business. That is something that the Ports of Jersey have had to deal with. They have had difficulty getting access to the premises. There have been all sorts of issues that have had to be overcome. It is a commercial negotiation that has been undertaken. Temporary facilities have been put in place. They and we want to get the best possible outcome for Islanders in terms that they are catering down there and I am convinced from what I have been told that what will go into the Elizabeth Terminal will be something the Island can be proud of and deliver the services expected. It will be done as quickly as it possibly can be.

7.1.8 Deputy J.G. Reed of St. Ouen:

Given that the Minister has said it is now necessary to amend the policy to ensure Jersey continues to have a long-term, sustainable, modern and affordable ferry service and that there are still 3½ years to run of the existing contract with Condor, could he please explain why he has chosen not to go out and seek an open tender process for this new service and why he believes that the proposal by Condor at best meets the needs of this Island?

Senator A.J.H. Maclean:

There is a period of time until this current agreement expires. That is because the current 5-year period that has been put in place was put in as a temporary agreement because the previous one came to an end. It was at a period that we were looking at a longer term arrangement to be put in place for ferry services. Quite frankly, to get, whether it be Condor Ferries or any other operator, to invest in the services it is a significant investment. It has been estimated at over £240 million for a new operator coming in, in terms of infrastructure, vessels and suchlike. To invest that type of money there needs to be a suitable period of time. Hence the longer term, the 7 plus 3, the 10-year agreement, so that an effective return on investment can be delivered. Condor Ferries themselves are investing £50 million in this vessel, assuming the arrangement goes ahead and the ramp permit is issued as expected. Separately, as part of negotiations that have been ongoing for nearly a year now, including an independent economic adviser, Oxera, and the Competition Authority, all the advice we have had is that negotiation in the current climate with the current dynamics of ferry markets globally is to strike a deal with Condor. That is what we have sought to do and that is why it has taken so long, because we have extracted from these negotiations what I believe to be the best possible deal for Jersey with regard to a long-term arrangement for ferry services to the Island.

7.1.9 The Deputy of St. Ouen:

I have a supplementary question. Could the Minister confirm whether or not this new change in policy will strengthen the position of Condor as the sole provider and this Island will ensure that we as an Island get the maximum benefit out of the deal?

Senator A.J.H. Maclean:

It will strengthen to a degree because they have a contract they might possibly have not had, and if that was the case clearly that would not have been good as far as they were concerned. But any commercial arrangement is only a good commercial arrangement if both parties get something out of it of value. What has happened through the negotiation is not only do we have this mechanism in place in terms of capping the profitability of Condor during the 10-year term of the agreement to make sure, if there are over profits made, to avoid these super profits. That excess profit will be put back as part of the agreement into the service. That is for the benefit of the Island. We have also included, incidentally, 'windfall gain' so if Condor, creating some additional value in this particular

agreement, were to sell the business within a 2-year period, then 5 per cent of the equity of the sale would go back to the Islands. There has been an awful lot of negotiation in terms of reaching the best deal for the Islands.

7.1.10 Deputy R.G. le Hérisier:

Notwithstanding the excellent work done by the department and Condor, can the Minister confirm that there will be appropriately increased facilities at the terminals and immigration in order to process the much larger number of passengers and vehicles coming through?

Senator A.J.H. Maclean:

Yes. There is no lack of capacity or capability at the harbour, at the Elizabeth Terminal in particular, to deal with what we hope will be increased numbers coming through and that should not provide any inconvenience or lack of service facility for the travelling public.

7.1.11 Deputy M. Tadier:

Can the Minister confirm what the relationship is between Macquarie Bank and Condor?

Senator A.J.H. Maclean:

They bought the business. They own the business of Condor Ferries.

7.1.12 Deputy M. Tadier:

On that basis is the Minister concerned or can he explain whether there will be an arrangement in place, as Macquarie has done for other subsidiaries, whereby they will lend money to the company, in this case Condor, at high interest rates. Condor may not be making profits on paper but Macquarie will, and we might be in a situation where high fares are justified and the Island does not benefit. But Macquarie is making profits and then Condor will come back to the Island and say: "We do not have any money. We either therefore need some assistance from the States of Jersey for boats in the future or we simply need to ramp-up prices", and that will be fine because they will not be seen to be a profitable company. Is that a risk and could the Minister say something to allay those fears?

Senator A.J.H. Maclean:

No, I do not believe it is a risk. We have, as part of the arrangements, complete look through provisions. We can look at the arrangements and the accounting as far as Condor are concerned and it would be a completely open and transparent process that will allow us to be able to do that and allay hopefully the fears.

