

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 8th SEPTEMBER 2015**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

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

Firstly, matters under item A.

#### **1.1 H.E. The Lieutenant Governor – welcome**

On behalf of Members I would like, in the customary way, to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

#### **1.2 Lieutenant Governor of Guernsey - tribute**

On a more sombre note, Members will be aware of the sudden death of the Lieutenant Governor of Guernsey, His Excellency Air Marshal Sir Peter Walker. The Bailiff issued the following message on behalf of the Assembly: “It is a great shock to hear of the sudden passing of His Excellency Air Marshal Peter Walker, Lieutenant Governor of Guernsey. Air Marshal Walker was in his last year of service in Guernsey and he has been assiduous in his work on behalf of that Bailiwick. On behalf of the States and people of Jersey I would like to express our deepest sympathy to Mrs. Walker and her family who we will hold in our thoughts and prayers and likewise to extend our condolences to the people of Guernsey on their loss.” Although he was not a Member of this Assembly we do not therefore stand but we will pause for a moment as a mark of respect and sympathy. **[Silence]**

#### **1.3 Greffier of the States designate – welcome to Dr. Mark Egan**

Lastly, Members will have noted that P.101 has been lodged by the chairman of P.P.C. (Privileges and Procedures Committee) seeking the consent of the Assembly to the appointment of Dr. Mark Egan as the next Greffier of the States when the present Greffier retires in December. The proposed appointment follows a competitive process overseen by the Jersey Appointments Commission, as a result of which Dr. Egan was selected unanimously by a panel comprising the Bailiff, the chairman of P.P.C., the Clerk of Tynwald, and the director of the Employee Relations and Organisational Development of the Human Resources Department. When the Bailiff telephoned him to tell him the outcome of his application Dr. Egan immediately suggested that he should come over to meet Members informally, an offer which was much appreciated. The Greffier tells me that this has been fixed for 5.30 p.m. this evening in the Members’ facilities room and I am sure Members will wish to be there and take that opportunity if they can. Dr. Egan arrived in the Island last night and is in the public gallery to watch some of the States business today before going to the Greffe to be introduced there and I would ask Members to welcome him in the usual way. **[Approbation]**

## **PETITIONS**

### **2. Deputy R. Labey of St. Helier – presentation of a petition on behalf of the residents of La Collette Low Rise, Green Street and Havre des Pas**

#### **2.1 Deputy R. Labey of St. Helier:**

This petition, 549-strong, is in the name of the residents of La Collette Low Rise - some of them - the Green Street residents and Havre des Pas residents and it was collected locally without fanfare over a few weeks earlier in the summer. The green open space at La Collette benefits from 2 layers of protection in the Island Plan. The Strategic Plan has one of its repeatedly stated aims to preserve the green, open spaces in St. Helier. It is quite wrong therefore that the outlying planning

permission being sought by Andium Homes to redevelop the La Collette Low Rise seeks to replace the protected green area with 5 storeys of apartments. The petitioners say that the protected open space must be upheld in law. I have pleasure in laying the petition before the Assembly.

**The Deputy Bailiff:**

In accordance with Standing Orders the matter is therefore referred to the Minister for consideration.

[9:45]

**QUESTIONS**

**3. Written Questions**

**3.1 DEPUTY P.D. MCLINTON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING PERSONS REGISTERED WITH SOCIAL SECURITY WHO ARE FOUND GUILTY OF COMMITTING A CRIMINAL OFFENCE:**

**Question**

Can the Minister provide:

- (a) the number of people found guilty of committing a criminal offence within one year of registering with Social Security from 2010 to date;
- (b) a breakdown of the above offences into categories such as shoplifting, drug offences, violent conduct and so on;
- (c) an estimated cost to the Island of dealing with the above offences;
- (d) a breakdown of how many of those persons listed under (a) above were found to have a criminal record prior to their arrival in the Island?

**Answer**

The States of Jersey Police does not hold sufficient data in respect of this matter. It is understood that the Social Security Department receive between 60 and 80 enquiries per day from individuals wishing to register for employment in Jersey. To answer this question, it would be necessary to obtain the names and personal details of all individuals registered for employment and compare them against the Police National Database. However, this is not possible, as this would be an improper use of the Police National Database and a breach of data protection given that the checks would not be for a 'policing purpose'.

**3.2 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING TENANTS ON THE AFFORDABLE HOUSING GATEWAY:**

**Question**

Can the Minister provide a breakdown of how many tenants on the Affordable Housing Gateway have been moved so that their home can be refurbished and how many tenants have been moved due to family circumstances, such as under or over occupying of a property, or urgent medical need, for example, since 1st January 2015?



## Answer

Between 1st January 2015 and 2nd September 2015, statistics from the housing gateway shows that the following numbers of households were moved for the reasons stated;

Social Housing Transfers in 2015	Band			
Application Reason	Band 1	Band 2	Band 6	Total
Assisted Living Transfers			1	1
Disabled Property Required		1		1
Moderate Medical Issues	4	13		17
No Rights To Current Accommodation	2			2
Overcrowding	5	12		17
Poor Housing Standards	1	3		4
Tenant Decant Transfer	1			1
Tenant Under occupying 2 Needs 1	31			31
Tenant Under occupying 3 Needs 1	9			9
Tenant Under occupying 3 Needs 2	13			13
Tenant Under occupying 4+ Needs 1	1			1
Tenant Under occupying 4+ Needs 2	1			1
Tenant Under occupying 4+ Needs 4	1			1
Transfer Relocation	2	10		12
Urgent Medical Issue	9			9
Other	2			2
<b>Total</b>	<b>82</b>	<b>39</b>	<b>1</b>	<b>122<sup>1</sup></b>

The Housing Gateway does not hold statistics from those moving so that their home can be refurbished, but information from the Affordable Housing Providers shows that between 1st January 2015 and 2nd September 2015, **126<sup>1</sup>** households were moved for this reason. This decanting process is managed from within their existing stock.

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<sup>1</sup> Representing approximately 2% of the total affordable housing stock

**3.3 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING STANDARDS APPLICABLE TO THE OPERATION OF FUEL FARMS:**

**Question**

Can the Minister confirm that all safety reports for the future use of La Collette have been based on the latest U.K. standards and international regulations applicable to the operation of fuel farms and the areas adjacent to them, published in June 2015, some 10 years after the explosion at Buncefield Oil Storage Depot?

**Answer**

All work at La Collette with a current planning consent, including future developments, has been permissioned in accordance with the relevant UK and International Standards for developments near hazardous installations.

Following the Buncefield explosion in 2005, the States of Jersey commissioned Atkins to undertake an assessment of the risks associated with the major hazard installations and the implications for future land use planning at La Collette. In 2013 the States of Jersey requested that Atkins update the previous overall risk assessment for La Collette to help ensure any planning decisions remained consistent with best practice and decision makers were fully informed of the risks. Consideration was also given to ensure that the integrated total risk associated with all incremental developments over the coming years, on top of existing risks, will remain within acceptable limits and be adequately controlled.

Since the introduction of the international directive Seveso III and implementation of that directive via the UK's COMAH 2015 Regulations, further advice has been sought from Atkins who have indicated that these changes in legislation would not have any significant impact on any of the land use planning studies, previously undertaken by Atkins at La Collette.

**3.4 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING REFUGEES CLAIMING ASYLUM:**

**Question**

Could the Minister outline what procedures, if any, are in place and what action would be taken should a refugee or individual intending to claim asylum reach Jersey?

**Answer**

Various Conventions in relation to refugees/asylum claims have been extended to Jersey. In particular:

The 1951 Refugee Convention, which was extended to Jersey in 1955.

The Protocol Relating to the Status of Refugees (“the New York Protocol”), which was extended to Jersey in 1996.

In a letter to the United Kingdom (UK) Home Office dated 21 September 1995, Jersey indicated its willingness to be a party to the Dublin Convention. The Dublin Convention determines the State responsible for examining applications for asylum lodged in one of the Member States of the European Union (EU).

In addition, the United Nations Handbook on Procedures and Criteria for Determining Refugee Status recommends that contracting States meet certain basic requirements for dealing with applicants. In the UK, rules have been drawn up covering the necessary procedures to be followed. There are no equivalent procedures in Jersey, but a practice has been agreed with the UK Home Office that Jersey will obtain assistance and advice with any such applications.

In relation to asylum claims, the UK Home Office has agreed that any asylum claims made in Jersey should be notified to the UK Home Office for consideration.

As far as asylum applications received from claimants arriving from another EU State are concerned, the introduction of the Immigration and Asylum Act 1999, coupled with the provisions of the Dublin Convention, enabled the UK to treat all EU States as safe third countries for the purposes of asylum. On the basis that the 1999 Act and the Convention apply in Jersey, the Island has followed the same British policy. Consequently a passenger who claims asylum on entering Jersey from an EU State, where he/she would have had the opportunity to claim asylum, should be returned to that EU State.

### **3.5 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE ACCOMMODATION COMPONENT OF INCOME SUPPORT:**

#### **Question**

Could the Minister provide a detailed annual breakdown for the past five years outlining -

- (a) the total expenditure for the accommodation component of Income Support
- (b) how much of this was paid directly to Andium Homes/ the Housing department; and,
- (c) how much of this was paid directly to private landlords?

#### **Answer**

In interpreting this answer, it is important to establish from the outset that the total expenditure of the accommodation component of Income Support is not the same as the total amount of expenditure on accommodation on the part of households receiving Income Support. Neither does it equate to the total value of payments made directly to landlords.

- (a) Whilst the accommodation component of Income Support reflects the rent charged to the tenant, only a minority of Income Support claimants will receive the full value of the accommodation component in their weekly benefit. If the household receives income from wages, pensions or other benefits, then the Income Support payment is reduced proportionately. The Department has developed a method of allocating costs within the various components, which allows an analysis of total cost to be carried out. This is achieved by dividing the actual Income Support benefit received by a household in proportion to the gross value of each

of the components that the household is eligible for, to allocate a specific net value to each of the components. This figure has been reported in annual reports, which have been published since 2011<sup>2</sup>.

Year	2011	2012	2013	2014
Accommodation £'000	24,425	26,688	28,123	29,572

(b) and (c) The payment system of Income Support is designed to prioritise the direct payment of rent above other allocations of benefit entitlement. Most IS households will have their own income which is supplemented by Income Support. If the weekly Income Support amount is less than the weekly rent, the full value of Income Support will be paid to the landlord. For example, a family with one adult working full-time, and living in a three-bedroom property with Andium homes, might hypothetically qualify for a weekly Income Support payment of around £100, based on the working adult's income. In this situation, the full weekly value of their Income Support would be paid direct to Andium Homes.

Direct payments to landlords may also include expenses that are not included in the accommodation component but are nonetheless due to the landlord, such as service charges and fees for parking spaces. These are paid direct from benefit for the convenience of both the customer and the landlord.

In a small minority of cases, other benefit payments (such as Invalidity Benefit) are also paid to Andium.

For these reasons, it is not possible to make any direct correlation between the payments made to Andium and other housing providers, and the value of the accommodation component within Income Support.

Whilst the great majority of Andium tenants will have some or all of their Income Support benefit allocated directly to Andium, this is not case with private sector tenants. These claims are treated on a case-by-case basis, with some landlords receiving direct payments and in other cases, the payment is made to the tenant.

Year	2010	2011	2012	2013	2014
Direct payments to Andium £'000	22,371	22,814	23,689	24,220	24,781
Direct payments to private landlords £'000	1,835	2,287	3,056	3,701	4,103

- These figures show payments made during each year and are not directly comparable to the accounts. They do not include refunds or any accounting accruals.
- Direct Payments to Andium Homes can include service charges.

<sup>2</sup> This calculation was first undertaken in 2011 and it would be difficult to replicate this calculation in respect of the historic data held for 2010.

- Private landlords includes direct payments to all other landlords, including Housing Trusts and Parishes.

### **3.6 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING VOLUNTARY REDUNDANCIES IN THE PUBLIC SECTOR:**

#### **Question**

Could the Minister outline what the most common reason has been for the rejection of applications for voluntary redundancy?

#### **Answer**

In considering applications received for voluntary release including voluntary redundancy, severance and early retirement, the main reason for applications being declined were that they did not provide any significant saving for the States of Jersey or were frontline postholders, such as doctors, nurses or teachers, whose losses would directly affect services to the public.

The following criteria were taken into consideration when reviewing all applications:

- Loss of Post - the impact of the loss of the post on the delivery of services and other demands
- Loss of Individual - whether the skills and experience of an individual can be covered by others
- Savings - the recurring savings that can be made weighed against the financial cost of awarding a payment
- Payback - whether the payback period on the settlements would be returned in a reasonable timeframe
- Closeness to normal retirement age
- Department Priority - whether the case would enable significant change or restructure, which would otherwise be delayed, that will release savings.

### **3.7 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEETINGS HELD WITH UNION REPRESENTATIVES AND OTHER ORGANISATIONS:**

#### **Question**

Could the Chief Minister state the number of official face to face meetings he has had with representatives from the following organisations since he was appointed in 2011:

- (i) the Jersey Chamber of Commerce
- (ii) the Jersey Institute of Directors
- (iii) Jersey Finance
- (iv) Unite the Union
- (v) the Jersey branch of the National Union of Teachers
- (vi) the Jersey branch of the National Association of Schoolmasters Union of Women Teachers (NASUWT)
- (v) the Jersey Nurses Association?

#### **Answer**

#### **Meetings with the Jersey Chamber of Commerce and Jersey Institute of Directors**

Since taking office in late 2011 I have held regular meetings with representatives from the Chamber of Commerce and the Institute of Directors to keep abreast of developments among the business community.

<b>Name of organisation</b>	<b>Number of meetings from 12/2011 to 8/2015</b>
Jersey Chamber of Commerce	16
Jersey Institute of Directors	6

### **Meetings with Jersey Finance**

Jersey Finance was formed in 2001 to promote Jersey as an international financial centre. It is run as a not-for-profit organisation, and is funded by the Jersey government and members of the local finance industry.

I meet the Chief Executive on a monthly basis to keep informed about developments in this important industry for the island. During the requested time period this amounted to approximately 45 meetings.

### **Meetings with union and staff representatives**

The Chief Minister and members of the States Employment Board (SEB) delegate operational employment matters, including face to face meetings with all public sector unions, to the Chief Executive and senior Human Resource Officers in the Chief Ministers Department. These professional employee relations staff work in liaison with Chief Officers and their departmental teams.

Such officers acting on behalf of the Chief Minister and the SEB have held more than 200 face to face meetings with the named unions during this period. These meetings have covered such matters as:

- Workforce Modernisation including, WFM Programme Board, job evaluation, policies, terms and conditions of service
- Pay review and related meetings
- Framework Agreement and other direct partnership forum meetings
- Ad hoc and Departmental meetings with specific representatives on specific employment issues

During that time the Chief Minister, in his capacity as chair of SEB, has personally attended three official meetings with Unite, one with the Jersey branch of the National Union of Teachers, two with the Jersey branch of the National Association of Schoolmasters Union of Women Teachers and two with the Jersey Nursing Association (JNA). (On both occasions the Royal College of Nursing Representative attended on behalf of the JNA, supported by Unite).

The Chief Minister and SEB receive regular updates on matters affecting all public sector unions to ensure that appropriate actions are taken by the Employer.

### **Other meetings**

I also attend meetings with many organisations, including charities and other groups from the voluntary and community sector.

**3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CHANGES IN THE VOLUNTARY SECTOR ARISING FROM SAVINGS OUTLINED IN THE MEDIUM TERM FINANCIAL PLAN:**

**Question**

Will the Minister detail for members the savings planned in the 12 areas listed on page 83 of the Annex to the Medium Term Financial Plan including any changes to grants or service delivery in the voluntary and community sectors over the period 2013 to 2016?

**Answer**

The Department has embarked on a significant cost reduction programme called 'Safely Removing Costs'. This aims to deliver savings in the region of £12M in 2016, in order to ensure a balanced departmental budget.

The detailed plans for the workstreams are currently being finalised. They include, for example, reducing spend on supplies, and reducing headcount where it is safe to do so. This is in line with the States Reform programme.

Each area of the Department's spend is being reviewed, including the funding for off-Island providers and organisations on-Island that receive funding through grants or agreements. The detail of this is being worked through and meetings are taking place with these organisations in order to explain the financial challenge and identify areas where costs can be reduced. Some organisations have already suggested cost reductions for their funding, demonstrating effective partnership working with us.

Some difficult decisions will need to be made in the coming months. The Department is always seeking the most effective use of its resources and where funding has to be reduced, alternative arrangements will be explored, with patient safety always paramount.

**3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING CHANGES TO GRANTS AND SUBSIDIES DETAILED IN THE ANNEX TO THE MEDIUM TERM FINANCIAL PLAN:**

**Question**

Will the Minister detail for members changes to the grants and subsidies figure given on page 56 of the Annex to the Medium Term Financial Plan including comparison with the years 2013 to 2016?

**Answer**

On page 56 of the draft Annex to the Medium Term Financial Plan grants are stated as £13,474,600 for 2016 and £9,400,900. The difference is mainly due to the creation of Visit Jersey with a new grant of £5m for 2016 and a reduction of TDF (£500k) – A detailed breakdown of grants for 2015 and 2016 (including comparison) is attached.

The total of grants paid in 2013 was £8,951,920 and 2014 was £15,628,175.

There was an increase in grants paid compared to 2013 of £6.7 million mainly due to an increase in funding for following:

- Jersey Innovation Fund £5.0 million
- Jersey Finance £0.9 million
- Digital Jersey £0.3 million
- Route Development £0.2 million
- Skills Accelerator Scheme £0.2 million
- Cattle Testing £0.1 million and
- Fishing Industry £0.1 million

Comparison with budgets for 2013 and 2014 can be found on page 44 of the Annex to the Financial Report and Accounts

The grants for 2013 and 2014 are detailed in the States of Jersey financial report and accounts as follows:

2013 – Grants under £75,000 can be found on page 339 in the Annex to the Financial Report and Accounts

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Annex%20to%20financial%20report%20and%20accounts%202013%202014514%20JMB.pdf>

2013 – Grants over £75,000 can be found on page 154 in the Financial Report and Accounts

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20FinancialReportAccounts%202013%20JMB.pdf>

2014 – Grants under £75,000 can be found on page 319 in the Annex to the Financial Report and Accounts

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Annex%20to%20Financial%20Report%20and%20Accounts%202014%2020150609%20AM.pdf>

2014 – Grants over £75,000 can be found on page 155 in the Financial Report and Accounts

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20FinancialReport%20and%20Accounts%202014%2020150609%20AM.pdf>

**3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING GRANTS AND SUBSIDIES DETAILED IN THE ANNEX TO THE MEDIUM TERM FINANCIAL PLAN:**

**Question**



Will the Minister detail for members changes to the grants and subsidies figure given on page 66 of the Annex to the Medium Term Financial Plan including comparison with the years 2013 to 2016?