The Bailiff:

That brings questions to the Minister to an end. I can inform Members that the Minister for Treasury and Resources has presented R.95 - Certain Land Transactions under Standing Order 168(3). That brings us to Public Business.

PUBLIC BUSINESS

Deputy J.M. Maçon:

Sir, I wonder whether it would be appropriate now before we start Public Business to ask the States whether they would agree to take P.118 tomorrow morning as an item of business, and I can explain the reasons for that later or now.

The Bailiff:

If you are going to ask them to do it you had better explain why.

Deputy J.M. Maçon:

There is a concern from my committee that if the States do not debate this tomorrow that with the Island Plan we may not get around to this and it would be an unacceptable situation to defer this particular item until September. We would ask States Members to just change the business in that manner. Thank you.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does anyone wish to say anything about it?

Senator I.J. Gorst:

I know this is not the time to make a counter proposition because we have the proposition before us but the reason I do not support the proposition is because I think the Chairman makes a valid point. We do need to have this debate before the end of the week but I think it would be far better if we carried on with the Island Plan because we have had so many late amendments now to the referendum that we should take the Island Plan and then immediately after the Island Plan take the referendum amendments and that will ensure that the 2 most important pieces of business we get through this week.

Deputy M. Tadier:

Could I just add a comment? There is also the idea - and it could go either way - that because we have had late amendments even today being lodged, the longer we leave this on the table of course there could be subsequent amendments to the amendment. I have been looking at Senator Ozouf's, which is quite interesting, I think. It does not hit the notes on many levels and that could be subject to an amendment, probably not from myself but maybe from other better placed Members. Maybe that is an argument not to have it now but a consequence of putting it off is that we may see more and more amendments and, plus, we do not know how long the Island Plan will go on for. I suspect it will go on all week and that is one of the considerations we raised at P.P.C. (Privileges and Procedures Committee) discussions. I think it would provide some clarity for all of us rather than being fatigued at the end and rushing something through that is as fundamental as this.

Deputy P.J.D. Ryan of St. John:

I was just going to rise to support the President of P.P.C. I think it would be a better idea. I was also going to request if there is a running order for the different amendments. I would appreciate seeing what that might be as soon as possible.

The Bailiff:

Does any other Member wish to say anything before we move to a vote?

Senator P.F. Routier:

With having in mind what the Deputy for St. John has just said, I have not had an opportunity to really consider the late amendments that have just come about. I would like to have more opportunity to think about them very carefully rather than rush into them first thing in the morning. I really would appreciate having a bit more time to consider them and I would endorse what the Chief Minister has said and have that straight after the Island Plan.

The Bailiff:

Before we go any further can I say from the Chair these late amendments will require the permission of the Assembly to be debated at all. Although the Standing Orders have changed so that it is now in the public interest rather than the very tight one before, with amendments there is a

lodging period for a purpose. **[Approbation]** It is the very purpose Senator Routier has just described. In other words, Members should have a chance to read something, think about it and decide whether they want to put in further amendments themselves. There is good reason for it. Members have quite frequently shortened the period by a little while but frankly, from the Chair, for amendments to be lodged today for a debate tomorrow seems not a satisfactory way of proceeding **[Approbation]** and if Members agree they can deal with it by simply refusing to shorten the period.

Deputy J.A. Martin:

Without wanting to incur your wrath and the rest of the States Members, I just want to emphasise I think my Chairman did not make the point strongly enough. You can put this debate off until the very, very, very end of the week. If it is not debated now there will not be any referendum question in October, so the Island Plan may be able to wait but not the referendum. That is why we are proposing it is taken first thing and the late amendments precisely are the late amendments. Either we decide whether we shorten them, but whether we accept them or not is another question. We should not probably have any lodging time if we keep dancing around like this, but I really urge States Members if you want a referendum in October, support my President's proposition.

The Bailiff:

Do you wish to reply, Chairman?

Deputy J.M. Maçon:

Very briefly, Sir. May I just thank you for your comments about amendments and the lodging periods? Exactly the points that Senator Routier made about that of course, is our main Referendum Act has been lodged for the correct period and it would be of great help to the Committee and Islanders if Members did support what I am proposing.

The Bailiff:

Very well. You asked for the appel.

Senator L.J. Farnham:

Sir, may I ask a very quick question?

The Bailiff:

He has replied.

Senator L.J. Farnham:

It is probably not possible but it perhaps would have been wise to take the vote on whether we allow the late amendment by Senator Ozouf before deciding when we take the vote.

The Bailiff:

This matter is now before the Assembly. The appel is called for in relation to the proposition of the Chairman of P.P.C. that the referendum matter be taken first thing tomorrow morning after completion of whatever we are doing now. This leaves open the question that I suggest Members should decide before they embark upon the referendum debate, of which amendments, if any, they are going to take. The Greffier will open the voting.

POUR: 29		CONTRE: 14		ABSTAIN:
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator I.J. Gorst		
Senator A.J.H. Maclean		Connétable of St. Peter		
Senator F.du H. Le Gresley		Connétable of St. Ouen		

Senator L.J. Farnham		Connétable of St. Brelade		
Connétable of St. Helier		Connétable of Grouville		
Connétable of Trinity		Deputy S.S.P.A. Power (B)		
Connétable of St. Clement		Deputy E.J. Noel (L)		
Connétable of St. Mary		Deputy A.K.F. Green (H)		
Connétable of St. John		Deputy J.P.G. Baker (H)		
Connétable of St. Martin		Deputy S.J. Pinel (C)		
Connétable of St. Saviour		Deputy of St. Mary		
Deputy R.C. Duhamel (S)		Deputy of St. Martin		
Deputy R.G. Le Hérisier (S)		Deputy R.J. Rondel (H)		
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy T.A. Vallois (S)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy R.G. Bryans (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

Deputy J.M. Maçon:

May I thank the Members who supported that? Thank you.

The Bailiff:

Very well. The only other issue now to raise with Members is do Members wish to consider the late amendments now or would they prefer overnight to at least see what they say and then tomorrow decide whether to shorten the period? It is probably better to do it tomorrow morning.

Deputy M. Tadier:

Would we be able to be reminded of which ones are in time and which ones are not? That might be helpful before we adjourn.

[17:00]

The Bailiff:

I think the only ones out of time, if I am right, Greffier, are Deputy Southern and Senator Ozouf. Is that right? Everyone else is within time.

The Deputy of St. John:

What is the running order of those particular amendments?

The Bailiff:

The Greffier has prepared a running order. Obviously it may require a little bit of adjustment in view of the late amendments. This will be the passage in the square brackets, I expect. The Greffier will supply something tomorrow morning.

The Deputy of St. John:

Electronically overnight, Sir, possibly?

The Bailiff:

The Greffier can do everything, Deputy. [Laughter]

8. Grouville School: parking facilities (P.24/2014)

The Bailiff:

Very well, we return to Public Business and the first matter is Projet 24 - Grouville School: parking facilities - lodged by the Connétable of Grouville. I will ask the Greffier of the Sates to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Ministers for Education, Sport and Culture, Transport and Technical Services, Planning and Environment and Treasury and Resources to take the necessary steps together - (a) to provide ‘drop-off’ and ‘pick-up’ facilities at Grouville School and to provide parking for at least 60 cars for parents and guardians of children who attend the school, in addition to any parking provision that currently exists; and (b) to make every effort to complete this work within 9 months from the date this proposition is adopted.

8.1 Connétable J.E. Le Maistre of Grouville:

It is evident by the comments paper from the Minister for Education, Sport and Culture that both he and the other Ministers, and indeed the Council Ministers as a whole are supportive of this proposition so I hope other Members will take note of their comments and vote accordingly. The last thing I or the Parish ever wanted to do was to reduce the playing field areas available to the children at Grouville School. But there is a problem with parking and it can be solved without impinging significantly on those areas. While canvassing last year it was a major issue for parishioners in the area so after being elected I met with officers from the various departments concerned and it was clear from that meeting that there was no real will to do anything that would make any real difference to the parking at the school. That came as no surprise as my predecessor and, indeed, his predecessor had been frustrated for years that nothing was being done, so I felt I had no other option but to bring this proposition forward. I do not blame the Minister for Education, Sport and Culture or his department for not doing anything because quite rightly their focus is on education, sport and culture and not on traffic and parking. But unfortunately, without their co-operation parishioners, parents and children will have to put up with the unnecessary disruption, inconvenience and risks associated with the issue on every school day from now and into the future. I said quite rightly that the Minister and his department’s focus was on education, sport and culture and if Grouville School is anything to go by he can be rightly proud of his efforts. I must pay tribute to how well the school is run. Of course most of the credit should go to the head teacher and her staff. I was invited to the school last autumn during class time and I have to say I was mightily impressed at how well the school is run and what a wonderful atmosphere there is at the school. All the children were working hard and it was quite clear that the head teacher and the other teachers and staff commanded both respect and affection. One can be sure that every pupil is encouraged to achieve the very highest standards of all round education that each individual child’s ability will allow. It is a real success story. When it comes to play areas the school is very well served, although if you count just the area owned by the States it does fall slightly short of the recommendations in the U.K. Building Bulletin 99 that makes recommendations for the size of new primary schools. I am grateful to those Members who have taken the trouble to come down to the