**Answer**

Changes to grants and subsidies payments for the period 2013 to 2016 are summarised as follows:

<b>GRANTS and SUBSIDIES PAYMENTS</b>	<b>£</b>
<b>Medium Term Financial Plan 2013</b>	<b>11,971,400</b>
General increase pay awards and inflation	478,700
Net increase in Nursery Education Funding	10,000
NatWest Island Games growth	600,000
CSR savings private schools	(108,000)
<b>Medium Term Financial Plan 2014</b>	<b>12,952,100</b>
General increase pay awards and inflation	253,000
2015 2% budget cut across all areas	(409,300)
CSR savings private schools	(167,000)
<b>Medium Term Financial Plan 2015</b>	<b>12,628,800</b>
Jersey Heritage Trust Refreshment & Refurbishment Fund	315,000
Net increase in Nursery Education Funding	136,000
NatWest Island Games removed	(600,000)
Reduction in demographics private schools	(200,000)
2016 budget cut across all areas	(218,200)
CSR savings private schools	(222,000)
<b>Medium Term Financial Plan 2016</b>	<b>11,839,600</b>

**3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PROJECTED GROWTH IN TAX FUNDED BENEFITS DETAILED IN THE ANNEX TO THE MEDIUM TERM FINANCIAL PLAN:**

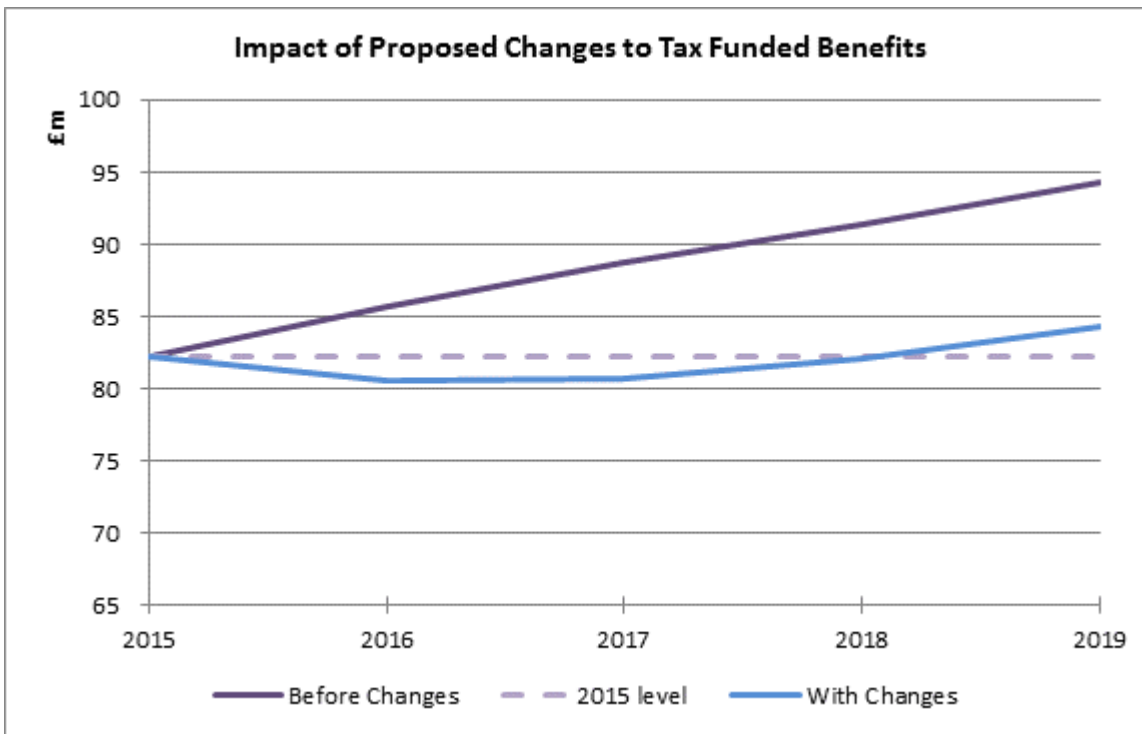
**Question**

Will the Minister explain to members the assumptions and calculations that underpin the projected growth in tax funded benefits from £82m to £94m over the period 2015 – 2019, as shown on page 97 of the Annex to the Medium Term Financial Plan?

**Answer**

Please note that the 2015 figure is £83m. This figure is based on the April forecast for 2015, and takes into account the expected underspend by the end of the year. The underspend for 2015 relates to the MTFP 2013-2015 forecast for Income Support which was based on a higher level of unemployment than has actually been experienced.

Page 97 of the Annex to the Medium Term Financial Plan includes the following graph which shows the growth in the original budget and the impact of the proposed benefit changes.



The forecasts for 2016-2019 were calculated through applying increases based on the central economic assumptions to the relevant benefits in line with legislation along with growth figures extrapolated from the population model. Other factors such as projected unemployment, increases to the accommodation component in line with the agreed social housing policy and the introduction of a non-means tested child disability component have also been incorporated.

The relevant central economic assumptions (April 2015) used are:

	2016	2017	2018	2019
RPI	3.1%	3.1%	3.3%	3.3%
AE	3.0%	4.0%	3.0%	3.0%

The net impact in each year is a growth of:

2016 – 3.2%

2017 – 3.6%

2018 – 3.0%

2019 – 3.1%

As noted in the MTFP Annex, one of the financial pressures facing the States is the range of extra costs associated with the growth in the number of people aged 65 and above and one of the key strategic aims of this Council of Ministers is to ensure that we have a health system that can continue to provide good quality care to an ageing population.

In order to allow funds to be available to meet the costs of demographic pressures within the health service, the Department has identified changes to benefits to support the funding of the strategic aims approved by the States Assembly and achieve the agreed public funding position by 2019. In total the Social Security Department has been asked to reduce its anticipated spend on tax funded benefits by £10.0 million by 2019.

These funds will be available to the Treasury and Resources Department as part of the overall savings target, to help to meet the increasing cost of Health and Social Services across the whole range of health services provided to older people.

Benefit changes were considered using the following criteria:

- Promote financial independence – use changes in benefit to promote activities that will support the financial independence of claimants, and protect benefits which are supporting the financial independence of claimants;
- Improve targeting of benefits – change benefits in areas where public money is not specifically targeted to vulnerable groups; and
- Minimise individual impact – spread changes over larger groups of claimants, rather than a few individuals.

### **3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING STAFFING CHANGES IN THE DEPARTMENT:**

#### **Question**

Will the Minister give details and justification for the removal of 227.7 FTE from staffing numbers in the department in 2015 (page 85 in the Annex to the Medium Term Financial Plan) and will he further inform members what impact phasing of the delivery of P.82/2012 ('Health and Social Services: A New Way Forward') has had on staffing over the intervening period and whether further phasing is planned for 2016?

#### **Answer**

The 227.7 FTE removed from the staff budget does not represent any change in either the number of staff currently employed or future plans as set out in the MTFP. It is simply bringing the approved FTE limit in line with the Department's funded staffing budget and plans included in MTFP2.

As the Department prepared its submissions for MTFP2, a review exercise was undertaken to reconcile the budgeted FTE and the actual FTE requirement at the end of MTFP1. The 227.7 FTE reduction represents the result of this reconciliation which was agreed by the Department, the States central HR function and then approved by the Treasurer of the States.

The original FTE limit was approved in the first MTFP and was based on an historic approved FTE limit and estimated future staffing requirements over the three-year MTFP period. This included prudent estimates of future staffing requirements; the MTFP1 budget estimated that 70% of the 2% inflation-linked funding for HSSD would be required for staffing, and that all P82/2012 initiatives would be delivered by HSS staff. In practice, whilst some of the 2% funding has been invested in staffing, it has predominantly been invested in non-pay cost pressures (such as rising drugs budgets, commissioned local packages of care and specialist UK care). In addition, a number of P82/2012

initiatives have been delivered by third-party providers (eg the rapid response service has been delivered by Family Nursing and Home Care) rather than by the Department.

The phasing of P82/2012 in 2015 has had an inevitable impact on staffing by reducing the number of staff required in 2015. Subject to funding approval in MTFP 2, these services should be fully implemented in early 2016, and therefore the staffing will increase in order to deliver these services.

Plans have been produced for 2016 as part of the preparation for MTFP2. The implementation of these plans will depend on the funding allocation as a result of MTFP 2. Further phasing of P.82/2012 investment is likely as a result of the reduced growth funding available.

### **3.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE ROLE OF AN *AMICUS CURIAE* IN COURT PROCEEDINGS:**

#### **Question**

Will H.M. Attorney General explain to members in detail the role of an Amicus Curiae in Jersey Court proceedings together with full details of his powers, his duties to the parties concerned and the procedures he must follow to ensure there is an equality of treatment?

#### **Answer**

The Court may request the Acting Bâtonnier (or in a civil matter, the Attorney General) to appoint an advocate as an Amicus Curiae in cases where it considers it necessary for the administration of justice. For example, although the legal aid scheme ensures that in many criminal cases a defendant has representation, if for any reason a defendant is unrepresented, the Court sometimes appoints an Amicus Curiae. Although it is much more infrequent, an Amicus Curiae may also be appointed in civil cases if, for example, there is an important point of law or principle to be determined, or where it is considered necessary to deal with issues expeditiously and fairly.

The duty of an Amicus Curiae is to the Court, not to the party which s/he may be assisting. The Amicus Curiae is not responsible for formulating a party's arguments and is not expected or required to provide the party with legal advice. As the Amicus Curiae is not representing the party in the same way that an advocate would represent his or her client, s/he will not be able to control the submissions that are made before the Court by the assisted party.

However, the Amicus Curiae will convey the submissions that the party wishes to make or clarify such submissions in a way that is of most benefit to the Court. The Amicus Curiae may also be called upon by the Court to deal with any points of law that may arise and may be required to provide advice on the procedural aspects of the case should assistance be required by the assisted party.

If the Amicus Curiae is only asked to address the Court on legal issues and not to assist a particular party, then again the Amicus Curiae owes his/her duty to the Court and must address the Court on any issue on which the Court wishes to be assisted. The Attorney General as *partie publique* may (in effect) fulfil the role of Amicus Curiae in certain civil and charity cases.

As to "equality of treatment", if an applicant is unrepresented at Court proceedings, an Amicus Curiae does not fulfil the role that an advocate would fulfil had the party chosen to appoint his or her own lawyer. But, the appointment of an Amicus Curiae provides a safeguard to ensure that arguments are properly considered, and the submissions that the assisted party wishes to put to the

Court are presented in a manner that is most helpful to the Court and most advantageous to the party.

#### **4. Oral Questions**

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

Excuse me, Sir, before we start could I ... Members will be aware that I am due to make a statement on the ongoing migrant crisis under Statements on a Matter of Official Responsibility. I have spoken to Deputy Mézec and I am grateful for his agreeing to withdraw his question and therefore I ask the Assembly if I could take the statement prior to Questions without notice, which would give Members not only the 10 minutes questioning on the statement but also potential for 15 other minutes to question on that subject as well if they so wish.

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

Thank you, Chief Minister. Do Members agree that we will take the Chief Minister's statement in the way that he suggested before Questions without notice? Very well. Thank you, Chief Minister.

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

I have also agreed that Deputy Tadier's questions may be taken first in the list because he has obligations outside of the Assembly later on this morning. So, Deputy, if we start with question 5.

#### **4.1 Deputy M. Tadier of St. Brelade of the Minister for Home Affairs regarding arrests made in relation to Operation Whistle:**

Can I thank Members and those involved for the accommodation? Could the Minister please inform Members how many arrests have been made in relation to Operation Whistle and state whether any allegations have been made against former Prime Minister Sir Edward Heath, which relate to his time in the Island and whether any investigations are taking place in this regard

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

There have been 4 arrests arising from the Operation Whistle investigation and 2 further voluntary interviews have been conducted with individuals subject to allegations of abuse. The States of Jersey Police have received one allegation made against the former Prime Minister, Sir Edward Heath that took place in Jersey. This is being investigated jointly with the Wiltshire Constabulary, which has been appointed as the lead force. The Independent Jersey Care Inquiry has been kept apprised of all developments.

##### **4.1.1 Deputy M. Tadier:**

Could the Minister give more information about the allegation that has been made in Jersey about the former named Prime Minister and when this was made in particular and whether that resulted ... it is a new allegation since Operation Whistle was set up?

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

I am afraid that, as Members will appreciate, this is an operational matter and I do not have operational responsibility for the police and those are merely details that I do not have in my remit, and I am unable to answer that question.

##### **4.1.2 Deputy M. Tadier:**

It seems to me that we know that parallel investigations are going on in the U.K. (United Kingdom) and if I understand correctly it was really as a result of those investigations in the U.K. that this Operation Whistle was opened up. Can the Minister state why the investigation seems to have been

relatively low profile if the police should be encouraging members of the public who might have been here at the time to come forward and give evidence, surely the publicity surrounding this case, at least locally, should be of a much more high profile nature?

**The Deputy of St. Peter:**

I think the operation has been relatively high profile, particularly over the summer, and in response to the publicity that has been nationwide in relation to Operation Hydrant.

**4.1.3 Deputy M. Tadier:**

Will the Minister confirm again in this public forum, as we have seen, I think, in the U.K. both from the police and perhaps from other individuals that there is an investigation going on. Anybody who has information about any high or low profile individuals who were in Jersey at the time of Sir Edward Heath and who may have information relating to any of that kind of nefarious activity should come forward and they will be given full support both by the Minister for Home Affairs and the Jersey Police?

**The Deputy of St. Peter:**

That is entirely the case. When this unit was established there were initially 6 members of staff placed in the unit. That staff quickly increased to 8 just to deal with the sheer volume of work that was coming forward. So Operation Whistle is very much an active piece of work that is being conducted by the States of Jersey Police and every allegation that is brought to them is taken very seriously.

**4.2 Deputy M. Tadier of the Minister for Social Security regarding the amount lost by pensioners as a result of proposed cuts to income support and other benefits:**

Will the Minister inform Members how much pensioners will lose on average from their weekly payment as a result of proposed cuts to income support and other benefits, and can the Minister also provide the maximum and minimum loss?

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

I am pleased to reassure Members that there are no plans to cut the total value of weekly benefits paid to pensioners who currently receive income support. Pensioners receiving income support will see their benefit remain at current levels. I am grateful for this opportunity to reassure those existing claimants that they will not see a cut in their total income, although I do acknowledge that we will not be able to increase most component rates during 2015 or 2016. However, pensioners and other income support claimants will still receive extra help with any rent increases during that time. In general terms, the benefit budget is not being cut rather it is being held level at its 2015 value and it is the cost of potential growth in the budget that is being removed. With the requirements to reduce the projected benefit budget by £10 million by 2019 I have applied 3 key principles to identify the changes that I have brought forward. The proposed changes are designed to support financial independence, improve targeting, minimise individual impact. I am also planning to increase the support available to low income pensioners through the 65-plus health scheme during 2016.

**4.2.1 Deputy M. Tadier:**

I am sure that pensioners will be reassured that the effective pay freeze that they will be receiving, which in their pockets and spending power will be a pay cut, will at least be helping them to achieve some kind of ideology that says they should be able to be more financially independent ...

**The Deputy Bailiff:**

Is there a question please?

**Deputy M. Tadier:**

... when they feel they are £9 worse off a week than average. Can the Minister confirm in monetary terms what the pay freeze, the benefit freeze for those who depend on the lifeline of income support in their elderly years, will be?

**Deputy S.J. Pinel:**

The changes from a fixed earnings disregard will not affect any existing claimants. It is only for new claimants to the scheme to start from ... obviously agreed by the M.T.F.P. (Medium-Term Financial Plan) which will be 23 per cent of income disregard which brings it in line with earnings disregard.

**4.2.2 Deputy G.P. Southern of St. Helier:**

Is it not the case that pensioners dependent upon income support to prop up their standard of living, as a result of the changes to this regard, will be £9 a week ... new entrants will be £9 a week worse off than people on the pension scheme now? Is that not the case?

**Deputy S.J. Pinel:**

For some pensioners on entry into the scheme, yes, that is the case, as the Deputy described. But they will not be worse off inasmuch as they will not have had the £55 earning disregard in the first place. So they will be entertaining the 23 per cent disregard and when, for existing claimants, the disregard equals the £55 or perhaps supersedes it they will then be entitled to claim that, whichever is the greater: the fixed sum or the disregard.

**4.2.3 Deputy G.P. Southern:**

Can the Minister confirm the change in the disregard which goes into the amount of money the pensioner can receive from income support goes from £55 fixed disregard to £46? That is £9 a week worse off in January for a new entrant than anybody joining the scheme in December. Is that not the case?

**Deputy S.J. Pinel:**

I have just answered that question, to the effect that that is the case for new entrants.

**4.2.4 Deputy M.R. Higgins of St. Helier:**

The Minister is playing with words. Will she not accept that if you do not increase the pension to these people by inflation then it is a cut in real terms? Will the Minister admit that?

**Deputy S.J. Pinel:**

There is an R.P.I. (Retail Price Index) pension rate for pensioners and the rates for pension has always been increased by either R.P.I. or average earnings, whichever happens to be the greater, and because R.P.I. has dropped considerably over the last few years both are now more or less in line - R.P.I. and average earnings - and pensioners will get their increase. There is no decrease at all. They will have their increase in October, as has always been the case.

**4.2.5 Deputy M.R. Higgins:**

Again, the Minister is playing with words and just playing around it. The truth of the matter is over the next few years the period of time she is talking about having a freeze is effectively a cut. Why not come out and just say: "We are cutting the pension" and be honest to the public?

**Deputy S.J. Pinel:**

This freeze or not raising the current levels is for 2 years until October 2017 and I think that is being perfectly honest and straightforward to say that is what we are doing. We are just not increasing. We are not cutting.

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

That is a very good point to come in on because that was exactly my question. Can the Minister not confirm that the actual living component to top up pensions has been frozen since 2013? This is the living component for heat, food, light, everything else the pensioners are not getting. The last Minister confirmed this as he was going out. Can the Minister confirm this will be a 5 or 6-year freeze on that living component?

**Deputy S.J. Pinel:**

I think the Deputy is referring to the household bill of about £51 a week and that is going to be remaining at current levels, the same as the rest of the income support components. However, old-age pensioners do get the cold weather bonus which will fluctuate with the weather. If it is particularly cold then a larger bonus will be accorded to them.

**4.2.7 Deputy J.A. Martin:**

If the Minister does not have the information can she go back and check how many years has the living component on income support been frozen? It is not started in 2015 and will she distribute that figure, which I am sure is 2013 onwards, and that is where the money has been saved over the last 3 years and they want to carry it on for 5. So as Deputy Higgins says, this is not just a cut, you are freezing the money. But I would like it confirmed by the Minister when this started.

**Deputy S.J. Pinel:**

Yes, I will confirm that.

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

Pensioners feel somewhat attacked at the moment on a number of fronts. They have had notice of removal of Christmas bonuses, the notice also of television licences being removed. Could the Minister advise as to what consultation her department has done with this group of people, i.e. pensioners, before making these decisions? Although I support the need to redirect funds to where they are most needed, could she advise what consultation has occurred with this group to make sure that those that are most affected by the changes are compensated in some way?

**Deputy S.J. Pinel:**

These are budget savings directed by the States of Jersey. It is not a consultation paper. There is a Household Income Distribution Survey being conducted at the moment, which I think is due to be published at the end of this year, which happens about every 5 years, which is an enormous piece of work.

[10:00]

We have been asked to make benefit cuts to the tune of £10 million and it is not just pensioners. While I understand exactly what the Deputy is saying, all the income support components have been reviewed across the board, so it is not just pensioners at all. In fact, the existing income support claimants who will lose money, as opposed to having it frozen, are not pensioners.

**4.2.9 Deputy A.D. Lewis:**

Is the Minister therefore confident that those that really need it in this age group will be adequately catered for, regardless of what is taken away at this point?

**Deputy S.J. Pinel:**



Yes, I am. As I mentioned earlier, we are going to transfer some money back into the 65-plus health scheme which covers optical, dental and chiropody for over-65s, and also reassess that scheme, which I believe the delivery of the money is not accessible to all at the moment upfront. It has to be a capital upfront expenditure by the pensioner. We are going to be readdressing that so that we can turn that around. We feel that it is far more important that the pensioners should be targeted in this way with extra money, which covers their health.

**4.2.10 Deputy M. Tadier:**

Very much in the same theme of consultation. Does the Minister not think that not only the elderly feel hard done by by these cuts but also they feel cheated by never having been told about what was coming at the previous election when it must have been on the cards for the current Council of Ministers and those who eventually ended up in those positions? Will the Minister give an undertaking, I suppose, to wait for the results of consultation from these natural constituents to see how they will be affected before these, what I would call cuts, are put forward?

**Deputy S.J. Pinel:**

No, there will not be any waiting because they are part of the Medium-Term Financial Plan, which is due to be debated on 6th October. We did not, as I mentioned to Deputy Lewis's question, do consultation. It was not that sort of programme, but all groups affected were informed before this was publicly announced. It was certainly not on the agenda for the last election because this is the next Medium-Term Financial Plan.

**4.3 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding teaching vacancies:**

What a joy it is to be back. Would the Minister provide an annual breakdown for the last 5 years of how many advertised teaching vacancies remained unfilled each September and detail how many teaching posts were filled by subject specialist graduates and how many were not, and advise what measures, if any, are being taken to fill vacant posts given the shortage of trainee teachers nationally?