school to see the areas available and the parking problems and the possible solutions. I know there are other Members who, although they did not come to the school, are well aware of the problems we face down there. The play areas include a large size junior football pitch, a large grass area to the south of it, a large school garden, a dedicated play area for the nursery class, a large tarmac play area behind the school and a one-third/two-thirds grass play area in front of the school. Incidentally, this tarmac area was originally used for parking. There was also a wild meadow that is admittedly not owned by the States but is used by the school as an environmental learning facility and amenity space. This field is kindly let to the school free of charge by a benevolent parishioner and I would like to publicly thank him and his wife for their generosity. It has a pond in one corner and has been developed as an environmental area originally by the Parish with some physical and financial help from a local bank who treated it as one of their community projects. With this area the amount of outdoor space for Grouville School is well over any minimum standard recommendations. Indeed, I suspect it takes it nearer to the maximum considered necessary. So to the problem: there is no parental parking at all. There is parking for about 25 cars parked end to end on a track that runs down alongside the playing field that is used by teachers and the 2 school mini-buses. Parking cars in this way is a most inefficient use of space and, indeed, with the way it is laid out there are large areas of wasted space. There is parking in the Parish lane for about 15 cars used by one or 2 residents but the rest of the places are used by teachers. This means that at pick-up and drop-off times parents and guardians have to park on the road away from the school. The worst congestion is caused on La Grande Route des Sablons, all around the Cenotaph, as far as the corner with Le Café Poste and at the other end on the corner by the Pembroke Public House and, indeed, in the Pembroke car park itself. Some cars also park on the road that goes down to the golf club. Because of the amount of parents looking for places to park they arrive as early as 2.20 p.m. Those arriving late end up searching for somewhere to park and are often forced to park somewhere that causes congestion - or worse - danger. There are also cars parked on La Rue Vardon, around La Croix crossroads, by the cemetery and some on La Rue des Fonds, the road that leads off La Rue à Don that goes down towards where the old orphanage was situated, which is now a Housing-owned estate caused Rue de l'Eglise. In short, the parking is haphazard, causes congestion and most important of all there is a real risk of danger. I know other schools have similar problems but for many schools there is no easy solution. This is surely no reason for not doing something at Grouville School. The Department of Transport and Technical Services has put forward the suggestion, and budgeted for it, that the existing track be widened to take one row of cars side by side. This will only provide another 23 spaces. This is simply not enough. In my estimation there are approximately 120 cars to accommodate. My solution would be to widen the track further to take 2 rows of cars at 45 degrees. It really is that simple. If designed properly then much of this area could be used in the daytime as hard surface play area. Of course, it would have to be fenced off in such a way that when parents are dropping off their children the area could be cordoned off. This solution, even if no other land could be acquired, would provide more space for play area than there is now, albeit that we would lose a very small amount of soft play area that would be replaced by hard surface. Recently a new initiative has been brought forward. Some weeks ago the States agreed that Property Holdings would sell the property known as "Tevielka", which is the old hospice building adjacent to the school's existing parking areas. Without losing any value to that plot they will be able to sell it and retain a strip of land that will enable further widening of the track and losing hardly any playing field at all. I am most certainly not against encouraging walking, cycling and taking the bus to school. I have a grandson at the school and there is nothing I would like better than to cycle or walk with him to the school, and I am sure many parents or guardians on a lovely day like today would feel the same. But most simply do not have the luxury or the time to be able to do so. They need to drop off their children and get to work and similarly they want to pick up their children and get home. It is unrealistic to think that the majority of people will switch to walking or cycling. They are simply too busy. But even if we

achieve the goal set out by T.T.S. (Transport and Technical Services) in their transport strategy of reducing car use by 15 per cent - an initiative I fully support - then we would still have over 100 cars to deal with. I am delighted that the Minister for Education, Sport and Culture, along with the backing of the other Ministers and the Council of Ministers, has issued a report supportive of my proposition and I hope other Members will follow their lead. In essence, there is a very easy solution to the parking problems at Grouville School that will make everyone's lives better and safer and I urge Members to support this proposition.

The Bailiff:

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

8.1.1 The Deputy of St. John:

Firstly, I would like to thank the Constable for his comments regarding the quality of education provided at Grouville School and I too would like to add my appreciation of the hard work of the teaching staff and their professionalism. However, with respect, I must correct his view regarding a lack of progress in the past being due to a lack of commitment by officers. Officers rightly react to political leadership and so I, as the Minister, must accept that criticism if, in fact, it is justified. It is not right to blame the officers. Grouville School currently has 16,403 square metres of outdoor space. That is just short, as the Constable says, of the recommended minimum for a school of this size, which would be 17,824 square metres. Prior to this proposition, E.S.C. (Education, Sport and Culture), the Treasury and T.T.S. have been working together in consultation with the Parish to try to find improvements to help the difficult afternoon parking pick-up problems particularly and the associated safety risks that have existed for some time. I visited the school together with the Constable some 3 or 4 months ago and I was also concerned about the parking problems. To this end, however, and with the work we have done, we have already agreed a fully funded improvement plan that will increase the parking available from 23 to 48 spaces, an increase of some 25 spaces. This has been achieved by a small widening of the track at the southern end of the lane alongside the playing field and changing the existing parking from end-to-end currently to a parallel parking system. I have explained to the Constable that widening and using the northern end of the track for parking would impinge on the existing football pitch and, regrettably, I cannot support that option as it would result in an unacceptable loss of outside space. The opportunity to create new sports facilities through the use of the new area to be transferred to the States as part of a recent successful planning application on Field 263A is very welcome and increases the outside space for the school by about 1,400 square metres. To that end I would like to also thank the Constable for his patience somewhat in holding-off with this debate until the Minister for Planning and Environment was able to determine correctly and make his decision on that particular piece of land and that planning application. The gifting of this land to the States means that with certain conditions attached I am able to treat the Constable's proposition to provide still more parking at the school as exceptional, because without it I would not be able to support it at all, as I have explained to him and I think he understands. However, it is all about balance and working together for the benefit of the children overall and together with the Parish we have identified the area to the north of the playing field and adjacent to the main road which, subject to planning, may be suitable to provide an all-day teachers' parking area. More detailed work on this option can now start. In addition, the Parish has agreed to designate the existing 10 spaces on the lane outside the school for teacher parking because a small number of teachers need to come and go regularly during the working day. The overall aim would be to remove teacher all day parking from the lane alongside the playing field as far as possible so that it would be available to parents at pick-up and drop-off times. Although currently only an option requiring much more detailed investigation, there is also the potential of making this parents parking area dual use at other times for children. Finally, and for the record, I must be clear. The gifting of the extra land as a result of Field 263A means they

are unable to treat this proposition as wholly exceptional because although parking and safety beyond the school gates is important, as Minister for Education, Sport and Culture I must keep focused on the best outcomes for the children and the quality of their school day.

[17:15]

This is of paramount importance and ultimately takes precedence over the needs of the parents' parking for 2 short periods of the day. There is more work to be done and from the school's perspective we have to be careful that we are not going to be gifted land on the one hand only to give it away again with the other. However, I am confident that with the co-operation of the Parish we can work together to provide the extra parking spaces the Constable requests. I thank all those in the Parish and other departments for their input and work so far to date and I am pleased to support the Constable's proposition.

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

I was not sure if there was going to be a need to speak on this issue following the comments of the Minister for Education, Sport and Culture but I am not entirely satisfied that this matter is to be resolved as quickly as maybe the Connétable hopes, and I have great sympathy for the Connétable of Grouville. Unfortunately I fear there are a lot of ifs and buts and in time, with the comments paper, we have heard a little bit more this afternoon and talk of funding being available for the first phase. There are a few issues I would like to raise and I will try to be brief and ask the 3 Ministers - Education, Planning and T.T.S. -and, indeed, the Council of Ministers, to take note. The Minister for Education, Sport and Culture states on his comments paper that the situation with regard to Grouville School to be wholly exceptional. I do not believe this to be the case and the very reason I speak. Ask many of the Connétables who have schools in their Parishes, in particular Parish infant and junior schools, they are of course out of town. Do not ask the Constable of St. Saviour because we could be here all week. She has the greatest of problems with the primary schools, the junior school, secondary, private and further education and all the school parking to contend with and yet there was another road traffic accident outside St. Saviour's School at lunch time today. Looking around the Island at school closing time, and the traffic situation is nearly one of gridlock, frustration, impatience and danger to children, parents and everyone. The Connétable of Grouville has, indeed, a serious problem and, like the Minister, I too received an escorted drive around the vicinity of his school to see the situation at closing time. I know the problems because we have experienced them in St. Martin in the past and continue to do so to some degree. However, the foresight of one of my predecessors way back saw the Parish acquire a large field and provide a 95-space car parking for Parish use, of which the course main users are the parents of the school and this for one-form entry school only. More recently in 2012, we as a Parish worked closely with the Minister for Education, Sport and Culture and his officers with the T.T.S. Department and with Property Holdings and approved to the Parish Assembly that we would also dedicate 16 spaces of our own Parish car park for school teachers as this was part of a planning condition sought by the Minister for Planning and Environment for the building of the new school which, at this time, is advancing very fast and well. But this approval just for teacher parking came up with strong opposition from parishioners of St. Martin who found that providing parking for the school teachers was not a Parish concern but was one that the States themselves should have sorted, and then the continued high cost of maintenance of our car park. Both the Deputy of St. Martin and myself had to speak vigorously in expressing our strong support for these spaces because there remained this wish for us not to do so. We only have the single-entry classes in St. Martin. Grouville have 2 entry classes, double the school population of that of our Parish. I fear that there will still be some problem if the proposals put forward today come to fruition. I may be wrong. I doubt that many complaints are received by the Minister for Education, Sport and Culture about school parking around the Island but be assured they are received by the Parish Connétables. If I