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

I hope I am not going to dampen the Deputy's joy at this point in time. Unfortunately our computer systems do not hold that level of detail but I can advise that the numbers of posts remaining unfulfilled at the start of this term are very small. In fact there is currently only one, which has just been advertised in the past week. Primary teachers are generalists. As for secondary teachers, all requests subject to specific skills and experience, if a candidate does not meet the criteria they do not get shortlisted. Locally we have been tackling the shortage of specialist teachers for 8 years through the Jersey Graduate Teacher Training Programme, which has already successfully provided 63 home-grown teachers, most of who are now working in our secondary schools.

**4.3.1 Deputy G.P. Southern:**

Does the Minister's computer accept that there will be a shortage of specialist teachers in secondary schools in the future because of nationally the absence of applicants for teacher training, and particularly in key subjects such as English and maths?

**Deputy R.G. Bryans:**

Yes, I do accept it is a problem. We are aware of the problem. We work very closely with the head teachers in particular. We contact them each year to identify where there is likely to be a subject teacher shortage and recruitment for the programme and then focus on those areas. So I am aware

of the problem and we are working on it, particularly through the Graduate Teaching Training Programme.

**4.3.2 Deputy L.M.C. Doublet of St. Saviour:**

What support is the Minister giving, or does he intend to give, in the future to the volunteer group, J.I.C.A.S. (Jersey International Centre of Advanced Studies) who are working to establish a Jersey university to include a Jersey teacher training college?

**Deputy R.G. Bryans:**

I am not supporting the notion particularly at this moment in time of a separate university for the Island. We already have what we call Campus Jersey, and Highlands is already providing extremely great degree courses. We have 13 currently on offer. We are also working with Jersey International Business School, there is the Law College, and there is the ... we have recently passed through 17 nurses in the degree courses. So consideration of creating a university on the Island specifically for that is not on our agenda.

**4.3.3 Deputy M. Tadier:**

Given the fact that nowadays anybody can ask such a question under the Freedom of Information Act and expect an answer at some point in time can the Minister advise when, we as parliamentarians, might be given the information sought in this question?

**Deputy R.G. Bryans:**

The question came quite late in the day. It was received by us by Thursday afternoon so it was very difficult for us to assimilate the information that was requested.

**Deputy M. Tadier:**

And the second part of the question.

**Deputy R.G. Bryans:**

If further information is required then we can deliver it.

**Deputy M. Tadier:**

It is not further information. It is the information: when can we expect to get the information that has been sought.

**The Deputy Bailiff:**

You have had the additional supplementary.

**Deputy M. Tadier:**

It has not been answered.

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

With the core reviews that occurred several years ago looking into the core subjects of Science, Mathematics and English, the review concluding that specialisms in mathematics and science needed to be bolstered within our teaching core, what is the Minister doing in order to support graduates who want to train in these areas, and whether it is not time to offer some sort of bursary scheme and post for our students so that we can grow them locally in specialisms which we know we will need.

**Deputy R.G. Bryans:**

I just refer the Deputy back to the fact we have this Jersey Graduate Teacher Training Programme and it has been run for 8 years rather successfully. We do provide bursaries for those students who are then going on to Masters degrees and the like. It is a consideration for our part that we pay very close attention, as the Deputy has already identified for those stem subjects, and that is predominantly provided through this Graduate Teaching Training Programme.

#### **4.3.5 Deputy L.M.C. Doublet:**

I just want to refer to some data that the Minister provided to the Assembly on 14th April which referred to retention of teachers after they have been recruited and showed that actually within the first 2 ½ years a quarter of new teachers in Jersey are leaving the employment of the States of Jersey, which is broadly in line with ...

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

Is this a question, Deputy?

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

Yes, it is.

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

Perhaps you could get to the question.

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

Which is broadly in line with data in the U.K. that shows half of teachers are leaving within their first 5 years. So once we have actually recruited those teachers what is the Minister doing to ensure that we retain the best teachers in our Jersey schools?

#### **Deputy R.G. Bryans:**

We are working very closely with teachers on this particular subject. In fact I think the numbers have reduced somewhat in terms of the figures that she has quoted, since we produced those figures. Obviously what we are always trying to do, the core part for me in all areas of education is teachers and providing teachers who are inspired and inspiring teachers provide high achieving pupils. So we work closely with them and have done recently on providing the new business plan and the new curriculum. So I think there is a lot more concern about retaining teachers at this point in time. I suppose the other thing to mention is the close partnership we have with the unions.

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

What measures other than a wage freeze does the Minister have in mind in order to encourage recruits for teaching, especially in specialist subjects, and to retain those specialists?

#### **Deputy R.G. Bryans:**

I think it has probably been identified that newly qualified teachers coming to the Island are probably higher paid than those posts they would have received in the U.K. So that in itself is not particularly the incentive. The incentive is for people to come on to this Island because they think they are becoming part of a really good educational system.

#### **4.4 Deputy M.R. Higgins of the Chief Minister regarding officers appointed to liaise with the Committee of Inquiry for document provision:**

Will the Chief Minister explain why 2 officers, appointed to liaise with the Committee of Inquiry for document provision, are present at the majority of hearings and explain how their normal duties

are being covered, at what cost, and where the budget has been allocated from, and whether he is aware of any concerns regarding the potential impact of their attendance at hearings?

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

The 2 officers are working alongside the States lawyers to ensure all the required documents are identified and made available to the Inquiry as soon as possible. These positions were established to help control the States legal costs for the Care Inquiry. Previous duties of these officers have been covered by recruitment and service redesign at no additional recurrent cost to the Health and Social Services Department.

**4.4.1 Deputy M.R. Higgins:**

Yes, the role of the 2 officers, as has just been stated, is to supply the Committee of Inquiry with the documents they require, something which States departments and the Law Officers' Department appear to be failing to do, according to the chair of the Inquiry. Should these officers, rather than sitting in the hearing, be going into the departments and getting the documents the Care Inquiry requires?

**Senator I.J. Gorst:**

They are instructed to deliver documents requested by the Inquiry as soon as possible, and that is my instruction to them. How they break up their duties is a matter for them. If it is not working satisfactorily then of course I am pleased to speak to them.

**4.4.2 Senator Z.A. Cameron:**

Given that these 2 officers were previously employed as managers of that service is it appropriate that they should be employed by the taxpayer in this role? As a former employee of that service I do find their presence concerning.

**Senator I.J. Gorst:**

Of course I answered questions on this issue at the time of the change and the service redesign. If I recollect, certainly one of the officers - I am not sure about the other - was involved in the Historic Redress Scheme and was aware of cases and supported the States lawyers and therefore was ideally suited to be able to help with the sourcing of documents and was aware of those issues. The Senator has, prior to my vacation, met with me to say that she is concerned, and I need to explore those concerns further. I know that the officers are aware of not being present in the hearing room if they think it might cause distress or if there are other staff members perhaps who consider themselves to be whistle-blowers, so I think they do handle it carefully but they have to continue to do so.

**4.4.3 Deputy M. Tadler:**

It follows on. Is it not the case that these individuals themselves are being put in an invidious position given the fact that they work for the department which is, albeit perhaps in the past, having allegations made of it about the duty of care before the Committee of Inquiry? Perhaps the Chief Minister is already thinking along those lines, that perhaps in hindsight and perhaps going forward there should be a different set of individuals without any kind of perception of conflict fulfilling that administrative role.

**Senator I.J. Gorst:**

Sadly, in such an inquiry there could be a perception of conflict from any States employee. I hope they manage that conflict well. As I said, I have been made aware that there are concerns and I want to consider those further. But there are reasons why certainly one of those individuals is

experienced in this area, and I think that that brings value to the support that the States needs to give to the Inquiry.

#### **4.4.4 Deputy M.R. Higgins:**

Is the Chief Minister aware that one of these individuals is the subject of complaint from myself for a modern day cover-up of trying to suppress information getting to an elected Deputy? Does he think in those circumstances that person should be involved with this Inquiry, which is supposed to be getting to the truth?

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

The Inquiry is independent of the States and of States employees but the States have to provide information that the Inquiry requests, where they can, in a timely manner. I of course would not be aware, and I do not know to whom the Deputy has made the complaint or what form the complaint was in. If it is appropriate for me to see that complaint and consider it - and I cannot see that it would be - then I would.

[10:15]

But surely the people to whom the complaint has been made are the ones who should adjudicate upon it if it is within their remit. If they ask me to take action then I will do so accordingly.

#### **4.5 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding possible strike action by some public sector unions:**

Following the announcements made by some public sector unions that they believe strike action is inevitable as a result of the Government's failure to engage with them seriously, what plans, if any, does the Chief Minister have to hold face-to-face meetings with the heads of these unions to avert any potential strike action?

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

The Government has maintained a dialogue with public sector unions since an initial briefing on public finances in February 2015. The States Employment Board has explained why pay restraint is necessary, both through a direct meeting with unions and through regular meetings between officers and union representatives. Employee relations staff will continue to meet public sector unions as part of the collective bargaining system and therefore I think it is inappropriate for me to interrupt that process.

#### **4.5.1 Deputy S.Y. Mézec:**

Does the Chief Minister accept that up until now the unions have been acting in good faith and have made it clear their support for the principles of modernisation, which the Government has been going ahead with, and does he believe that there is any legitimacy behind their resentment that they feel they are not being listened to?

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

The States Employment Board is listening to the unions and considering their representations. I have said in this Assembly before, the Government believes that pay restraint is an important part of reorganising the public service and I hope that the unions will continue to engage in that process albeit we recognise that for some it is difficult.

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

In the second round of the voluntary release programme, if it were to come ... push come to shove - and we were talking about compulsory redundancies - would the Chief Minister himself then meet

with representatives of the union to announce that he is in charge of compulsory redundancies in the system?

**Senator I.J. Gorst:**

The Deputy knows that the way that the system works is that the States Employment Board in these instances, in conjunction with the Council of Ministers, sets policy and direction and then asks officers to undertake the necessary application of those policies. I believe that that is the correct approach and it is the approach that will continue. When the States Employment Board last met face to face with the union representatives we said then that it would probably be useful for us to have a 6-monthly update. I suspect it will not be very many more weeks before we are due to have such an update in a further face-to-face meeting anyway.

**4.5.3 Deputy G.P. Southern:**

Supplementary, if I may. Does that not preclude because the officers have no remit to offer anything other than the straightforward refusal for any paid pay rise, does not the absence of the Chief Minister who might have flexibility and has the power to decide one way or the other, does his presence not add something to any negotiations taking place?

**Senator I.J. Gorst:**

I do not believe that it does because it is the States Employment Board, as I said, in conjunction with the Council of Ministers. We did, as I said, when we last met face to face as a States Employment Board with union representatives, that we thought it would be useful to do so on a 6-monthly basis and that ... I suspect those 6 months will soon be reoccurring and we will discuss issues that the unions wish us to at that point in time. I think that is the correct process. That they should be more exceptional, but the day-to-day business policy set by politicians and implemented by officers.

**4.5.4 Deputy S.Y. Mézec:**

Does the Chief Minister accept that should strike action take place it will cost the public purse vast sums of money and severely disrupt the Government's programme to try and reduce costs and spending? On that basis would he, as a gesture of goodwill, accept the invitation that has been requested by the heads of various unions, including the head of Unite Union, to meet face to face so that they feel that they can be treated seriously and that there is no need for this resentment which could end up costing us far more than his actions are intended to save us?

**Senator I.J. Gorst:**

Of course the first thing to say, on behalf of the States Employment Board, is that I hope industrial action will not take place and will not be necessary. There are ongoing conversations with the unions, ongoing correspondence. Of course, when the time is right, if it is thought necessary to meet directly with the individual union representatives then of course the States Employment Board will do so, as I have just outlined the process that we have previously gone through.

**4.6 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the number of children on the 'At Risk' register:**

How many children aged under 5 years, 5 to 11 years and over 11 years are currently on the "At Risk" register and, of those children, how many are known to reside with parents and carers who are known to the department to have a drug and/or alcohol problem?

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

Jersey has a Child Protection Register which currently has the names of 116 children or young people on it. The age distribution of these children is as follows: 0 to 4 years, 38 children; 5 to 9 years, 37 children; 10 to 14 years, 35 children; 15 years-plus but less than 18 years, 6 young people. There are 4 categories of registration. Parental substance misuse is not currently a category, and I will come back to that in a minute. But the breakdown is as follows: physical abuse, 9 children; neglect, 51 children; emotional abuse, 46 children; sexual abuse, 10 children. The number of these children with parents or carers known to have a drug or alcohol problem is not currently collated as part of the Child Protection Register although it is recorded within the child's individual plan. I am looking at collating this information separately going forward. As the Deputy knows from her time as Assistant Minister in Home Affairs and Housing, child protection is everybody's responsibility and I would remind everybody that we all have that responsibility to report any situation where we have concerns about the child. To this end, after this Assembly sitting, I will be reminding Members and, should they need it, their constituents, the contact arrangements if they unfortunately find themselves in this position.

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

I thank the Minister for his answer. One of the reasons I brought this question to the Assembly was because I wanted to draw Members' attention to the quite appalling case recently reported whereby a 15-month old child was removed from a smoke-filled room while the child's mother and her partner lay comatose from the effects of drink and drugs. The mother, allegedly, had 43 previous convictions and 4 convictions for child neglect. What steps does the Minister intend to take to address what appears to be quite serious failings in the monitoring of vulnerable children and their ongoing care?

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

The Assembly is aware of the difficulties that have affected the Children's Service and as the Minister for Health and Social Services I have made Children's Service a priority. A number of legacy issues are still being addressed but progress takes time. Four audits have been carried out, by ex-Ofsted inspectors, who have highlighted a number of critical areas for improvement, both in practice and service delivery. Last year senior managers had to take urgent decisive action to make changes to the organisation, structure and systems in service. There is a service sustainable improvement plan in place and I take this matter so seriously I do not have an Assistant Minister responsible for Children's Service. I oversee it with my 2 Assistant Ministers myself and I put in place a Service Improvement Board which I wanted an air of not only urgency but independence about it, and I am very grateful that the Chief Minister chairs that Improvement Board for me.

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

Is the Minister able to tell Members how many legacy cases are outstanding and likely to come forward? Also, is he confident ... he told us that Ofsted have reported that there are critical problems in practice and service delivery, how confident is he that the Children's Service can address these very serious issues in a timely fashion?

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

I will deal with the latter first. If I was not confident then I would not be standing here telling Members that we need to make changes. We are making changes. If you look at the Draft Medium-Term Financial Plan, in 2016 we plan to invest £1.9 million in the Children's Service alone. We have improvement plans in place. From memory - but I will come back to the Deputy and Members because I want to be absolutely accurate - I think we have got something like 20 really serious legacy cases but I would like to say there is a question mark on that figure, and I would like to come back to that. But we take this seriously. We have the Improvement Board in place. We have appointed a new director. We are out to appoint a new director of Children's

Services and that recruitment is proving to be very difficult and I think that is partly because of the reputation that the Service has had in the media and that is making it difficult to recruit, although will not give up and we will not appoint somebody to this post for the sake of appointment. I want the right person in the post to take this service forward. It is too important to be a mediocre service.

#### **4.7 Deputy L.M.C. Doublet of the Minister for Education, Sport and Culture regarding creativity and innovation in education:**

Given that the States Assembly unanimously approved 2 amendments to the Strategic Plan 2015, which encouraged creativity and innovation in education, can the Minister explain why the word “creative” only appears twice in the Education Business Plan and only relates to I.C.T. (information and communication technology) and the Youth Service, and advise how he intends to ensure that fostering creative, innovative thinking in young people becomes a priority in line with the agreed plan?

#### **Deputy R.G. Bryans (The Minister for Education, Sport and Culture):**

Thank you to the Deputy. Everybody probably will understand that I love the words “creativity” and “innovation” put into any question, I have got to say. We are already encouraging creativity and innovation in our schools. I see evidence of it wherever I go. Earlier this year a 14 year-old student took over his whole school for a day and led the learning. He has just been recently shortlisted for the Pride of Jersey. It is just one example. Of course we want more of this, and that is why we are making so many changes at Education. I have just recently constituted a design team within the department to look at these aspects. The whole ethos is now driven by innovation so that we can raise standards in all areas and give students the strongest possible skills. The Business Plan, an innovation in itself, is just a small part. The entire curriculum has been rewritten and creativity is mentioned all the way through. We are also working on our new education business partnership, a cultural passport and generally redesigning our services to make sure they are customer-focused and dynamic.

#### **4.7.1 Deputy L.M.C. Doublet:**

Could the Minister possibly explain in a bit more detail the process that would have taken place following this Assembly’s unanimous vote on the amendment to his section of the Strategic Plan? Exactly what changes were made to the Business Plan and what pages of the Business Plan can they be found, please?

#### **Deputy R.G. Bryans:**

Several changes were made to the Business Plan when we first constructed it. The focus, as the Deputy has quite rightly said, when we looked at it and looked at its first skeletal state, it was obvious to myself in particular that the words “creativity” and “innovation” were lacking or even missing at that point in time. This was highlighted to me by the work we have done in the digital sector, in particular working with the pilot teams. When they first started out I was concerned that although they were working on an area that desperately needed some new work - coding in particular - the element of creativity was missing. That was agreed and that is why we moved into a partnership in particular with Digital Jersey. But creativity is very much high on my agenda and it gives me the opportunity to say on a personal note that I will be going around all schools, starting with the secondary schools, giving presentations on both creativity and innovation. If anybody would like to attend, J.C.G. (Jersey College for Girls) is the first one on the 18th September, I am sure you would be more than welcome.

#### **4.7.2 Deputy L.M.C. Doublet:**



Does the Minister feel that if more funds were available to his department he would be able to invest in creativity across all subjects in schools in order to give pupils the skills they need to innovate and contribute to a diverse economy in Jersey?

**Deputy R.G. Bryans:**

Yes, everybody would welcome more funds but I think in the situation we find ourselves in, with funds being depleted, this is a beautiful constraint. In fact, that is where creativity grows when it is forced to consider areas that have never been considered before.

[10:30]

Teachers will not survive if they are not creative and innovative in their teaching. No matter what the situation and no matter what the funding, I am very confident the teachers within our departments, within our society, are doing an excellent job.

#### **4.8 Deputy G.P. Southern of the Chief Minister regarding the Medium Term Financial Plan and raising additional revenues from the wealthy:**

Will the Chief Minister inform Members why there does not appear to be any consideration given in the Medium-Term Financial Plan to raising additional revenues from the wealthy?

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

Recent analysis already shows that taxpayers with the highest incomes pay the vast majority of the Island's personal income tax. For example, in 2013, 10 per cent of taxpayers paid 51 per cent personal income tax, while 40 per cent of taxpayers paid 3 per cent of the Island's personal income tax. The long-term tax policy principles agreed in the Strategic Plan state that everyone should make an appropriate contribution to the costs of providing services while those on the lowest incomes are protected.

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

Does the Chief Minister consider that the measures to take £10 million away from the most needy and vulnerable in our society is protecting the vulnerable or not? Surely it would be better to tax the rich a little more than to take £10 million from the poorest in our society which he is supervising.

**Senator I.J. Gorst:**

The Deputy knows that in 2011 we were spending £66 million on income support and the budget for this year is £83 million. The amount of money that we are spending on income support has grown considerably and, as I have said before, it is a contract between taxpayer and those receiving the money. Therefore, it does not seem unreasonable, as the Minister for Social Security is proposing, that income support levels are maintained at the 2015 level. Members have talked about cuts. Yes, there are changes, but the overall quantum of money being spent on income support it is proposed that it is maintained at the 2015 level. Of course, the Deputy will still have to wait to see the proposals that we have for raising the health charge and I am on record of saying what I think that should entail.

**The Deputy Bailiff:**

Members of the public in the public gallery will kindly refrain from gesticulating and making gestures which are designed to have an effect on people speaking in the Assembly, otherwise I shall remove them. Deputy Southern, a final supplementary? I beg your pardon, Deputy Mézec.

##### **4.8.2 Deputy S.Y. Mézec:**

Could the Chief Minister indicate whether or not he has commissioned any expert economic opinion on what impact a higher taxation rate on the highest earners in Jersey would have on our economy? Does he not agree that it is preferable to ask those with the most to contribute more rather than asking the poorest to contribute more when those are the people who spend a huge proportion of their income locally in the Island at a time when we want our economy to be growing?

**Senator I.J. Gorst:**

I maintain the points that I have just made about income support having grown from £66 million only a couple of years ago to the budget that it is for 2015 of £83 million. I do not see how that can be described as cutting support to the most vulnerable in our community. Of course, the issue of raising the 20 per cent rate of tax is one of competition. Treasury are alive to that issue and the Tax Policy Group consider, as we discussed in the Strategic Plan, the basis of a tax regime. Perhaps I should reiterate there is a plan in the M.T.F.P.; it is about reorganising and reprioritising spending. It is about making sure that government is fit for purpose into the future and managing the growth of government in the future in a way that we have not managed to do in the past. It is about investing in health care, it is about investing in education, both areas which affect the vulnerable the most, and at the same time it is about asking people to pay a little bit more for health care. The way that we ask people to pay a little bit more for health care needs to bear in mind that we must protect the lowest income in our community and the most vulnerable, while making sure that we take enough money from those who are more able to pay.

**4.8.3 Deputy S.Y. Mézec:**

A supplementary. The first part of my question was very specific. I have asked has the Chief Minister commissioned any specific expert economic opinion on what the impact of a higher rate of tax on the wealthiest Islanders would be on our economy. We have heard from the F.F.P. (Fiscal Finance Panel) that the effects of taking all this money out of the public sector in forms of pay freezes may not have the effect it wants on the economy, so what has been done to look at what effects a high rate of taxation would have on the economy and what did it say?

**Senator I.J. Gorst:**

I think if memory serves, Treasury has done such work in the past and if the Deputy would like us to relook at that work then I am sure the Minister for Treasury and Resources will do so, but the issue of competition is extremely important. The issue of stability, the rate that we currently have in the structure that we have, has been the bedrock for our economic success. We would not just want to simply change it on a whim but there is no intention to do further work in that particular area.

**4.8.4 Deputy M.R. Higgins:**

It is really a question of fairness and fairness for the population. We know that the Fiscal Policy Panel themselves drew attention to the fact of the fairness of the policies that the Council of Ministers are using. Obviously they cannot come out with “everything is totally unfair” but they are saying there is a danger of it. We know from the discussions that we had at the briefing on Friday that the Council of Ministers have not done a proper appraisal of the impact of these measures on the public. So therefore the question is: before you start bringing these measures in, will you do that study and share it?

**Senator I.J. Gorst:**

The Deputy raises a totally different issue from the taxation structure and I think he is referring to distributional analysis of the measures that will be in the M.T.F.P. and the details thereon in due

course. That work is being undertaken and it will be available prior to the States debating the addendum on the M.T.F.P., so during the first 2 quarters of next year.

#### **4.8.5 Deputy M.R. Higgins:**

A supplementary. The reason I raised it is the fact it is just as important as the measure that the Chief Minister just mentioned. Tax is very important. We have got 1(1)(k)s in this Island who are still paying a rate ...

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

Could we have a question, please, Deputy?

#### **Deputy M.R. Higgins:**

Pardon?

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

Could you simply ask the question, please?

#### **Deputy M.R. Higgins:**

Well I need to put it into context first otherwise he will not be able to answer it, which the Chief Minister is very good at. The question is we know that 1(1)(k)s are paying, some of them, the sum they agreed when they first came in the Island. We have been told in the past: "Oh, you cannot raise it, it would not be fair." Well ordinary taxpayers every budget have taxes increased so why not the 1(1)(k)s? Secondly, why should competition be such a consideration and fairness not? Chief Minister, please answer.

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

Perhaps I could start by thanking the Deputy for his compliment. Competition is an element and fairness is another element. The Deputy seems to have forgotten the figures that I read out in my opening answer to the question that 10 per cent of taxpayers pay 51 per cent of personal income tax - they are the higher-paying taxpayers - and 40 per cent pay a third of the Island's personal income tax so that fairness is in the system. The Deputy refers to the 1(1)(e) Regulations and he will be aware that the previous Minister for Treasury and Resources made changes to that regime and said that they would be reviewed after them being in operation for 3 years. It is my understanding they have now been in operation for 3 years and Treasury therefore will undertake that review to make sure they are working. They were changed so that it was not just simply about taxation but that those individuals would bring other value when they came to Jersey, namely companies and employment, and the regime needs to be reviewed and will be reviewed in light of that to make sure that the policy aim is being delivered. If it is not, it will need to be changed.

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

Since the Chief Minister and his Council of Ministers are committed to reduce, cease or outsource public services, does he not accept that reducing and ceasing public services certainly will harm the poor and the vulnerable in our society the most? Because they are the most dependent on those public services.

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

That is a blanket statement which I do not think can be accurate. There are some services upon which they are most dependent and that is why this Government is proposing to put extra money into health care and extra money into education and extra money into infrastructure because those services are critically important to vulnerable members of our community and it is right that government plays its part in providing them.

**The Deputy Bailiff:**

The Assembly is grateful to Senator Green for his contribution to funds.

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

My apologies and also my pleasure to supporting it.

**4.9 Deputy M.R. Higgins of Her Majesty's Attorney General regarding the process for obtaining restricted court reports containing personal information:**

Will Her Majesty's Attorney General explain to Members the process by which restricted court reports containing personal information can be obtained, by whom, and the penalty, if any, for persons who do not follow the procedure set out in his answer?

**Mr. R.J. MacRae, Q.C., H.M. Attorney General:**

I understand that when the Deputy refers to "restricted court reports" he is referring to reports containing personal information such as medical or psychological reports which may have been lodged with the court for the purpose of court proceedings. The Judicial Greffe does not release such reports that have been filed in relation to any criminal or civil case, and does not routinely or at all disclose medical or psychological reports to the public. Any person dissatisfied with that decision would need to make an application to the Court to seek disclosure of such a report.

**4.9.1 Deputy M.R. Higgins:**

A supplementary. He did not answer the question. If people do disclose the information such as personal medical material or psychological reports, what would the penalty be if someone did do that without the court's leave?

**The Attorney General:**

Well the Court would not permit disclosure. There would be no disclosure so there is no question of penalty arising. I suppose technically if there was unauthorised disclosure it might amount to a contempt in certain circumstances but the basic principle is that there would be no disclosure by the Court of that information if held by the court.

**4.9.2 Deputy M.R. Higgins:**

I thank the Attorney General for his answer. I shall be seeing the Attorney General at the end of this session as this sensitive information has been released to various people. The people concerned who released it went to the Judicial Greffe and asked what the procedure was, were told it, and still went ahead and disclosed it themselves. So I think it is an important matter from the public's point of view and the court's point of view and I will provide the details at the end of this Assembly.

**The Deputy Bailiff:**

Deputy, that did not sound to me at all like a question. So would you like to ask a question or not?

**Deputy M.R. Higgins:**

Yes, I will. Will the Attorney General meet me to discuss this matter after the Assembly?

**The Attorney General:**

Yes.

**Deputy M.R. Higgins:**

Thank you.

**The Deputy Bailiff:**

Thank you. [Laughter]

**4.10 Deputy J.A. Hilton of the Minister for Health and Social Services regarding the current waiting time for the dermatology department:**

Can the Minister advise what the current waiting time is for the Dermatology Department and detail what efforts, if any, are being made to recruit a new consultant in the department given that the current consultant has given one year's notice and is due to retire in March 2016?

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

I thank the Deputy for her question. Patient referral letters are all reviewed and prioritised according to clinical urgency and they are allocated as such. Urgent patients are normally seen within a maximum of 3 weeks but frequently within a shorter timeframe. These are predominantly patients with high suspicion of skin cancer and other malignant melanomas. Patients that are not urgent but still need to be reviewed relatively soon are seen within 6 to 8 weeks. These, for example, are patients with severe inflammatory conditions. The remaining routine patients are seen within 12 to 20 weeks. With regard to the recruitment of the consultant dermatologist, before I answer that question, I think it is probably appropriate, as the Deputy has asked me about his replacement, to acknowledge the splendid work that that consultant has done and to thank him publicly for the service that he has provided the Island. The process of appointing the consultant is underway, the advert is out as we speak, and we have had some interest in the post and I hope that we will be able to make an appointment fairly soon. The process of whether we should replace the consultant or not has undergone a 'Lean' assessment and I am keen, with my officers, to pursue whether it is appropriate in line with the Primary Care Strategy for more things to be undertaken as part of primary care.

[10:45]

But this is ongoing work but the gist of the question from the Deputy is: what is the process of the replacement of the consultant? It is in hand and an advert is out as we speak.

**4.10.1 Deputy J.A. Hilton:**

I thank the Minister for his answer. One of the reasons I asked this question is because in previous Scrutiny hearings when we have been discussing waiting lists, dermatology was the one speciality that only had one consultant operating in the department. So I wanted to ask the Minister whether any consideration is being given to employing more than one consultant in an attempt to get that waiting list down.

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

As I alluded in my opening answer, I am satisfied that we only need one consultant but what I am committed to is that we provide more support within the primary care setup and that is what we are looking at so that only the more serious cases come to the hospital.

**4.10.2 Deputy J.A. Hilton:**

Could the Minister just explain where the budget is going to come from to do that with primary care?

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

We just have to look at the P.82/2012 and the Medium-Term Financial Plan and the investment that we intend to put into providing services within the community and keeping people out of hospital. Those are the sorts of things that we need to do. Failure to do that - failure to do that - will result in a hospital much bigger than we currently have.

**The Deputy Bailiff:**

That ends this period of questions with notice. In accordance with a decision taken earlier by the Assembly the time is now for the Chief Minister who will make his statement. Chief Minister.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**5. The Chief Minister - Statement regarding the migrant crisis**

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

We have all been distressed by the plight of thousands of people fleeing desperate situations in their homelands. Jersey has a long history of responding generously to humanitarian need and we all want to see a long-term solution to this crisis. I have been speaking to my counterpart in Guernsey, Deputy Jonathan Le Tocq, and to our diplomatic contacts in the U.K. as this crisis has been unfolding. Given the gravity of the situation and the breadth of concern expressed by Islanders, it has been necessary to consider what Jersey can do to help. Deputy Le Tocq and I have agreed that the Channel Islands should do what they can to contribute to the global refugee response. Before I explain what steps we are taking I would like to remind Members of the aid Jersey has already provided for Syrian refugees. The Jersey Overseas Aid Commission has been supporting Syrian refugees since 2013 and has donated £350,000 to date. In 2013 the escalating violence saw more than 2 million children in urgent need of humanitarian assistance as millions of Syrian refugees became displaced in Jordan, Lebanon, Turkey and Iraq. The commission awarded U.N.I.C.E.F. (United Nations International Children's Emergency Fund) £30,000 for medicines and winter clothing, Oxfam £30,000 for food, hygiene kits, clean water and sanitation and the British Red Cross £30,000 for blankets, mattresses and family food parcels. A further £60,000 was provided to Oxfam to help provide safe access to water and sanitation for nearly 600,000 refugees who had fled to Jordan and Lebanon. The number of refugees more than doubled between January and October 2013 and by December the Commission was advised that at least 100,000 people had died as a result of the conflict with an estimated 6.5 million displaced. The Commission therefore granted Save the Children £30,000, U.N.I.C.E.F. £50,000, Oxfam £50,000 and the British Red Cross £50,000. In 2014 there were no applications from aid agencies for emergency help but the Commission provided nearly £20,000 to transport 12,500 winter jackets collected by Headway for Syrian refugees in Jordan. Members will be aware that Jersey does not have its own procedures for asylum seekers but is a signatory to the relevant conventions and protocols. The 1951 Refugee Convention was extended to Jersey in 1955 and the New York Protocol in 1996. These conventions stipulate that people should claim asylum in the first safe country they reach. As we do not have processes in place here to hear asylum claims, anyone eligible to claim asylum who reaches Jersey would be referred to the U.K. Home Office where their claim would be processed. That said, the Chief Minister for Guernsey and I are determined to do what we can to support the refugee relief effort and have been exploring the possibility of taking some refugee families here in the Channel Islands. Our officials have been liaising with the U.K. Home Office to take this matter forward and will continue to do so over the coming days. This process is at an early stage. There are a variety of technical obstacles to overcome and the extent of the assistance we can provide would be dependent on a range of factors. However, I know Islanders would want us to do what we can to help these desperate people and I am therefore today announcing the creation of a refugee fund into which Islanders can donate. Details of this fund will be provided in the coming days. In

the meantime I hope Members will agree that it is important to officially state our willingness to help in this crisis, not only by continuing to provide aid to the agencies working in the region with the most vulnerable but also by looking at what we can do to help here in the Channel Islands. I congratulate those involved in the Jersey Calais Refugee Aid Group and will meet them next week. We maintain regular dialogue with Guernsey and the U.K. on a range of issues, including the ongoing crisis throughout the E.U. (European Union). Our officials will continue to work closely with officials from Guernsey and the U.K. to develop our participation in the global refugee response. I will keep Members informed as progress is made. These are complex issues but we all share a common humanity and Jersey, I know, wants to play its part; indeed, I am sure Members will agree must play its part. **[Approbation]**

**The Deputy Bailiff:**

Standing Orders now provide for a period of 15 minutes within which Members may ask the Chief Minister questions that relate to the contents of his statement. Deputy Norton.

**5.1.1 Deputy M.J. Norton of St. Brelade:**

As the Chief Minister will be aware, this weekend I have been in dialogue with the local officials of the British Red Cross about this very subject. Could the Chief Minister confirm that their expertise on local shores will be most useful and that they will be in dialogue with this organisation?

**Senator I.J. Gorst:**

I thank the Deputy for his question and indeed the British Red Cross and the Jersey branch have experience of dealing with such crises as shown by the fact that the Overseas Aid Commission have already made donations via them to alleviate some of the issues in the camps on the Syrian border. To my mind there are 2 areas in regard to this crisis. There are those individuals who have already fled to Europe and there are those who remain in the camps, and we must treat them quite separately for a number of reasons. British Red Cross and the Jersey branch have offered their support and I am grateful to receive it and will be working with them. I believe that they can help in both areas of that work, both in relieving the pressure in Europe and in supporting any families which might ultimately come here as well. Thank you.

**5.1.2 Deputy S.Y. Mézec:**

Thank you to the Chief Minister for this statement which I welcome wholeheartedly. Could I invite the Chief Minister to take a moment just to recognise the fantastic work that has been done by the Jersey Calais Refugee Aid Group? All of the Islanders involved in that have really done our Island proud by their immense response and how quick they have been in being able to gather aid. My understanding is that some of the Parish Halls in this Island are full now with bags that people have offered to donate there. Could I ask the Chief Minister to recognise that?

**Senator I.J. Gorst:**

I thank the Deputy for his question and I endeavoured to do that in my statement. I am grateful to them. They are working in a way which government cannot because the issue in Calais and in the E.U. is an issue which needs to be dealt with by the E.U. and I personally support the work that they have done. They have been able to raise provisions in very short order and get them directly there. I note that the Jersey College for Girls is also carrying out a programme to do so and I hope that other Islanders will support that work and, as I said, I will be meeting with them next week.

**5.1.3 Deputy A.D. Lewis:**

Later on today the Chief Minister will be presenting P.64 - the Immigration, Asylum and Nationality Act 2006 - which extends certain sections to Jersey. Would the Minister feel this was an appropriate time to review that more fully enabling us to perhaps act more unilaterally, in other

words, on our own, with regard to asylum or does he feel that such a burden would be too much for our administration? Thank you.

**Senator I.J. Gorst:**

I think the Deputy in his closing sentence to his own question hit the nail on the head. To me it is extremely important that we work in concert with the United Kingdom. They already have the facilities for making sure - and I use this word carefully - that appropriate refugees are handled and put through that system before they are given either humanitarian leave to reside or refugee status. We are only a small Island; we could not deal with the numbers who are moving as a result of this crisis. It is very important for us not to be seen as a point to access the United Kingdom which is why I have made the statement that I have today and why the crisis in Calais is serious. The E.U. need to find a solution to it but for us our response I think is the right one. Individuals in Jersey can support those in Calais. The Overseas Aid Commission have been supporting those individuals in the camps and this is us exploring whether we cannot go a little bit further from what we have already done and take some families from the camps on the Syrian border, albeit in very small numbers.

**QUESTIONS -resumption**

**6. Questions to Ministers without notice - The Minister for Health and Social Services**

**The Deputy Bailiff:**

If there are no further questions for the Minister then we come to questions to Ministers without notice. The first period is for questions to the Minister for Health and Social Services. I see Deputy Labey.

**6.1 Deputy R. Labey:**

There was an incident this summer, last August, in which a constituent of mine was taken ill in a restaurant in Havre des Pas with a suspected stroke and it took an ambulance 30 minutes to reach him. No fault of the crew; I believe they were overstretched. I just wonder if the Minister thinks that 3 crews on a busy weekend in summer is adequate provision.

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

Firstly, I am sorry to hear one of the Deputy's constituents experienced this medical emergency and I do hope that they are well on the road to recovery. This is an operational matter and without the precise detail of the time, date, *et cetera*, I can only answer this question in general terms. I think what the Deputy was asking me did I think 3 crews were sufficient at a busy time and the answer for that is yes. We have 3 crews. We could have all 3 crews available for some time and then all of a sudden a number of calls come through and they are all committed. The evidence is that the number of vehicles per head of population is comparable with other Island jurisdictions and I believe - although I would need to check this - slightly higher than the U.K. A huge amount of effort is going into trying to respond quickly, including the placing of ambulances strategically around the Island at busy times, and also the Community First Responders where, if you have got one of these near you at Havre des Pas, for example, they will attend before the ambulance and support them until the ambulance arrives. I hope that answers the Deputy's question.

**6.1.1 Deputy A.D. Lewis:**

Given the commitment to drive down costs, an area that is of particular interest to me as P.A.C. (Public Accounts Committee) chairman, can the Minister for Health and Social Services state how many locums are currently employed across all Health and Social Services Departments, in



particular, the Children's Service? How much are these locums costing compared with permanent posts? I appreciate the Minister may not have those figures to hand immediately but perhaps he can get back to me.

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

As the Deputy surmised, I do not have those figures to hand. I am able to say though that the number of locums and interims employed within Health is slightly reduced and only slightly. I would like it to be considerably reduced. We are dependent upon the number of locums on occasions, particularly where you have a key area - the Deputy mentioned the Children's Service - and you are unable to recruit to the right quality or the right standard of person, then putting an interim who is of the right quality ensures that we continue to move the service forward. Of course, in single-handed consultant posts, when that consultant goes on study leave which they must do as part of their C.P.D. (Continuing Personal Development) or when they go on holiday, then it is appropriate to use locums.

[11:00]

But I understand the gist of what the Deputy is asking me, is can we reduce it, and we make every effort to do so.

**6.1.2 Deputy A.D. Lewis:**

Could the Minister advise is this a global recruitment issue or is this a recruitment issue peculiar to Jersey based on terms and conditions that are provided by our health services against others?

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

Our terms and conditions are very favourable. Most of the recruitment problems are global ones, although there are specifically one or 2 areas where we have difficulty attracting people because they want to remain within the N.H.S. (National Health Service) main system in order to progress their career because their career changes direction, should I say, when they come to Jersey, however capable they are.

**6.2 Deputy G.P. Southern:**

Will the Minister explain whether there have been any changes to the Service Level Agreement between his Ministry, his department, and the Family Nursing and Home Care group, particularly over Grade 1 home care assistance?

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

There are changes happening all the time in negotiation with all the third sector providers. I am told it is not a term that people like but that is the term I am used to. We have to get value for money and if charities want to provide services for the Health Service which we are happy to pay for, I am very grateful for that service that we work with them to ensure the standards are right, but the price has to be right as well. I cannot answer directly have we made changes with Family Nursing but these things are always under review. We need to ensure that we get good value for money from all sectors, be it commercial or from the charity sector.

**6.2.1 Deputy G.P. Southern:**

A supplementary. Does his answer mean that there has been a change and that there has been a tendering process taking place and does that tender process rely on lower rates of pay for particular assistance than currently exists with Family Nursing and Home Care?