decided to build a new house somewhere, or extend my house - have another bedroom - I have to provide parking spaces at my house to cater for the number of bedrooms and number of occupants. I may be corrected but I think that is the case. However, it seems in these circumstances it is left to the Parish authorities, and the Minister has said that himself this afternoon, and the Honorary Police of a Parish to take the brunt of the complaints that arise from inconsiderate parking to attempt some order. If an Honorary Police Officer issues a number of parking tickets outside of the school, then we read about it the next day in the newspaper the following day; some parent has complained that it is inconsiderate of an officer who had nothing better to do. But, of course, the main issue is not parking tickets but the issue of car safety. We have also heard arguments that cars travel slower to cars parked on the roadway. Well, that does not really work either and the comment attributed to the Constable in his report about the near impossible goal and nonsense of trying to get parents to walk more and not use their cars is so true. Many children have to travel greater distances to Grouville School and other country schools than they do in town. Of course, we would all like to see less cars and more walkers on our pavements but there are not so many pavements in the country roads and we do not even have traffic lights. I congratulate Grouville School for their award last month as one of the schools who received the green travel award for car sharing and bus travel but the problem remains. I would like to conclude: we should always offer support to ensure our roads and our school children are safe. If I have to take criticism at a Parish Assembly about use of car parks by the schools then I will. It comes with the job. I know the Minister faces the same situation that we, the Parishes, we also have limited budgets. There is also limited space to provide educational requirements as set and these are mentioned again this afternoon. However, if Grouville School has 10 per cent less outdoor space than the minimum recommended area required, then so be it. Better that than a seriously injured child. Parking facilities at schools should be seen as a joint venture between the States and the Parishes. The timeline of events at Grouville are of concern to me. I think they are a sad reflection and they seem to indicate a previous reluctance to enter into constructive dialogues quickly to resolve the issue as surely it cannot be a Parish issue alone. As I said at the beginning, the Grouville School parking issue is not wholly exceptional. I, therefore, congratulate the Constable of Grouville for bringing this matter to the Assembly. I hope the proposition has a wider impact on all schools on their parking facilities, especially those with growing numbers of pupils and now with the planning stage of the proposed new school at Les Quennevais.

Deputy R.G. Le Hérissier:

I wonder if I could ask for clarification from the Constable? He said there would be some problems even if this was passed. What problems is he referring to?

The Connétable of St. Martin:

My understanding is that there is still not sufficient parking. This is a 2-entry school. The spaces that are going to be provided will not provide enough parking for the amount of parents at that school already.

The Bailiff:

Does any other Member wish to speak? Can I just remind Members that the Minister who speaks, as he speaks for all 3 of the 4 Ministers, has agreed to accept the proposition.

8.1.3 The Deputy of St. Martin:

Very briefly, I would just like to say 3 things. The first one is I would like to support wholeheartedly the Constable of Grouville. Secondly, I would like to endorse wholeheartedly my Constable's words and, thirdly, I would just like to say that I am very surprised that the Minister said, and I think I understood him to say that while he might be Education, Sport and Culture, that the safety of children getting from vehicles to schools was a low priority. I found that a great

surprise as somebody who has driven through this area of Grouville with parked cars on a regular basis for many, many years. I can only agree with the Constable it has been a great surprise we have not had a serious accident and I would urge the Minister for Education, Sport and Culture to maybe take a little bit more notice of safety of children leaving vehicles and getting into their places of education.

8.1.4 Deputy J.H. Young:

I think I am going to have to go against the flow. Much as I admire the Constable of Grouville for initiative in bringing forward a private Member proposal to deal with what is an intransigent problem... it is clearly very important to parents and residents of Grouville School. But I am troubled by the principles involved with this proposal because looking back through the whole papers, the history of this area, and the planning application details and listening to the arguments being made at the Planning Applications Panel about it, there is no question here that this proposal to provide this additional parking, no matter how well meaning, as it were, is intertwined completely and dependent upon the principle of allowing a planning application to build on part of a field which itself is zoned in the Island Plan as protected open space and the justification for that which the Minister has indicated that he accepted subject to planning obligation agreements and so on, is that the other half of the field will be handed over to the Education Department and, of course, the intention of the Island Plan for that zoning was that would be used for open space for playing field purposes for the school. That is what it was zoned for and here we have a proposal which, I believe, is inevitably going to consume some of that land for parking and I am troubled by that principle because all of our schools, I think, to some extent have this situation and would it be we would lead to having to breach planning policies in the vicinities of all our schools in order to be able to do deals and get free land in order to do this? The proper way to do this is for acquiring lands for the purpose of which it was zoned in the proper way through our Property Holdings. But we seem to have moved away from that now and we seem to be into this area of having to do agreements. I think the timetable has been put on this at 9 years. Obviously, people have convinced themselves that this is all over bar the shouting now. That the Minister for Planning and Environment has given conditional approval. But I do not believe that anybody can discount the fact that this may go into the Royal Court on appeal; that cannot be discounted. So I think I really am troubled by it, particularly as I also see somewhere in the papers that there are other alternatives to do with the land that is already in States ownership, which was acquired from the hospice, which can make a contribution to dealing with this problem. But I think it is, for me, I am very troubled by this closely intertwining of here, this car parking issue with a breach of a planning policy to enable it. I am unhappy with that.

8.1.5 The Deputy of Grouville:

Very briefly, like the previous speaker, I am extremely troubled that the way this land has come to be. As he alluded to, it is free land that was given to Education for permission for building on important open space. So I found that impossible to support at Planning. However, the Minister for Planning and Environment has made his decision. A house is going to be built on one side of the field and the owner is gifting the other side of the field to Education. However, to hear the Minister for Education, Sport and Culture say: "We have not been gifted land", on the one hand to have it given away with the other when the whole purpose of the support from the Constable of Grouville was to work in partnership with him so that we could alleviate the whole issue here, not only extended playing fields but also some amenities for parents and teachers to park I feel is a little rich. I am glad that the children will be receiving land, increased playing fields, but it is essential that the children's safety is considered here and decent parking and traffic issues are sorted out by the various departments.

8.1.6 The Connétable of St. Clement:

I appreciate everything my colleagues from St. Martin and Grouville have had to say and I will probably support the proposition but I would simply say to them, if they want to see a real parking problem I invite them down to St. Clement at 3 o'clock on any school day where we have 3 schools, effectively, on one campus; Le Rocquier, St. Clement's Primary and St. Christopher's. A huge car park, probably the biggest car park of any of our schools which the parents will not use because it takes them too long to get out, and cars scattered all over the Vingtaine of Rocquier. If they think they have a problem, I invite them to St. Clement, as I say, any school day.

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

As well as being the Minister for Transport and Technical Services, I am also a Deputy for St. Saviour No. 2 and in our district we have 12 schools but we have had meetings today to try and alleviate that problem. The Constable's report makes mention of T.T.S.'s desire to encourage children to walk, cycle or use the bus.

[17:30]

I would like to confirm that my officers do, indeed, work with all the schools across the Island to help them develop travel plans. These plans look at each individual school's circumstances and strive to find ways to reduce the number of school trips made by car. Road safety, however, is also a crucial part of our traffic policy and I would accept that where a school catchment area is quite large, as in this case, it is inevitable that a significant number of trips will be made by car and that being so, I believe it will be safer for parents and children to be able to access their cars via the playing field rather than crossing busy main roads. I am, therefore, able to support this proposition. The Constable's report, however, suggest that the additional cost of the extra spaces will not be significant, as much as the cost of planning and in moving the fence. In fact, the total cost can be expected to be approximately double the £100,000 estimated for the original proposal to create 23 new spaces. T.T.S. had allocated funding for the original scheme but does not have funding for the further 37 spaces which the proposition calls for. An additional £100,000 will, therefore, need to be found.

The Bailiff:

Does any other Member wish to speak? I now invite the Connétable to reply.