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

Rates of pay are entirely a matter for whoever is tendering to do the work providing they comply with the legislation in terms of minimum wage or whatever other legislation is in place. Tendering processes are taking place regularly and we benchmark those processes in terms of what is good value for money, what is achievable, sustainable, provides the quality that we want and also compare it to the commercial sector. We are in a competitive world and we have to get value for money. Now not unreasonable value for money but we have to have value for money.

### **6.3 Deputy R.J. Renouf of St. Ouen:**

Will the Minister advise the Assembly on current progress on identifying the future hospital site?

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

It progresses steadily but very slowly. Having said that, there is a massive amount of work that has gone on and I look forward to shortly being able to show Members why it has taken so long and show Members also where we propose to put the new hospital.

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

Can the Minister give any sort of timetable to the Assembly?

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

I look forward to shortly being able to make that announcement. **[Laughter]**

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

When the States Assembly adopted the Williamson Implementation Plan the emphasis was on children going into foster care rather than into residential homes. On that basis I believe we cut the number of our resident beds to about 15 and my understanding is there are not any beds for under-11 year olds. The question I have for the Minister is this: there was a recent drive to increase the number of foster families. Is it correct that we did not achieve to manage to recruit any foster families in that recent recruitment drive?

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

The Deputy is right that as part of the Williamson Report his recommendation was that we should look after our children outside of residential care in foster homes; she is absolutely right about that. I cannot answer her question directly as to whether we have increased the number of foster homes. I met with foster parents recently and was very impressed with the work that they are doing and the commitment from both the mother and the foster parents. What I do know is that we are doing very well in placing people and particularly not just in fostering but in adoption as well. Recently I have met with 2 parents - 2 different couples - that had adopted children because we brought in the new Adoption Law. Things are progressing in the right direction but if the Deputy would like me specifically to answer how many extra foster parents we have I am happy to do so but I cannot do so now.

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

A supplementary. If it is a question that there is a shortage of foster families at the current time, does the Minister share my concern that when it comes to assessing, taking babies and young children into care that is going to have some bearing on whether that happens because we do not have anywhere to put them?

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

That is not the first consideration. The first consideration is always the safety of the child and the appropriate place where it can be best looked after. This is not done just by social workers; it is done as a multi-agency approach. So, no, we do not take into consideration where the child might

go in terms of whether we take action or not. If action is appropriate to take, then action will be taken.

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

Given recent reports indicating that excess consumption of sugar is contributing to rising levels of obesity, heart disease and diabetes in the population, what is the Minister's opinion on introducing a sugar tax to help combat some of the costs to our healthcare system?

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

An interesting question because my department are always promoting healthy eating and healthy lifestyle and exercise the rest. I have not really given consideration to a sugar tax but I am always happy to look at things that are suggested by other Members.

**6.6 Deputy G.P. Southern:**

The lengthy delay in deciding on the site for the new hospital, has that been further delayed by the addition of a fifth site for consideration, in his consideration?

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

The Deputy is misinformed. We have been looking at about 24 sites.

**6.6.1 Deputy G.P. Southern:**

My understanding was that the original long list was 24 sites but then it was whittled down to 4 but now a fifth site has been put back in the mix. Is that the case?

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

Well, sort of, because the fifth site, as the Deputy refers to, is a previous site that was not viable but may now be viable.

**The Deputy Bailiff:**

If there are no further questions to this Minister we then come on to the next period of ... Deputy of St. Ouen. **[Interruption]** Just before I brought down the guillotine the Deputy ...

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

I apologise, Sir, I thought I had caught your eye beforehand. But I wanted to ask the Minister what actions has the Minister taken as a result of the recent follow-up report by the Comptroller and Auditor General into the use of management information in his department and will he publish his timetable for the delivery of any improvement?

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

I have to say that this management information is a constant frustration for me and I was very welcoming of the report from the Comptroller and Auditor General. Because while we have a lot of information and we could tell you, for example, where every penny has been spent within the Health Service, what I would be stretching to is to tell you what gave you the best value from that expenditure. I do not have that timetable yet but we are working with officers to improve the management information. The financial information is available but the management information allows us to make the right decisions at the right time.

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

A supplementary. Is that lack of management information affecting the department's plans for the delivery of the primary care model?

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

No, that progresses well but it is frustrating sometimes when you cannot see if we spent £100,000 in that area, what did we get for that money? If we spent £50,000 in that area or £2 million or whatever it is, what do we get for that? No, it is not affecting the primary care work. In fact, I hope to be able to take the Ministerial Oversight Group a primary care strategy in the very near future.

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

In a previous question the Minister referred to 20, he believed, legacy cases with regard to child neglect, I believe. Can the Minister inform Members how he became aware of the 20 legacy cases and what steps are being taken to address the issues that arose out of those cases?

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

First of all, let me put a health warning on that figure because I did say it was off the top of my head and from memory it may be more but 20 rings a bell. I became aware when the Interim Director of Children's Services, a very experienced childcare officer, advised me of the problems that she had found and put forward an emergency improvement plan. I cannot remember everything within that plan but that plan was signed-off by myself and was worked through.

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

In response to written question 8 today the Minister said that difficult decisions need to be made in terms of where there may be savings made in the provision of his service. Can the Minister assure Members that these savings referred to will be decided by the time we get to debate the Medium-Term Financial Plan, otherwise we will be debating in the dark?

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

We gave a list of 12 items of areas that we were working on but went on to say that this list was not exhaustive. I still stand by that because, for example, when a member of staff leaves, in the old days you might have - I think it was wrong then but it is definitely wrong now - just reappointed a similar member of staff. Today you look at do you need to replace that person? Can you do it differently? Could you have different people doing the job? Do you design the service differently? While I am happy to provide for the Member a list of the projects that we have got underway to save money that will not be an exclusive list. We will always be adding to it. You are always looking at can we do things differently? This is about saving money, not reducing services.

### **7. Questions to Ministers without notice - The Chief Minister**

#### **The Bailiff:**

That brings the period allowed for questions to this Minister to an end. The next period is for questions to the Chief Minister. Deputy Hilton.

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

I understand those individuals who are going to accept voluntary redundancy will leave the employ of the States on or around 18th December but I am told that they will not necessarily receive their redundancy package until about 16th January. Is the Chief Minister able to comment on that because it seems to be that there are several months' notice being given? It seems to be very strange indeed that an employee is leaving one month but has to wait several weeks before they receive their redundancy package.

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

No, I was not aware of that particular detail. Of course I was aware that the current money set aside for V.R. (voluntary redundancy) in the current budget is only £2 million and that is why the Minister for Treasury and Resources is amending one of his propositions to take money from the Strategic Reserve to bring that forward to allow those who are eligible to take voluntary redundancy. So there has been a slight time lag there. I was not aware of the exact details that she has quoted but I will certainly review that and confirm or not.

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

Does the Chief Minister consider that the failure of J.F.S.C. (Jersey Financial Services Commission) to monitor or pickup breaches in the *Anti-Money Laundering Handbook* made by staff at HSBC Middle East at the time brings into the question the reputation of the Island in terms of dealing with high risk individuals in the finance sector?

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

Absolutely not. The Deputy will know, if he has read the public statement, that there were changes in processes right across that particular bank's organisation and HSBC Middle East was just one element of that and one element of the changes that needed to take place and I believe that the J.F.S.C. acted appropriately when information came to light that they needed to investigate.

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

Does the absence of action at the time mean that our regulations, while they look fine on paper, do not deliver - which was one of the criticisms made of HSBC Middle East that they had a whole set of practices on paper but did not pursue and see it through to be effective?

[11:15]

Does it not bring into question the effectiveness of what the J.F.S.C. does?

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

I do not believe that it does. The Deputy is referring of course to the work that the reporting professional undertook and the difference perhaps between the internal control framework and the operational effectiveness of that control framework. As I say, these were issues which the bank globally made changes on and needed to take action on and, therefore, I do not think it is appropriate to suggest that the J.F.S.C. acted in any other way than other regulators around the world acted.

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

Will the Chief Minister endorse the comments of the Bailiff when addressing the Royal Court yesterday when he drew to their attention the exorbitant cost of representation by lawyers? I think he was referring to the hourly cost. Would he endorse that comment?

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

It was my privilege yesterday to be in attendance in the Royal Court when the Bailiff made the comments that he did in my role as Minister for Justice. I found nothing with which to disagree in the comments of the Bailiff. My Assistant Minister has been spearheading an Access to Justice Review and that was talked about - I think perhaps with the honourable exception of the learned Attorney - by all those speaking in the Royal Court yesterday. It is an extremely important piece of work. We know that lawyers in our community put in many, many hours in the legal aid system and we are grateful for the work that they do but we need to continue to make sure that law and the access to law is affordable to all. We have the situation where there is international work being undertaken which might result in one fee structure being able to be applied because there is international competition and then we have the other issue of the domestic rate. It is something that

I was pleased that, yesterday, not only the Bailiff but those representing the Jersey Bar are alive to. It is an issue that they are going to address and I hope that it is addressed in a positive and a constructive way in conjunction with the Access to Justice Review.

**The Deputy Bailiff:**

Are there any other questions for the Chief Minister? If there are no other questions for the Chief Minister, then that brings Questions without notice to an end and we move on to Public Business.

**PUBLIC BUSINESS**

**8. La Collette Low Rise: protection of open space petition (P.78/2015)**

**The Deputy Bailiff:**

The first item of Public Business is a proposition entitled La Collette Low Rise: protection of open space petition - P.78/2015 - lodged by Deputy R. Labey and I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Planning and Environment to ensure that any redevelopment of La Collette Low Rise upholds and maintains the protected open space status of the existing green space on the site of the La Collette Low Rise and its border with Green Street.

**The Deputy Bailiff:**

Before I call on you, Deputy, can I just make sure that we are quorate? I think we are now quorate. Thank you, Deputy.

**Senator P.F. Routier:**

I do not know if I am going to cause a problem, Sir. I need to state that a close member of my family has been party to progressing the petition today so I do feel that I need to declare an interest and leave the Assembly so I think we need to get somebody back in here. I am not going to take part in the debate.

**The Deputy Bailiff:**

Very well. In which case, perhaps if you could remain for the purposes of enabling the Deputy to make the proposition, then I am sure we will be quorate come the time that you feel required to leave.

**Deputy J.M. Maçon:**

Sir, similarly, as the member of the Planning Application Committee, because this is a live planning application, I would also want to declare an interest in this debate.

**The Bailiff:**

Right, well, in which case, if the 2 Members who have indicated a potential conflict would nonetheless remain so the States remain quorate. **[Laughter]** Perhaps then I think you can both leave. Deputy.

**8.1 Deputy R. Labey:**

I have rarely cleared a House before I have even spoken **[Laughter]** in a previous life. What I think I detect from the comments that this very simple environmental proposition has attracted is that the Executive would far rather we were not discussing this today. I just urge Members, when

considering all that is being hurled at me, to keep an open mind and not to take things at face value because things might not be as they seem. The States Assembly is not the place for conducting planning application hearings. That is the line from the Minister for Planning and Environment and he is absolutely right but of course this is not what is taking place. At least it is not what I want to see taking place. The States Assembly is, however, a wholly appropriate forum for assessing whether a Minister and his department are acting against agreed policy. In this case, the correct approach to protected open space. My proposition and my report speaks to the importance of retaining the status of protected open space at La Collette. It is the Council of Ministers' comments which speak to the merits of the planning application itself and that is a matter for the Planning Applications Committee to determine. As it happens, I agree with most of what the Council of Ministers have to say on this matter and as they have brought it up, we have to deal with it, and I can do so very quickly. The stuff about the very poor state of repair: absolutely right, it is shameful. The development will result in much needed high quality affordable housing: absolutely right and we can all agree with that. Andium Homes have been tasked by the Assembly to upgrade and deliver new housing and should be supported: hear hear. And Andium Homes are acting in good faith. I am not quite sure about what has been going on recently over the summer but, by and large, they are acting in good faith and getting on with what they have been tasked to do. As with all these schemes, it comes down to the brief. Keeping the feeling of openness when you come down Green Street disappeared from that brief because, I maintain, of an incorrect approach to protected open space policy. That is the crucial point but you cannot blame Andium for that one. I agree with most of what the Council of Ministers are saying. There is the paragraph about the impact of crime, *et cetera*: agreed. Drainage: T.T.S. (Transport and Technical Services) have changed their position and made it easier now. That is welcome. Premises presently empty and local community benefit: I agree with all of that. Here is a good one: "This is the balance that we must strike. More homes that can be better enjoyed protecting and enhancing our open, green spaces. This is tremendously important." You do not say. There is stuff about other jurisdictions being rubbish as compared with us. That is good. "The Planning Applications Committee is more than capable of making a fully informed decision." I completely concur and indeed overall improvements in the area are important and necessary. But is this an improvement? That is the point. I did not take on this case lightly because I am not that daft. It is a planning dispute really and in a planning dispute there are always at least 2 sides and so you are never going to make 100 per cent friends with them. I asked Andium Homes if the number of units and the building on the green space to achieve that number was a deal-breaker. Would a reduction in the number of units and retention of the open space make the scheme unviable? "No, it would not" was the answer because as a housing trust, viability of course as such does not come into the equation. So there is no truth in the misrepresentation that this is a choice between retention of the protected open space and people continuing to live in squalor or destruction of the open space and an improvement and increase in affordable housing which is what we all want. That is what the Council of Ministers, in its comments, would have you believe at face value and it is false. We can achieve the best of both worlds without delay if we agree a compromise. That is all that is being asked for. A compromise. But the Council of Ministers and the Minister seemed determined to dig their heels in against the audacity of a Back-Bencher who is representing residents and asking for that compromise. It was always my intention in this speech to repeat a statement I have made in every press interview, every TV interview and every radio interview that I have done on this subject and it is this. There are many residents, tenants of the La Collette Low Rise who welcome these plans, who are living in intolerable conditions and they want to get out of there and get out as soon as possible. They have been living like that for far too long and, understandably, they want and deserve better accommodation. I concur. There are some tenants who are vehemently opposed to these plans and there are some tenants who are too afraid to speak out. The fact that people are living in appalling conditions is not at issue here. Everyone is agreed that a lack of investment over decades has

resulted in a shameful *status quo* for some and remedy cannot come soon enough. Many of the tenants I have spoken to or corresponded with are just desperate to get out, to get their kids out and get rehoused somewhere else. I have gone door to door around La Collette this year at least 2 or 3 times along with the other Deputies of St. Helier No. 1 and while doing that, one cannot fail to have conversation after conversation with people in a desperate state over the state of their accommodation. I feel very well briefed by them. I feel great sympathy for them. I agree that action must be taken as soon as possible but there are other stakeholders to consider here. The residents of the area as a whole, the neighbours on the other side of Green Street, for example, and their overwhelming objection to the plans soon became very apparent to me and to the other Deputies giving rise to my claims in the press that a majority of residents were opposed to the scheme. That could be construed as me saying: "A majority of tenants were opposed to the scheme" but the lady who has written the counter-petition claims that I did say: "The majority of tenants are opposed to the scheme" and, do you know what, I think she is probably absolutely right. That was my slip-up and I apologise to her and if she is listening, I say: "Good on you for doing the counter-petition." I absolutely respect it and all those that have signed it but it is based on false premises that this proposition prevents the overdue improvements. It does not. It says the improvement and increase to the affordable housing here should go hand in hand with the protection of the open space because that ultimately will be better for the area, better for the tenants and better for the neighbours. I am going to refer back to the Council of Ministers' comments and some of the ones that I do not necessarily agree with: "Furthermore, the Assembly has recently approved the Strategic Plan outlining an ambition to regenerate the town of St. Helier." Exactly right. I have got what they say in the Strategic Plan. It is in my report: "Desired outcome. Attractive well-used public spaces. Meet the needs of town residents and visitors. Develop a public realm strategy to increase the quality and quantity of public space; streets, squares, parks, other green spaces and links between them." So it is in their Strategic Plan. Another one here: "The Island Plan was only recently adopted by the Assembly. This specifically identified La Collette Low Rise as being the site for up to 100 additional affordable homes." Andium Homes proposes 88 units. I do not think any of us are against trying to maximise the potential of this site but I am saying we can do that by retaining the protected open green space. To be fair to Andium, an officer has attended 2 meetings of the Havre des Pas Improvement Group and full credit to him. He has been head-to-head with me on the radio. I have maximum respect for him. I said to him after our radio interview that I found it difficult to go head-to-head with him because he is a very reasonable, competent, nice man but I did say: "Look, in all of this, I am trying very hard never to disrespect Andium or disrespect Andium's officers" and he graciously accepted that. Before the second of those Havre des Pas meetings that he attended, we leafleted the whole area; the low rise, the high rise, the neighbours on Green Street. The meeting was packed. There was standing room only. 70, 80, maybe more. I gave this item one hour on the agenda and it was quite torrid. There was not one voice in support of these plans. Low rise tenant after low rise tenant complained that they had not been consulted. There was a lack of information and they did not know anything about this. I am not making this up. It is in the minutes and the other Deputies were there and they will testify to it. Here is where I do take issue with Andium.

[11:30]

It emerged that Andium had used a tenants' association to disseminate information. The trouble is not all the tenants were members of this tenants' association. It was Andium's job to disseminate this information and not pass it on to another organisation. I remember Deputy Martin being aghast at this information and she followed it up the next day with an email asking Andium to clarify the situation as regards the communication with tenants. The reply came back: "We simply cannot interact with every resident personally when we are producing plans." Well, then I lodged my proposition and within days of doing that, Andium officers swooped down on the low rise flats



armed with clipboards interacting personally door to door with every resident asking them ridiculously loaded questions like: "Do you use the open space?" I hazard a guess they look at the open space or they look on to the open space and they would very quickly notice it if a massive building was in its place. What of the residents - and there are many - who are not able-bodied? What are they to make of a question: "Do you use the open space?" when there are no stairs to access it and there are no ramps to take a wheelchair or a pram up it. It has remained the same since it was in 1964, 50-odd years ago, with no access. There are no railings around it so that you can take your toddlers and let them loose in the park and let them run around safely. There is no landscaping to create even paths to walk around, no benches, no swings, no whatever. A more useful question that they might have put to the residents is: "How can we improve the open space? How can we make it more user-friendly?" The result of this ridiculous survey is presented here in the Council of Ministers' comments for you to take seriously when you consider this proposition. It is an insult to the intelligence of this House. So from an incorrect approach to protected open space policy, it has, down the line, sprung flaws in the progress and process of this application. Now we have a scheme which totally disregards the view you get when coming down Green Street towards the seafront and how the vista opens out during the last couple of hundred metres. You start to smell the sea and spirits are uplifted. Now the Minister might not get that or understand that or respect that but the Island Plan does and that is what it is there for, to protect these spaces for those who do appreciate them being there even if they are "unused". The original architect scheme deliberately included the open space next to the road. This was to give gardens to both residents and the neighbours and the public and that is why there is this backlash now at the loss of it. The new scheme effectively privatises the remaining gardens. It will be enclosed. Non-residents will be kept out. With some modest improvements, this space that is already there could be an asset to all, neighbours and residents alike. Amenity space categorised as a visual buffer between major roads. That is what it is. That is exactly what it is and what is being ignored and that is why the residents of the surrounding area deserve personal interaction too. They deserve somebody going around door to door and explaining what this scheme was all about. The neighbours have not been consulted. They are stakeholders in that. This is not on and that is why, when this item came before the Planning Applications Committee the first time, there was virtually no opposition. People were caught unawares. They did not know it was happening. There has not been enough consultation. Now ignorance of the law is no defence and ignorance of the planning system is no defence but it is quite hard to negotiate that website. You can see the difference now. Because this application was turned down at the last April meeting and it is coming up again in the next month or 2, there are now a lot more contributions from members of the public in support, yes, but mostly opposing this development. This is where Andium are wrong again, I fear. They say the time for personal interaction with neighbours is after outline planning permission has been granted. I think that is wrong because, as we all know, outline planning permission is the developer's friend and the neighbour's enemy. Once you have got it, you can virtually do what you want. So that is too late for residents of the surrounding area to lodge their complaints. Please let us not perpetuate the myth that the Council of Ministers' document does mean that there will be an improvement to amenity space provision by ignoring the protection that already exists on the existing space. It is a nonsense made even worse by the idea that, in its place, we have a totally out of character high rise corridor bang up to the road literally in the face of the cottages opposite and you can see it on the plans that are up there. This high rise corridor is not regenerating St. Helier. It is out of character with the area and if this is what the Council of Ministers means by "regeneration", I think we are in trouble. We need to consider the position of public authorities when carrying out development. While there is nothing in law of course, public bodies like the Parishes, for example, when they embark on a scheme, they are in a unique position of authority and have the ability and the moral responsibility to engage thoroughly with their constituents. Public bodies, Parishes, States departments, Andium Homes, the new port authority, S.o.J.D.C. (States of Jersey Development

Company) must work harder to achieve a development which satisfies not only their own requirements but the concerns of their own constituents or tenants in this case. It is not good enough to just cast the objectors adrift and we are seeing that here and we have seen it at Le Squez. This is all such a shame because in 2011, Jersey came of age, as it were, with its attitude towards protected open space and green space. A very, very long way from the 2002 Island Plan which only had this to say on the subject: "Open space is defined as land used as a park or country park for open air sport or activity or land previously used as a cemetery." That was it. That was it and a bit about water too. In 2008, thanks to the foresight of the then Minister for Planning and Environment, we had the excellent outdoor open space sport and recreation study. With that report, for the first time, came the classification of the topology of different kinds of open space so you have parks classified, outdoor sports facilities, play spaces, natural green space, allotments, cemeteries and churchyards, civic spaces, linear open spaced beaches and visually important open space, open spaces that may not be publicly accessible or functional for recreational leisure but which play an important role in contributing to the character of an area. La Collette. Amenity green space, open space that is available for free and spontaneous use but not managed as a park, playing field or habitat, e.g. informal grassed areas in housing estates just like La Collette. It is an excellent survey and it fed into the Jersey Island Plan Review of 2008 and great swathes of it appear verbatim in the 2011 Island Plan including the introduction of the term "amenity green space". Here is what it has to say on this category: "Even very small sites are potentially large enough to accommodate meaningful recreation activity. Many of these sites are small. They are still sufficiently large to accommodate an equipped play area, tennis court or pocket park to name but some possible uses." This exactly what the La Collette space is and should be. It is a pocket park for the benefit of all. Not an interior courtyard or the roof or a car park so you are not going to be able to grow big trees on it. We are not improving the amenity space with that. We are going in the wrong direction. A pocket park open to free and spontaneous use by the public. That is what it is, that is what it should remain and we should improve it. As justification for the destruction of La Collette open space, the developers say in their revised planning statement: "The loss of open space on the site has been assessed and it is judged that the scheme will not result in the loss of high value open space." Well, they would say that, would they not? The open space study says this: "It is less important for amenity green space to be of such a high quality as other formal types of open space. It is recommended that all amenity green space reaches an average level of quality." In other words, amenity space does not have to be Hyde Park. To attain the same level of protection as Hyde Park, it is valuable in its own right because of its own topology. Now if we allow this important distinction to be conveniently forgotten - a developer says it is not good quality - no amenity space is safe and yet it is really as important as any other green space and, guess what, we do not have enough of it in St. Helier. The open space study not only quantified and qualified open space throughout every Parish, it compared and contrasted the situation here with other places and accepted principles elsewhere to develop a Jersey standard, a standard of the amount of space per head of the population to which the Island should aspire. Taking the beaches and parks and fields into account but out of the equation and looking just at the provision of amenity space alone, St. Helier falls short of reaching the new accepted Jersey standard by 11.67 vergées. It was a Bristol firm that carried out this study but they did it in vergées so we could all understand it. 11.67 vergées short in St. Helier alone of an acceptable standard of amenity space and here we are taking another two-thirds of a vergée out of the equation. Contemporaneously with the open space survey, sitting alongside it is the work by C.A.B.E. (Commissioner for Architecture and the Built Environment), the very good former body that advised the U.K. Government on architecture and urban design and public space and in 2010, they published *Urban Green Nation: Building the Evidence Base* which showed that people use and value spaces but of course not everyone is benefitting equally. If you live in the affluent suburbs, you are more likely to have access to better parks and open space. If you live in high density areas, less so, meaning that the little amenity

space that is there is extra important and it rings true here. This is important because almost 9 out of 10 people surveyed in the U.K. used parks and green spaces and they value them. Parks and open spaces were the most frequently used service of all the public services tracked by C.A.B.E. 87 per cent of people used them as compared with things like theatres which was down at 32 per cent and art galleries at 32 per cent. Here is a fact that Members might find pertinent. If people are satisfied with their local parks, they tend to be satisfied with their local government. There is a strong link between people's satisfaction with their local parks and open spaces and their satisfaction with their neighbourhood and their government. As C.A.B.E. concludes: "Putting in place a public open space strategy is potentially one ingredient of success." What are we doing? The reverse. We have put all of this in the Island Plan. In 2011, a landmark moment as all this stuff is recognised and classified; the topology, the amounts, what we should aspire to. The first time this gets tested in somewhere like La Collette, bang. It does not mean anything. The policy does not mean anything and it is wrong. I would just briefly reference Natural England's 2009 report: "No charge for valuing the natural environment", which shows that investment in the natural environment is critical to long-term economic prosperity. Natural England pulls together all the leading research to show accessible green space, particularly in urban areas, is now becoming recognised as providing some of the fundamental needs of society rather than just being a nice to have. A necessity, not a nice to have. What I am trying to demonstrate to Members is that this proposition and this petition from the residents and neighbours is not an emotional response to a scheme we find unacceptable. This is not Deputy Labey tree-hugging again and by Deputy Labey I mean me not the other one, although I think she is a proud tree-hugger too. It is a respectful reminder to Members of why they decided to make the protection of open spaces policy. It is a reminder that it was not simply the whim of the Minister at the time to have the protection of open spaces written into statute as some kind of good idea we can all agree on, it was the result of the excellent evidence-based scientific research that was carried out to inform that policy prior to the 2008 review and then in the 2011 Island Plan from which we work from today. I think it is appropriate that if that policy is to be disregarded that it should come before this House, who I ask to reject the notion and reaffirm its importance, and here is another reason why. Amenity space is further categorised in the open space study as that which provides a visual buffer between roads. This is exactly what the open space at La Collette does. Honestly, it ticks every box. It could have been written about La Collette and it could not have found a worse place to destroy. It provides a natural buffer between its neighbours across in Green Street, in Clos de Pas plus those on the properties on Lower Green Street itself plus Greenwood Court and further afield to Havre des Pas Gardens. I simply do not think that the neighbours have been considered enough in the process of this application.

[11:45]

What happened to building on the footprint of the building that was already there? That is what you and I would be told to do if we put in a planning application to knock down Grade 4 listed buildings. Even if we got that permission we would be told: "Okay, you can build it on the footprint" and strictly. What happened to that? Is it one rule for the State and one rule for the punter? Here is the thing about amenity space like this, it is not just an amenity for the residents of La Collette, the tenants of La Collette, but just by being there it is an amenity for all of its neighbours, not least because it affords them the buffer of privacy. It prevents them from being overlooked. I have stood on their balconies and seen it from there. I mean it is a terrifying prospect for them. How on earth does a scheme that replaces this with 5-storey high apartments butted-up to the road, directly overlooking its neighbours and blocking out their light as never before, how does it get this far? Where was the consultation with the neighbouring residents? What about those people who have recently bought houses at the lower end of Green Street safe in the knowledge that the open space opposite them was protected? What of them? Are they just

unavoidable collateral damage as the residents of the 6 houses on Sarina Road are collateral damage to the Le Squez development and the residents of Tunnell Street are collateral damage to the Gas Place development? It is unacceptable. Yes, its retention would necessitate a redrawing of the plans but not the principles that we all agree on. I am sorry if the Minister thinks I am wasting the Assembly's time with this. I cannot think of a better use of my time than speaking up for these people against the intransigence of the machine of this Government when all that is required is compromise. I am terribly sorry, Andium, you were led to believe by the previous Minister that you could treat the protected open space as a building site; that was wrong. Now, how do we move on? Is it me or are States departments in a state of confusion and have they failed to understand that what is in the interest of the Government of this Island is not necessarily in the public interest? The 2 principles can be coincidental but they are not the same thing. Government, political, Executive also includes the various quangos, such as Andium, Property Holdings, *et cetera*. So what may be an obvious benefit to organisations that are expected to benefit the public is not the same as the more general concept of public benefit. I am winging it from now on because I have run out of prepared stuff but I was going to refer, once again, to the Council of Ministers' report. Yes, let us have a look at this. The counter-petition organised by the La Collette Low Rise Residents Association collected 48 signatories from residents. These are from residents, okay, saying: "Deputy Labey is wrong. We want to build over everything. We want to get these things done" and you can understand their desperation. It is a difficult decision for Members and it is a difficult decision for the tenants too. I know that because on a quick glance of both petitions at least 17 have signed my petition and the Council of Ministers' petition. So I wonder how that affects the figures in terms of who can claim to have the majority. We have learnt that is a dangerous thing to do and we have talked about the ridiculous survey, the 77 per cent saying they do not use the space. Also in this document the Council of Ministers says that the Island Plan was only recently adopted by the Assembly. This specifically identified La Collette Low Rise flats as being the site for up to 100 affordable homes. Yes, I recall now what I wanted to say about this. Well, there is one line in the Island Plan about this and that is it that La Collette has been identified for potentially up to 100 affordable homes. One line in the Island Plan as opposed to, I have not counted it, but a lot on the protected open space policy and I read the whole of the Island Plan debate from 2011 while I was away, 6 days of debate - some holiday that turned out to be - and the La Collette plan was not mentioned once in the debate as far as I could see. What was mentioned time and time again with various amendments from Deputy De Sousa, from former Deputy Wimberley, was the protection of open space. The Members who were here then talked about that a lot, an awful lot. This from the then Minister: "Urban living will be enhanced by raised space standards providing more and better open space." This from former Deputy De Sousa: "There is a constant increase in the number of buildings and the number of people living in town and therefore residents need to have amenity space to cope with that." So it is just quality of life and I hope Members will support it. This from Deputy Southern of St. Helier: "I very much fear that what we are going to do is pile development into St. Helier and the urban areas. It is going to be a case of pile them high, build them cheap. I urge all 11 representatives, particularly of St. Helier, to pay careful attention to the developments as they come forward as a result of this plan, to pay attention to that valuable essential provision of open and amenity space to ensure that living in town does not become so unpleasant as to become unbearable." Quite prophetic given this application. Deputy Martin: "Where are we going to get the housing and the adequate open space?" The Constable of St. Helier: "Amenity space and parking must not be sacrificed in an effort to squeeze more units on to the site." Again, the Constable of St. Helier: "It does seem to be an oversight that Havre des Pas in the eastern side of town has not been given the status of having a regeneration zone set for it." That is not particularly pertinent to this debate but I could not resist mentioning it. And there are lots more. I wanted to quote at length from former Deputy Wimberley but I sense that Members might have had enough and I am not going to. So I believe

that the previous Minister's decision on this has created flaws that have gone on in the process and like Chinese whispers have got bigger and bigger. I am a member of the Planning Applications Committee but as a St. Helier No. 1 Deputy I sit out of the committee, I withdraw when schemes are discussed and determined for St. Helier No. 1; that is the protocol and presumably it allows then the Deputies to sit out and campaign or otherwise for their constituents. I just want to make that clear because the Minister for Planning and Environment was having a go at me in his comments. But I did observe this process. I was always slightly horrified by the plans when I saw them specifically because of this open space and building this 5-storey corridor in an inappropriate, out of character place and I was worried when I witnessed the site visit of the Planning Applications Committee to this site. I was not allowed to make representation to the Planning Applications Committee at that time during the site visits, which is not allowed. The hearings are the time for representation not the site visit. Listen, I am not alleging anything untoward by the Planning Department. All they were doing is trying to be helpful and helpfully Andium took the Planning Applications Committee into some of these appalling flats and they saw the intolerable conditions but the fact is, as far as appropriate due process is concerned, if they were going to see those flats people who object to the scheme might like to have shown them their flat. The couple who have been there 29 years and spent over £30,000 on their flat and it is immaculate. They just might wanted to have shown the Planning Applications Committee that. So what I gain the impression of, and this is no fault ... this is organic, this is what happens, that over the course of this period of time, 5 years I think, since it was mooted in 2010, the Planning Department have kind of grown a shared ownership of the scheme. I just think we have to watch this. I think we have to be really careful because they do not mean any harm and it just might be my perception but the trouble is, when you oppose it, when you are coming up against that you have to be really careful that we were really even-handed. I did feel that that site visit sailed close to rendering the process *ultra vires*. I am not going to speak for much longer now. I just refer back to the famous comments of the Council of Ministers and this comment at the top. "This comment is made by the Council of Ministers, excluding the Minister for Planning and Environment in the interests of maintaining an appropriate separation from the planning process for which the Minister is ultimately responsible." Well, have they forgotten that the Minister for Planning and Environment already put his comments in? He had already waded in with his size 11s a month before and to his credit, at least he gave me a chance to read them and respond to them, but in that he does run the risk... and this is again another flaw with this process, he does run the risk of compromising himself because if this goes to appeal, and it probably will, depending on the result of the Planning Applications Committee determination, if this goes to appeal the final say on the determination of this will be with the Minister and appellants might feel that since the Minister has advised the Assembly to oppose this proposition by Deputy Labey and since he has also said that all this proposition can do is just delay the provision of more affordable housing that he is being partial. That he has spoken to the merits of the scheme as opposed to the merits of keeping the open space. I think the whole process has been really dodgy, really flawed. The cleanest way to go forward now is to uphold the Island Plan's policy on protected open space. It will cause a redrawing of things. It need not delay things too long. We all want better living spaces for the residents of La Collette but let us do that not at the expense of very valuable good open space. I make the proposition.

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

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

#### **8.1.1 Deputy S.G. Luce of St. Martin:**

While the subject of the debate is ultimately a matter for this Assembly I am very strongly of the view that the States of Jersey is not the forum for considering planning applications. This is, therefore, for me a difficult and sometimes disappointing debate. As Members will know, in line

with the recent amendments to the Island's Planning and Building Law the role of the Minister for Planning and Environment within the planning process has changed very significantly in recent months. The Minister is no longer the primary decision-maker on planning applications, rather the Minister is now the ultimate decision-maker on appeal, as the Deputy has just pointed out. Therefore, disappointingly for me, I cannot comment on this specific application. The department deals with the vast majority of planning applications but to cope with the large and contentious cases, such as this, this Assembly has elected from within its own ranks a Planning Applications Committee to carry out this role. Members of that committee have been specifically trained in that regard and have adopted a code of conduct on the manner in which they discharge their functions. It is my strongly-held view that the committee members should be given an opportunity to take the decisions for which they have been given formal responsibility, unfettered by the deliberations of this Assembly. This will give the best opportunity for a sound planning decision to be made, a decision which will take into account all those matters; proper, material considerations which are relevant to the consideration of the application and of course discount those which are not. These will include all of the Island Plan policies which are pertinent to this particular application including those related to the protection of open space which the Deputy referred to so often. This Assembly cannot and should not be expected to express a view on planning applications because it just does not have all of the considerations which are pertinent to any particular case before it; because of this view that the Assembly expresses thus found to be less than robust, and decisions have to be robust. The decisions that the Planning Applications Committee have been tasked by this Assembly to undertake whether to refuse or approve an application will be and must be robust and take into account all relevant considerations because their decisions remain open to challenge at appeal. This will, in the case of the proposed development at La Collette Low Rise, include consideration of the provision of open space. The scheme for La Collette is at an advanced stage of the decision-making process and again I stress that despite what the Deputy might wish for I cannot, at this time, get involved in the specific application in case, as he has pointed out and he knows, I need to be making the final decision on appeal. The Planning Applications Committee has already determined a planning application for this site and although it was refused it was turned down on very specific grounds. Those related to the position of block D in relation to the rope walk.

[12:00]

The Deputy's proposition asks that I ensure that any redevelopment of La Collette Low Rise upholds and maintains the protected open space status of the existing green space on the site between La Collette Low Rise and its border with Green Street. The open space provision at the La Collette Low Rise site has already been considered by the committee and no objection was raised to the scheme on this basis at that time. Because of the late stage in the planning process the Deputy's proposition can now only serve to delay the final decision on the provision of modern affordable housing in this part of St. Helier. As a result of this proposition that we are debating today and as a courtesy to this Assembly I have had to instruct the department not to put the current application before the Planning Applications Committee at its August meeting and it is now going to be considered in October. So the residents will have an additional delay before they will know if they can be adequately housed in the future or not. Deputy Labey's proposition is essentially a representation on the planning application and the proper place for that to be weighed is at a public meeting of the Planning Applications Committee. Again, as I have said, it is disappointing for the Deputy, because he is a member of the committee himself, and it is disappointing that he has seen fit to engage the whole Assembly on a matter which is patently within the purview of the committee. While I am aware that the Deputy's proposition is accompanied by a petition I do not believe thus far that this has been formally presented to my department as a representation on the planning application but the Deputy has now presented it formally to this Assembly, so I will

forward it to the relevant officers in my department so that it can be considered by the Planning Applications Committee. I have already received, as the Deputy mentioned, and passed on, a separate petition signed by a large number of the existing residents of La Collette flats which appears to support the current development plans. This petition, and the other one, will be considered at the public meeting of the Planning Applications Committee in October along with the Deputy's petition. In summary, it is not the role of the States Assembly to consider or comment on live planning applications. I would ask the Assembly to reject this proposition and allow their own elected Planning Applications Committee to do its job; that is to consider the current application against the States approved Island Plan and any other material considerations that are relevant to it, including the views of the residents of La Collette and the Havre des Pas area.

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

I did not realise the queue was that short. Fairly short speech, Members will be relieved to know. Number one, from my respective, and from time to time Members do bring matters regarding planning issues to the Assembly, and as far as I am concerned it is the right of any Member to do so because that is the nature of what we do and that is what we are here to do. **[Approbation]** So I am fully happy with Deputy Labey bringing this proposition. I am taking a very simple view on this, in that number one, in substance this is land that is owned by the public. In other words it previously was owned by the Housing Department and therefore was public land and I presume has been transferred to Andium. Therefore, I say in substance it is land, in some shape or form, which the public directly continues to have an interest. Therefore, we, as an Assembly, have in the past set policy, S.C.O. (Social, Community and Open Space) 4 which was about protected open space and if you look on the Island Plan map that particular area in question is highlighted as that space. Therefore, to me there is nothing wrong as landowner indicating that a planning application on what is, in substance, our land should take account of a policy that we have previously set. That is it. So on that basis I am going to support Deputy Labey because I have got no issues with ... it is a small and, in that location, it seems to be an attractive green space. We have previously put a designated protection on it and we, as landowner, have put that in place. Therefore, for me there is a logic and a consistency in saying that protection should stay. On that basis I will support the proposition and I shall stop there. I just note while I am on my feet unfortunately I do have to be out and I have to go and leave again as I am attending a funeral at approximately lunchtime and I shall try and make sure I am here for that.