8.1.8 The Connétable of Grouville:

Perhaps I will deal with the last speaker first and, as I said, I am very supportive of his moves to try and encourage more cycling and walking and taking the bus to the school and I was very pleased that Grouville School won a competition last week. It had the most improvement for children using alternative methods of getting to school so I was really pleased with that. But as I say, it still means there is going to be a lot of people with cars that will need sorting. The cost of the project, and perhaps it goes on to what the Minister for Education, Sport and Culture said, I hope we do not have a fixed solution in place yet because I think there are a number of alternatives that need to be looked at and we need to look at which is the best one and it could be that widening the track does prove the one that loses the least amount of playing area, and I would suspect that might not be as expensive as the second proposition that was on the table which, incidentally, we only discussed for about one hour one Saturday morning. Deputy Ryan quite rightly pulled me up and I must apologise to any offence that I made to officers. They are not here to answer themselves. I was trying to make the point that they focus on education, sport and culture and not on parking issues and if I have caused any offence then I do unreservedly apologise for that. The Constable of St. Martin: I did show him around and he readily understood the problem, and I take the Constable of St. Clement's point of view that he has problems, as has the Constable of St. Saviour. The point I am trying to make this afternoon is we can find a reasonably sensible, simple solution which is cost-effective and so in our case if we can do that, then that makes sense. If there are other

solutions in other parts of the Island, in other Parishes, then we should pursue them if possible. Deputy Young, I understand where he is coming from and on principle I think he is going to vote against it. It is a shame, I think. My view is that I was quite pleased that the Parish was involved in trying to get that field. It would have merely stayed in weeds for the next 10 or so years whereas I am hoping next summer there will be children playing on it. I have to point out that there was never any intention on that field. It was merely to try and find more space for the school so that the argument could not be used that the Grouville School did not have enough playing areas. It is much more exciting, of course, that there is going to be a netball pitch and I think there is going to be a 5-a-side football pitch with all-weather playing surface on it. That is far more exciting than trying to sort out parking problems, but the latter is no less important. I think that is just about it. There were a couple of mentions of safety, and perhaps I have not pushed that hard enough, but in January we had a lady who phoned up the Parish Hall and she was going past the school at the pick-up time and a child ran out between 2 cars. She jammed on her brakes but she was very upset, as you could imagine. Just imagine if she had been going 5 miles an hour faster. I urge Members to support this proposition. If you vote pour today, you almost certainly are going to be reducing the number of accidents. You will probably be saving injury and, who knows, those injuries might have been quite severe. So I do urge Members to support the proposition and I ask for the appel.

Deputy M.R. Higgins:

Before the appel is called, a point of clarification from the Constable?

The Bailiff:

You did not speak, Deputy.

Deputy M.R. Higgins:

Sorry, the Minister for Transport did. We did not get an answer to where the funding was coming from.

The Bailiff:

No, I think we need to press on. It has been replied to so the appel is called for then in relation to the proposition of the Connétable of Grouville. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 37		CONTRE: 4		ABSTAIN: 0
Senator A. Breckon		Connétable of St. Lawrence		
Senator S.C. Ferguson		Deputy M.R. Higgins (H)		
Senator A.J.H. Maclean		Deputy J.H. Young (B)		
Senator F.du H. Le Gresley		Deputy R.G. Bryans (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

The Bailiff:

Very well. It is after 5.30 p.m., is the adjournment proposed?

The Deputy of Trinity:

Before we adjourn, can I just ask a question? We have agreed to put the referendum proposition first thing, so does that mean the P.103 will come after that?

The Bailiff:

I had understood the proposition was to take the referendum before the Island Plan, not otherwise to play around with the Order Paper, so I think we start tomorrow morning with P.103. Then we move to the referendum debate and then we move to the Island Plan.

The Deputy of Trinity:

I call for the adjournment, then, please.

Deputy R.C. Duhamel:

Can I just raise a point of order? We have had this late amendment by Senator Ozouf but it does appear to be in error. He is asking the ballot paper to be giving answer “yes” or “no” to each of the 3 questions. He is asking the ballot paper to be amended to give a yes or no answer to each of the 3 questions and then he is highlighting 4 questions. So there does appear to be an inability of the Minister for Treasury and Resources to count.

The Bailiff:

He will probably have to ask leave to change 3 to 4.

Senator L.J. Farnham:

I am probably wrong but I had understood that P.118 - the Island Plan items - were due to be taken before P.103? But have I misunderstood the situation?

The Bailiff:

I think you have, Senator. The adjournment is proposed. We will reconvene at 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:37]