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

While I do not agree with Deputy Labey I must congratulate him for doing his job as the District Deputy. Members would not be surprised, given my history, particularly as the former Minister for Housing, and the Minister that persuaded this Assembly to set up Andium, that I cannot support this proposition. Andium is here. We have charged it with bringing up our social housing stock up to a decent home standard but more than that, and I think we might have forgotten this, more than bringing our homes up to decent home standard we need to provide social housing for the people on the social housing waiting list, some that are living in some appalling conditions. We have borrowed money to support the company in delivering homes and that is exactly what Andium is doing and what Andium is trying to do on this occasion. Let us just look at the progress they have made, 100 new homes at Andium Court, Belle Vue, Brooklyn Court with another 95 for completion at Le Squez. I would like to disagree with the Deputy about the quality of that development at Le Squez. He made some inferred comment that the density had a detrimental effect on people's living conditions. Ask the people that are living there what they think of the new accommodation and to a man and woman they will say that Andium was right to increase the density but do it in the sensitive way that they did, with lots of amenity space. We are reaching completion at Le Squez and there is more work going on at Andium Court and we have had some magnificent

refurbishments, Pomme d'Or, De Quetteville Court, Hampshire Gardens, Nicolle Close and not forgetting, and this is quite important and I will come back to it in a minute, not forgetting the high rise refurbishment both of the Cedars and of La Collette. The Deputy was right when he said there were a number of tenants, there are 59 tenants and families living in homes at La Collette that are simply just not up to standard. When I visited these homes, as Minister for Housing, I was appalled, I was embarrassed and I was ashamed that we had tenants living in our accommodation, this Government's accommodation, of such low standard. I attempted to change that in my 4 years as Minister for Housing but for a number of reasons we were not successful. Meanwhile, while we take our time, and it is important that we balance all the issues, but while we take time 59 families are living in substandard accommodation and around another 100 families are denied affordable homes because of our inability to move this scheme forward. We have waiting lists. The refurbishment and intensification of this site was specifically listed in 2013, report 15, and was approved by Members. Those tenants have been quite rightly vocal and I will again take issue with the Deputy, while I reserve his right to bring the proposition and I am pleased to see democracy in progress, the counter-proposition was not, as he inferred, the Council of Ministers' proposition. That was one organised by the tenants, maybe through or with, alongside Andium, but it was not the Council of Ministers' counter-proposition or counter-complaint. These people want that development to go ahead. The high rise has already been, as I referred to earlier, refurbished and the tenants are delighted with their new homes. Just think about how unfair it is for those in the low rise to continue to suffer especially having lived through the disruption of the high rise development over many years. The scheme will replace these 59 units with 147, an increase of 88 homes; 88 homes that will be provided to people on the waiting list. This increase in density will be carried out in the same way, the same sensitive way, as Le Squez where the tenants do not feel hemmed-in, do not feel in any way squashed but prefer the new development to the previous development that may have had more open space around it. This increase in density is essential if we not going to build in the Green Zone. This increase means there will be a 147 lifelong homes offering, and I hope Members have had a chance to look at the plans out in the Members' Room, offering more amenity space for tenants and more parking. Talking about the amenity space that is there, while I cannot argue with the fact that it does provide a barrier between Green Street and the residents, it is a hump. Nobody can play on it. Nobody can sit out there and have a barbeque. If you manage to get to the top you would fall off the other side into the road. It is not a usable amenity space but I do accept that it is something that you can look at. There will be reduced anti-social behaviour due to the secure by design and yet improved access through the site and Members need to look at the drawings to understand that. It is also going to stimulate economic growth in the area and the small retail unit of shops and so on will have the benefit of more people around and, you know, success breeds success. The land is already in our ownership. It is an ideal site for intensification on financial grounds. We adopted the Island Plan. We approved the States Strategic Plan. We approved the budget and we approved the creation of Andium Homes. Real progress has been made and yet again I feel this Assembly has to revisit matters or ignore the planning process; the proper planning process which this House approved. I would argue that this debate is not about green space, it is another attempt to bury us in the weeds so that we get nothing done. We should be listening to those tenants that live in these homes. We should be listening to those who are waiting to be housed and we should allow Andium Homes to get on with what they are good at and let us stop this dithering, let Andium get on with the job if Planning approve it. In conclusion, this is a planning matter. If Planning approve it we must allow Andium to get on with it. This is a fantastic development which will bring significant regeneration to the area, deliver much needed quality homes and, you may have gathered, I will not be supporting this proposition. I also ask Members to reject it or be prepared for a full Island Plan debate, rezoning those previously rejected Green Zone fields very soon.

#### **8.1.4 Deputy M. Tadier:**



So if we are being told to listen to the residents does that include the 500-plus residents which Deputy Labey is bringing to this Assembly and whose voice he is trying to represent? I would say, absolutely, yes, that should be the case notwithstanding a small counter-proposition which was no doubt organised in haste and managed to get a few tens of signatures, some of which were duplicated probably because they were not well explained enough. As has been said before, this is absolutely the place for this kind of debate to happen. First and foremost because St. Helier is one of the 4 strategic priorities that were only adopted, I think, this year or perhaps certainly in this term of office by the majority of Members of this Assembly. This is an early test indeed for whether that policy has any substance to it or whether it is just pretty words to say, we want to invest in St. Helier but when we say, as Council of Ministers, that we want to invest in there, it means we want to build as much as possible, maximise the concrete in the residential area to the detriment, possibly, of those living in the area so that some of us can have a bit of a green lung and we can go on blindly ignoring the contradictions of our socioeconomic and environmental policy which in a small island, 9 by 5, when you cannot expand the island; I do not think we have got any intention nowadays to start reclaiming land. I do not think it is environmentally or economically viable. We would not want to do that even if we could probably. So land is finite and that is something which needs to be remembered. It is not simply fine to pat Deputy Labey on the back and say: "Good Deputy, you are doing the job of a diligent local Deputy", which he is but it is much more important than that. As we have said, this is an Island-wide issue. The strategic priorities in the Island Plan affect all of our lives one way or the other whether or not we live there and remember St. Helier does house one third of the population. Increasingly that is probably going to become more and more the case and we know that St. Helier District No. 1 is a big District.

[12:15]

It is also a District which is under-represented in this Assembly and probably more generally in the Island when it comes to being a poor relation. So I think that those are perhaps the couching issues and the wider context. This is a matter of policy. As I have said, it is social, economic, environmental policy. We cannot simply keep on saying we want to have more people come into the Island. We want to protect the green areas in the countryside but we are going to cram more people into St. Helier but we will not build up, the Minister for Planning and Environment has told us at Scrutiny, and perhaps in other contexts that he is quite happy to build a massive tower in the middle of St. Helier but that tower could not possibly house people to live in, it can only be used for office purposes. I mean what kind of nonsense is this that we are hearing? It simply does not make any sense. So we cannot go up. We have got to keep everyone in St. Helier. We want to grow the population because our, what I think is a moribund, economic policy of growth is reliant on bringing more and more people in into a small island where we are not keeping up with the infrastructure requirements, where we are told that water is a very critical issue and we are not even sure if we can maintain the quality of our water even now let alone 20 years into the future. That is not to mention roads, schools, hospitals for which we do not yet have a site, or any idea about how we are going to pay for those sites. This is just completely winging it. So it is completely and absolutely right and diligent that a Deputy from the area comes to this Assembly and says: "Hang on a minute. This is not just a planning application. It is not just something that is going on in my District but it is something on which a huge number of issues lie and we need to take consideration of all of these areas in the round because they are interlinked." Perhaps one thing we can do is if we are genuinely aware and trying to resolve the fact that we do not have enough affordable homes in the Island both for purchase and specifically for social rented and we know that there is usually around about 400 or 500 on the waiting list at any one time and that is with the very strict criteria for the housing list that we have, which could be double if it catered for all those who were perhaps in genuine need anyway. Then what we would want to do is address that very urgently. So it is understandable that the Andium Homes Department, which is obviously succeeded from the States,

after decades of neglect when it comes to investment and building social housing and maintaining it, are desperate to try and maximise every plot and do so as much as they can. The reason it is for this Assembly, or one of the reasons, is because Deputy Labey, or anyone else trying to make representations before that panel, when they go there and say the process has been flawed, there was not sufficient consultation, there are certain nuances which have not been extracted at this point, you know, X, Y and Z which he has already alluded to. Those are not the kind of representations you could even make at an applications panel anyway even if you wanted to and even if you had the time to do that, which you do not, you get a very small amount of time because of the nature of the issue and it is all very technical. It is all referring to the plan. It is not referring to the wider issues. You cannot turn up on the day and say: "Well, we were not told." You would just be told: "Well, the process was there. You should have informed yourselves and the Planning Applications Committee cannot make those kind of judgment calls." That is why it is for this Assembly, if it comes to it, to make those decisions. Now, when it comes to building more affordable homes, which I think we know is absolutely necessary, I would like to see more of a joined-up policy. How many applications come before the Planning Applications Committee or potentially to the Minister? I am not talking about the minor ones but for new developments for changes of use, *et cetera*, for residential purposes which are for non-affordable homes. If we accept the fact that we have got a finite amount of land in Jersey and that land is scarce and at a premium why on earth are we passing applications for new developments which are non-affordable? Why would we do that if the priority is for affordable homes? Forget about planning gains as some kind of sweetener and say: "Well, if you let us build these private luxury flats, whatever they may be, we will stick a bus stop in or stick a bit of art in, we will maybe widen the road", or in fact we probably will not even widen the road, as I have seen in one of the recent applications that came before them, even against the advice of T.T.S. they passed it anyway and I am not criticising the panel because it was a difficult judgment call to make. Why do we not just say, as a States Assembly, why does the Minister not say: "We are going to crack down on non-affordable home" because every development you pass that is non-affordable is one less affordable application or possibility where that land could be used for that purpose. It seems that we need joined-up thinking in that respect. But, perhaps, to finish on a positive note, I have seen examples recently of very good working between Andium Homes and the existing tenants and that has to be at Le Marais. There have been talks with third sector organisations like Jersey in Transition where the community really does come together. There has been no talk there of saying: "Shall we get rid of your green spaces?" The green spaces at Le Marais have been underused historically and there has been a dialogue now with those 3 groups saying: "How can we help you tenants of these, perhaps, low-rise and high-rise flats, to make you feel like you own the land around it, to make you invest in that land?" There has been talk, which I think is great, about putting permaculture in there, putting proper walkways, paths, self-policing communities and that has to be the way forward. What is clear, whoever is in the right or wrong with this particular development, is that there has not been the buy-in from the local population in particular. There has not been the effective consultation. What we must do from this exercise is to learn that, without casting any blame, I think is to say that the process has been flawed, much more could have been done to bring the community on-board, much more could have been done, as has been alluded to, to make sure the community spaces are maintained, the levels of which could be negotiated and then there could be much more buy-in. So I think it can be a win-win and I hope that Members will support this proposition which I think take out all those ideas that this is not the place to do it. It is absolutely the place to do it. It does not need to be sectarian, and St. Helier versus the country notwithstanding all those, I think, comments I have said about the contradictions that there are and the socioeconomic and environmental policy which will become more and more pertinent and more acute as time goes on. This is absolutely the day to support Deputy Labey in this proposition.

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

There are now numerous studies that demonstrate the beneficial effects on health and well-being of green space and low housing density particularly for people in low socioeconomic groups without the resources necessary to access green space further from home. It is likely that much of the perceived good health for Jersey residents in the past has a great deal to do with the beauty of our Island. As a doctor, therefore, I will be fully supporting this petition.

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

I thank Senator Cameron for her very wise comments and we are discussing this piece of open space. We heard Senator Green, who was the former Minister for Housing, talk about more amenity space for tenants. What he means is big blocks around little bits of green that only the tenants can use. This is not the type of land we are discussing. It is exactly what Deputy Le Fondré said. We adopted this policy. We defined open space. Now, why is it so dense on La Collette? I will leave the others alone at the moment, but why are they going to try and make all these houses on La Collette, because they lost the ambulance site. They have no money to move the ambulance site to 2020 when Ministers stood here and said: "The housing crisis will stop in St. Helier, on the list, or it will be really catered for with the 150 new homes at the ambulance site." Nobody, when they moved the police station, thought of putting any money in the pot to buy this and move it. We have heard from the Minister for Transport and Technical Services this will not come forward and we have heard from Andium, because I am on this panel that produced the report today, and we have heard from Planning, there is no money in the pot until 2025. So what did Andium do? They had a brief. They were told: "We need 1,000 new homes by 2020." They have said to us they will not do it. Planning say they will. I believe Andium. They are not political. So what have they done? They are squeezing more and more flats on a small site. They are saying in their comments that T.T.S. say there is enough drainage, there is enough infrastructure: no, there is not. The people of the area are already fed up with the roads. We got denied again in St. Helier No. 1 money to even look at the village scheme. We may be bringing an amendment back to get some money to look at this because we have already, in the back of the sidelines, passed La Collette reclamation for every part of recycling in Jersey. I mean there are discussions going on about whether this is the correct place but again apparently on the brief there is no other place. So Andium are in a tight place. They were told: "You must bring this amount of houses to fruition." They have been trying to catch up for years and years of terrible Ministers for Housing who have never refurbished anything but they have done it too quickly. If you look at the written answer to my question today only 122 people moved due to family, illness or other circumstances through the Gateway this year; 126 were moved due to refurbishment, De Quetteville Court, now Caesarea Court, Convent Court, Le Squez. They are boarding them all up and they are moving them all out and nobody, who really needs to move for medical reasons, are moving on the Gateway. I have got people with young families who cannot move. I have got elderly people who are being told ... all the new one-bedrooms were given to the people who were decanting because Andium already spent all their money. They have got a 7-year plan and their money is spent. This is why we are forcing 3 times the amount of housing on to this very small site at La Collette. Andium have put themselves in this place because for 2 years, as Deputy Labey said, they consulted with about 4 households, which represented about 8 tenants, and when I pulled them on this at the meeting their words were: "It is not my problem if people cannot be bothered to attend meetings." Not my problem and, as Deputy Labey says, suddenly they found time to go down and talk to all the tenants scaring them. I disagree with Senator Green who says we should be thinking about these tenants. I have been defending and working for tenants for the last 20-odd years, well before here, and when once I got a petition signed at Grassett Park because the States had run out of money. I got every tenant to sign. Within 2 hours Housing were down there. They were being scared. They were being: "Did you know what you were signing? Did you know what this lady was doing?" I was not even ... I was just a tenant and I was angry and then somehow I got roped into the States Tenants Action

Group and then history goes on. If they had had the money I would not be here today **[Laughter]** ... so there, that was one reason you should never go back on your word in the States. You will get people like me. But, no, this is a very serious matter and a very succinct short speech from Deputy Fondré said it all. We passed a policy. We have this open space and it is the amenity for the area. Senator Green, the former Minister for Housing, mark my words, I wrote it down, it is more amenity space for tenants because, as I say, it is enclosed and you become very guarded of your ... you know: "Who is that stranger on my bit of green down there?" You go in and, in fact, it is always ... they are normally locked in, so after 6.00 p.m. nobody can get in there anyway so it is not open space for people in the area. But please, honestly, I really go back what Deputy Tadier has just said as well. After the Island Plan, and it was only this year for the Deputy; it might seem like longer ago, we had the fourth priority for the Strategic Plan, which is St. Helier and everything has been "jam tomorrow". The Gas site. We want to extend Millennium Town Park: "Oh, well, now we are going to have to have more analysis because it has all got to be St. Helier." La Collette now: "Oh, it has all got to be St. Helier." It has crept into Les Squez. There was going to be housing on that last phase. Homes are housing. They are 5-storey flats and the majority are 3-bedroom and I am telling you now in 20 years' time, as Senator Cameron has said, you will have problems with families who are living in these 6-storey flats because they are too crowded. It is not for children but that is what they are planning. The last ... this is getting them out of the hole. I will come back again to this principle about this space.

[12:30]

We send them back. We send them back. They have got plenty of time because they cannot rehouse these 57 people in these flats any time soon unless they completely stop moving people on the Gateway. So you have got a couple of years. The tenants will be disappointed who really want to move and I fully appreciate that but they cannot be moved anyway because they have not got ... I have got, as I say, many cases who cannot be moved because Andium have started to run, run, run, decanting everybody out of some very big flats and nobody on the Gateway is moving. So, as I say, what do we have? We have St. Helier jam tomorrow: "We will make your roads bigger. We will do a village scheme at Havre des Pas. We will maybe get you the money for the Town Park when we get the £50 million. Oh, sorry, yeah, the £50 million that we are going to get from the Waterfront. It will buy you the Town Park." It is laughable but I am not laughing. I am representing these people. I did say something that the only time that sometimes you can always tell that you are being told the truth in this House is when somebody is saying nothing to you, and I did change that, did I not, for the Constable of St. Saviour. I did change ... I did tell her what I was actually going to say but I think you may have ruled it out, Sir.

**The Deputy Bailiff:**

Very possibly.

**Deputy J.A. Martin:**

You probably would have, Sir. As I say, this is people's lives. This is St. Helier and veiled threats again from the ex-Minister for Housing: "Oh, do not support this because you might get a little bit more in your countryside. You might get a little bit more there." But then do not support something that says: "Fourth priority St. Helier" which you all did but you did not support Deputy Labey when he asked for a bit of money to look at a village scheme in Havre de Pas. There is no infrastructure there. The roads are bad. They are going to take all the traffic along there that comes from the east of the Island to the new recycling plant and this one little space, piece of green space, you want to take that as well. It is shameful. It is not feasible and it is absolutely not right and I, for one, who represent the people of St. Helier No. 1 and the whole of St. Helier, will not stand for it. Of course I am supporting Deputy Labey and I hope you all do too. Thank you. **[Approbation]**

### **8.1.7 Deputy A.E. Pryke of Trinity:**

It is always a pleasure to follow Deputy Martin. As you will expect I will be opposing this proposition. La Collette Low Rise Flats, as we all know, are currently in a very poor state of repair and needs to get back to basics; that it fails to meet decent homes standards. There have been many questions here raised about the decent homes standards and here we are trying to increase that but our hands are tied if this proposition goes through. The proposed development will deliver modern, well-designed homes. It is and should be looked at as a very positive development. It is an improvement. Far too long our housing stock has not sufficiently been maintained and La Collette Low Rise is a prime example. We have also not had enough new housing and I very much welcome the Scrutiny's report that came out yesterday which exactly says the same: that we need to improve supply. We should welcome this investment is now taking place and the quality of housing coming forward. The Assembly will know that my priority is to support more supply; high quality fit-for-purpose homes. But this does not just mean the home itself, or the building. It does mean the amenity space residents can enjoy and a neighbourhood in which people live. This is so important to our quality of life and this development is a huge step forward. The new homes will improve the overall area; some much needed investment in part of the town where there has been very little and it will have better open space. Delaying the delivery of the site will mean we do not have sufficient housing supply to meet the requirements of the Island Plan. It does mean not enough homes for people in need. Indeed, today I just checked. There are over 600 applications for one, 2 and 3-bedded units; 6 people waiting for their homes. It will mean that the current inadequate open space next to a road across from a car park is not used, is not possible to sit on, and, as one architect said to me: "You should always look at amenity space as if you can have a barbecue on it." Well, I ask you, can you have a barbecue on a slope? Of course you cannot. Nobody uses that space. There have been many comments on lack of unusable amenity space before and here we have plans to increase amenity space and more importantly make it usable. Seventy-seven per cent of residents surveyed have not used their existing open space once in the last 12 months. Does that not tell you something? The developments will deliver 14 per cent, much more open usable space. It is not decreasing the percentage. It is increasing it. I will soon be publishing a Housing Strategy Framework, which seeks to ensure that all Islanders live in secure, high quality homes that they can afford and this development supports this vision. Furthermore, it will directly support the Strategic Plan which aims to regenerate our town. Part of this is bringing improvements to what I agree is a neglected area of this town so we must not lose this opportunity. Regeneration needs to start in small bits and it will roller-coaster. The Deputy raises concern about the loss of this open space. I have studied the plans, visited the site, spoken to tenants and, as you see, they are pinned up on the wall. The development will positively reverse the position where residents, tenants will enjoy both improved public and private open space provision. On top of it, on top of the increase of the 14 per cent, each dwelling will have a good sized balcony. I would like to draw attention to the recent counter-petition organised by La Collette Low Rise Association and to put Members' minds at rest, this was not orchestrated by the Housing Unit. It was not orchestrated by Andium or the Council of Ministers. This is something that came out of the blue from the Tenants Association. I would just like to quote a few of this: "We wish to express our desire to not live any longer than we have already done so in the substandard homes and ask that you do not delay the plans going in front of the Planning Board from August to October." And the Association does make comments about Deputy Labey: unjust statements, and many people have spoken that they are against the plans and about speaking to them. It does mention that Housing then sent out leaflets informing all tenants of their intentions as far back as 2010. It goes on to say: "Hopefully preventing families having to go through" ... listen to this bit. I think this is important: "Having to go through yet another winter in substandard accommodation they have no choice but to call their home." The views of those residents and tenants should not be ignored. Quite frankly, we should be ashamed because they have been living far too long in

unacceptable housing conditions. As a previous member of the Planning Applications Committee there is always a balance to be struck when approving any planning application. There is the right place to hear evidence both for and against and also for policies to be challenged. The Island Policy to protect open space is flexible enough to allow developments on them where alternatives are provided and the development is in the public or community benefit. I believe that both of these conditions prevail within this development. Again, just to quote that policy: "The planning environment will protect existing open space provision and the loss of open space will not be permitted except (1) where it can be demonstrated that its loss will have no serious impact on the adequacy, quality and accessibility of provision of the type of open space affected by the proposal, or (2) alternative replacement provision of the same or better extent, quality and accessibility of open space can be provided." Please let the Planning Applications Committee do its job. Let it sift the large amount of evidence and submissions and come to the conclusion. This is what we, the States Assembly, set it up to do. The Deputy, indeed, is a member of that committee and he understands that work. We must not lose this opportunity to provide both local community and private residents with significant improvements in public and private open space together with much needed affordable housing built to modern standards. Just to reiterate, amenity space is increased by 14 per cent. The hump there is only used to hide the car park. We need that amenity space, which is better used and enjoyed as part of the whole development, both for the young and the old. There will be underground parking, freeing-up space to be used by all the residents and tenants, a great asset to the tenants now who definitely need to have their homes refurbished and live in decent home standards. Thank you.

**The Deputy Bailiff:**

We are almost at 12.45 p.m. I have one Member who has indicated a desire to speak. It might help if other Members who are intending to speak could ... thank you.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

We are a minute or 2 before time but it is perfectly open to a Member to propose the Adjournment. Is that seconded? [**Seconded**] Do Members agree that we adjourn until 2.15 p.m.? Yes. States will adjourn until 2.15 p.m.

[12:41]

**LUNCHEON ADJOURNMENT**

[14:17]

**The Bailiff:**

We now resume the debate on P.78/2015 and I call upon Deputy Wickenden.

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

Firstly, I want to make it clear that I am on the Planning Applications Committee but, as was mentioned earlier as a Deputy of St. Helier District No. 1 if this becomes before us I would not be allowed to vote or work on it at all. We have had some good speeches. I applaud Deputy Labey of St. Helier for his spearheading this proposition and this work with the residents of Havre des Pas. I think he has done a very good job on his proposition and I think he did a very good speech at the beginning. He said a lot of things that I will not have to repeat but I would like to say a few additional stuff. We have turned this into another housing debate where the proposition is itself about protected green land and protected spaces. This is about protection. If we say protection is not protection and policy is not policy then why have we even got a Planning Department? We can save ourselves £5.3 million a year and 161 staff and go back to 50 years ago where, if you owned a

piece of land you could do what you like on it, and see how that goes. Protection is there for a reason. It had to have been there for a reason. Now I agree wholeheartedly that we need social housing. There is a requirement for that. We are not saying: "Do not build here." We are not saying: "Leave it as is." We are not saying: "Leave these residents in accommodation that is not fit for purpose." In fact, it has been mentioned that this is holding up the ability to get people out of the accommodation they are currently in which is not fit for purpose. We are going to have to move them at some point. It is sounding like it is some magical thing that if we pass this planning application that they will be able to just lift everyone out, plonk some new houses down and move them in. That is not the case at all. Deputy Pryke mentioned that the residents are really worried about having to stay another winter there. Well, they are going to have to anyway. If we have places to move them to, let us move them there. Let us not ... it is like they are being held to ransom based on this planning. If we have got somewhere to move them, which they do not know because nobody has told them... nobody has walked up to these residents and said: "By the way, if this all goes ahead we have these areas to move you to. It is going to be better housing. It will be fit for purpose and would you like a choice of where it will be?" Just to give them that peace of mind that they will be moving somewhere and maybe they get some option of where they should move to. That has not happened at all. So if we can move them, and they are in such poor accommodation, and Senator Green mentioned earlier that he looked at it a while back when he was the Minister for Housing and it was not fit then but for some reason though - he would not explain why - he could not move them out. It would have been nice to hear a little bit what the challenges were around that area but that is too late. It is called Green Street. I am sure it was called Green Street for a reason. **[Laughter]** Was it named after Senator Green? I do not know. **[Laughter]** If we remove the last remaining bit of green on Green Street and even though it does look like they have got some lovely trees in their plans... and again we know from Havre des Pas and the incinerator: "We cannot grow trees there", or: "They will take 35 years." Maybe we should plant some elm trees and then we can rename the road to "Nightmare on Elm Street". It is a hump and you cannot put a barbecue on there, not that you would be allowed because it is public land and you need a permit anyway. It is a hump. We could look at lots of places where there is a hump which is green space for St. Helier, and get rid of it: top of Parade Gardens and People's Park. Let us build houses up there as well. Let us take everything out of St. Helier. Green space is very important. It seems to be everyone is saying it is important, it is in the Island Plan, it is important and we have got to kind of enhance these areas but not really. Is it a platitude or is it a policy? It does not seem to be the way. The survey that Andium did - and I am glad they eventually went around and spoke to the residents - they came in with 4 very loaded questions and from what I believe, although I am not 100 per cent sure on this, but what I was told by a resident, it was 5.30 p.m. on a Monday or something, when everyone was just getting home from work with their shopping and they just did not have the time. Was that on purpose? I do not know. But did they really give them an opportunity to answer proper questions or did they just fire 4 survey questions at them? "Does your house need improvement?" Well, they know that it does. Why are you asking them? It was fully loaded and not very fairly done. They still were not talking to the other residents in the area. They did not have proper consultation on it. Let us protect our green spaces. Let us make sure that protection means protection. I am fully in favour of this proposition. I hope you are too. I applaud Deputy Labey for the hard work that he has put in here and the good consultative work that he has done and that will be all, thank you.

#### **The Bailiff:**

Deputy, if I might just ask you in the future to refer... to remember that Deputy Pryke is the Deputy of Trinity? Thank you. Deputy Southern.

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

I shall make a brief speech because much of what I have got to say on this subject was made earlier in the proposal. But I think I have seen the future. I have seen the future for the regeneration of St. Helier and it looks very much like this proposition. Here we are. Somebody is saying: "Ah. Let us conflate the fact that we have not got enough housing - we have got a housing crisis - with the need to house somebody somewhere. Where is that going to be? That is going to be in the urban areas. That is policy." So it seems to me that what we are facing is in St. Helier and St. Saviour and probably St. Clement - pay attention because they will come for us first but they will get to you later - we will be faced with propositions like this. Right. Here we are protecting this space. We were told by the Minister for Housing this morning that we were building in 14 per cent more amenity space. Fourteen per cent, for 300 per cent increase in the population. How very convenient. How very useful that 14 per cent will be to those extra 300 per cent increased tenants. What we will get is because we have got a problem we have to pack every site that we have in St. Helier, St. Saviour, St. Clement as densely as possible. We have to pile in as many people as possible because we have got a housing crisis. So do not start arguing about it, Deputy, otherwise you are denying people housing. Wonderful shroud to wave: "You are getting in the way of building housing." No. What we want is decent housing, yes, but not to be told: "This is where it is going. This is the density." What is going to happen in the rest of town? Well, we already know. There is something like 500 units of accommodation going up in close proximity to the Town Park. Densely populated. Again, build them high, stack them cheap, fill St. Helier. That is what the answer is. Fill the urban areas. That is what we are seeing. This debate we will be having time and time again as somebody comes forward and says: "No, we have to build on this site and we have to build to this density because that is the way it is." We have a chance here to stop this, which is a precedent for the rest of St. Helier, for the rest of St. Saviour, for the rest - probably - of St. Clement. We have chance to say no. There is a line here. When we say protected amenity space, protected green space, we mean protected. I shall be supporting this proposition.

#### **8.1.10 Deputy S.M. Brée of St. Clement:**

I think possibly this debate has moved away from the proposition itself, which, if we all take time to read it, says: "To request the Minister for Planning and Environment to ensure that any redevelopment of La Collette Low Rise upholds and maintains the protected open space status of the existing green space on the site between La Collette Low Rise and its border with Green Street." It is a very simple, clear and concise proposition. I fear that possibly this debate has moved away from the core of what the proposition is. As I recall, this is the second time in the life of this Assembly that a petition has been brought against a planning decision based on the fact that it goes against the central core principles of the Island Plan. I for one am highly concerned at this. There is an Island Plan. There are principles underlying it. We should all abide by it. There have been veiled threats possibly to having to build on Green Zone land or by having to bring back the Island Plan to the States Assembly for debate. Well, fine, then so be it. Let the States Assembly re-debate the Island Plan, if that is what is needed but to try and circumnavigate certain principles within the Island Plan is wrong. But let us not forget this is not just about St. Helier. There are certain precedents underlying this that will affect the whole of the Island if we fail to support this proposition. It is basically saying that the need for social housing outweighs the need of the Island as a whole to maintain those protected green spaces, so all of our green spaces, no matter how big or small, are threatened. As to the current living conditions of the tenants at La Collette, I think we are all in agreement that those are atrocious. That level of living conditions they are having to endure is because there has been a lack of investment over the years in maintenance. It is not about the fact that there are X number of apartments, X number of flats. It is about the fact that there has been a lack of commitment on behalf of the States of Jersey to maintain and look after those properties.

[14:30]



Andium themselves are not to blame in this issue - I think that is important - they have inherited a housing stock. But irrespective of that, the proposition itself is quite clear. We have an Island Plan. Let us abide by it or let us re-debate the Island Plan. The land in question is ultimately owned by the public of the Island of Jersey. We, as elected representatives, are here to represent the public. As such, I firmly believe that this is the right forum to debate such issues. I would urge Members to seriously consider what is at stake here, what you are asking. If you do not support this proposition, you are supporting the fact that the Island Plan does not apply to everybody. That in itself is wrong.

#### **8.1.11 Connétable M.P.S. Le Troquer of St. Martin:**

I was not intending to speak in the debate today. However, we have heard some very passionate speeches on both sides and opposing views. I am pleased it went over the lunch-hour break and that we had no briefings this lunchtime. I do not think we had a briefing; if we did, I missed it. But the break allowed me to do what Senator Ozouf did some 12, 18 months ago during the Plémont debate. I took a walk through Green Street car park, walked into Green Street and went to the proposed site. I remember the site back in the 1950s and the 1960s, and I do not think there are probably many Members in the Assembly today that will remember that, but I had some family that lived in the Georgetown area and I spent quite a lot of time - much time - on the walks down to Havre des Pas and also on the beach. It was a messy area then and I think that the houses that were built on the area where we are talking about looked like cowboy saloons or very small houses that were down there, but it was quite an interesting area. I arrived today at lunchtime and I had to clamber on to the grass bank, jump on to a wall - there is no entry to it, I did not find an entry - and look around at what I saw. Yes, as was described this morning, there is a higher bank that hides some 40 cars probably that belong to the residents of the Green Street flats there. You have got this amphitheatre type where you look down, and what do you look down at? You look down at the back of a telephone box; the back of a bus shelter; you look at the main road, which is a very busy main road; you have got a view of the opposite side, which has got the car park, 40 or 50 cars, that I think was going to be used to for additional parking for police, for the new police station, and of course behind you have got a 14-storey block of flats. What else to offer if this piece of grass is lost? Of course I can understand I am sure Deputy Labey would argue that is the very reason that he is trying to save this area. But I jumped off the wall and walked a little bit further down, 65 yards; I counted it out, 65 yards to the top of the slipway. You have got pedestrian-controlled lighting where you can cross over, a long stretch of beach, rock pools, gentle tide lapping on the sand, as it was today at lunchtime. You got a converted building that the Parish have done, the Parish of St. Helier, with a seaside café. There were people sitting along the walks all lunchtime. You have got 2 parks to the west, the Parish park and the States park, and you have got benches all along the promenade. Those are the benches that I used to sit on as a youngster and are still there now, and of course, unfortunately - and just mentioned a few moments ago - that very large box building that the Minister has tried to hide. I walked back with my notebook and stopped by a man that I knew. First question: "How many refugees are we going to get?" That is a good opening gambit. That was his question to me, not what I was doing down there, and of course I take on the Chief Minister's comment this morning that there are ... and we know we are caring, I know there was a lot of foot stamping. I am not sure if the foot stamping this morning was for what we have done as an Island with overseas aid or what we probably might try to do, but of course the Island, the electorate are also worried, and the Chief Minister is unfortunately not here at the moment, but I am sure I will speak with him soon. But that was his care. I explained to him what I was doing down at La Collette this afternoon, and then he pointed out to one of the blocks beside me where I was, that his mate lived on the top floor of that block, no lift, 52 steps. The man is on crutches and the property is in a mess itself. I noted the clear planning application notice on the tree is dated 12th May 2015 and it explains the process for appeals and submissions; that is how it should be and

we have that. I walked back along the bank, there was nobody on that grass area. I climbed off at the other end and walked back up Green Street, and of course it is houses on both sides of the road the entire length. I think we have gone off at a slight tangent this morning. I am not sure if you were listening-in, but I think we have now, and it has just been mentioned. The comments I have just made probably add to that tangent, going off in a direction, but as I have got older, I think I am getting more confused with things. We come to this Assembly and we approve things, we listen, we approve and we go forward and then we change halfway down the track to something else or bring it back up. I have struggled in this Assembly and I have struggled in the Parish at the time everything takes to get things done. We have an Assembly that has agreed the Island Plan. We have charged Andium to get on with it and provide good accommodation. We have supported the Strategic Plan. We have an approved Planning Applications Committee, we have elected members to carry out that role and we have approved procedure for reviews and also an appeals process. I am pleased I made my lunchtime visit. I am sure Senator Ozouf was pleased with his visit to Plémont. I have not changed my mind as a result of that visit. I was going to vote against the proposition this morning and I keep to that today, so I cannot support it and I do not think this is the forum for the debate.

#### **8.1.12 Connétable J.M. Refault of St. Peter:**

In thinking about this debate early this morning, I was on the cross-trainer in the gym, and while I am doing it, I try to think of things that divert me from what I am doing, the pain of what I am doing. My mind went back to a television series that used to be on. It was called Life on Mars. It was set back around about 50 or 60 years ago, and that was supposed to be life on Mars, but it made me think about what life on Jersey would have been about 60 years ago. I remember around about 60 years ago my parents moved into a brand-new States house in St. Peter, St. Peter's School Estate it is now known as. We were posh. We had an indoor toilet and we had a plumbed-in bath, but no hot water and no heating, but we were posh compared to most of the other people around us. People said you were very, very lucky to live there, and we were, and until I left home; I lived in that house until I was into my early 20s. It made me think also about the people down at Green Street who would aspire to be considered posh, living in brand-new, nice, heated, serviced accommodation rather than what we moved out of when I was about 3 years old, the old barracks, which is now under the airfield, which was rotting and falling down. These people would want to live in the equivalent today of what School Estate was for my family back in 1951, I think it was. When I hear this debate today, what we are missing is we are not thinking about people. My Constable just before me, the Constable of St. Martin, he did speak about people and the steps and the difficulties people have living in these old, badly-designed ... or good design in their time, but badly-designed to modern standards, and these people are being consigned to have to live in these difficult situations. I think about the people that have done the petition, the 600-odd petitioners, and I wonder why they are so anti seeing improved housing going down there when certainly we know the mound was put there to screen the car park. Now, I was part of the Housing Committee, I was Assistant Minister with Senator Green in my last term of office and I was party to this development going forward at that time, because it was good use of public land, it improved the actual quality of the housing and also increased the stock of housing to get more and more people into something that they could call home. This is why I come back to people again. This is about homes, it is about homes for people. Yes, we are right, and I think all the people that have spoken against it are absolutely right. We have planning policy designed to give us a framework to work within, but sometimes we have to look at that planning policy and those tramlines and say: "Are they appropriate in this case?" I think it is quite useful and quite timely that the Scrutiny report was delivered on our desks this morning, *Supply of Housing Review*, Scrutiny Report 5/2015. I would just like to make one quote, if you do not mind, just a very short piece out of it out of the foreword: "Jersey is currently facing a housing shortage in all categories. It is therefore imperative that

supply of homes remains the top priority of the States. Accordingly, the Minister for Planning and Environment should put in place new supplementary planning guidance for St. Helier. Furthermore, a review should be undertaken to ensure that current planning policies set requirements for parking spaces, density levels for lifelong homes standards are fit for purpose and do not impinge on the delivery of affordable housing.” This is the Scrutiny Panel recognising ... sorry, that is not my pacemaker, that is my phone flashing. **[Laughter]** But even the Scrutiny Panel recognises the need for the extra housing and also the need for flexibility when it comes to planning policies. I do also compliment Deputy Labey on his very robust speech this morning - his well-argued points he made this morning - but I deal with people and I think people, for me, is where it puts me in a position where I cannot say to people: “I am afraid you are going to have to wait. You are going to have to carry on putting up with the snow this next winter or in the winter after, and perhaps even the winter after that, with substandard accommodation and trying to go up on a pair of crutches up 52 steps” I think it was.

**The Bailiff:**

Thank you, Connétable. You are of course always pushing the Chair in your submissions to the Assembly and I was wondering whether or not your mobile telephone flashing amounted to a qualification for a fine. It certainly put you off, but we will let it go this time. Does any other Member wish to speak? Senator Ozouf.

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

One thing is certain: that we all find change difficult, and change that affects people’s homes, often homes that people have lived in as either owners or long-term renters, is of course particularly sensitive. Deputy Brée is right in terms of his observations, that for a long time there was a lamentable lack of investment in our social housing stock. Many committees in the period of time before Ministerial government cut back on annual spending because effectively they got free capital, so they cut back. It happened in schools, it happened in the housing estate, it happened in all sorts of things across the States. We are still, if I may say, repairing the damage caused by the thoughtless policies that meant that many homes got into an unacceptable state of repair. Where I would respectfully disagree with him is that I would remind him and other Members when they are considering this proposition that an enormous amount has been done in recent years. I wonder whether Members will think back to the estate known as Nicholson Park, Elysee, Journeaux Street and all of those - very unfairly - hundreds of good hardworking families bringing up children, but frankly, in an environment, in amenity spaces, in quality of life, an environment that was unacceptable, that we would not countenance today. There has been an enormous investment in social housing: La Collette Tower, The Cedars, De Quetteville Court, Pomme d’Or Farm, speaking to Senator Green. Last week I did not go for a walk at lunchtime, although I did drive through the tunnel after being away a little bit over the summer, and I saw the new glorious police station coming up and thinking how well that was going to work for Islanders in the future. Change is difficult, but once it is there, you get used to it and you realise perhaps it is not so bad after all, but it is controversial. But also last week, trying to lose a bit of this after a good summer break, I went down to Samarès, where there is a good exercise class at 6.00 a.m. in the morning. 6.00 a.m. in the morning is a nice time to go and have a look at something and so I found myself in the last few mornings of last week going around Le Squez. I have not been there for a while. I would encourage any Member of this Assembly - in other words, that were passed in the previous Assembly or new Members - to go and have a look at Le Squez, go and have a look at the quality of homes that are being built in that formerly so sad and depressing estate for so many people; unacceptable living. I say wonderful refurbishment and I say well done, previous Housing Committees, Ministers for Housing and Planning Departments and I also, I hope, recognise that the

Treasury went out to put money where the aspiration was in terms of getting the bond and 40-year bond that is being now spent on refurbishing at historically low interest rates.

[14:45]

Hundreds of units have been built and we have done a lot, but there is a lot more to be done. These debates, when the States tries to be the Planning Committee, are always extremely difficult. I recognise Deputy Labey ... and the Constable of St. Helier tells me he is going to speak after me, so in anticipation of the Constable, I congratulate the Constable and other Deputies for making their views known to this Assembly and doing what a constituency Deputy needs to feel and their residents feel that they are representing their interests. We, however, have to balance those interests, on the one side the interests of smaller communities, with our overall Island policies, and these are difficult decisions, difficult particularly when we have to make decisions where we cannot convince people of the vision that we are trying to get them to deliver on. I have stood in this Assembly many times saying and respectfully submitting to States Members that the States as a whole cannot be a planning committee. It always does not work. It did not work in the, I think, 3 votes of no confidence in the Environment and Public Services Committee, which I think Deputy Hilton is the only standing Member of this Assembly left, but Deputy Hilton and I had to defend a rezoning of the 2002 Island Plan and we faced ... there is no Member that is still here, but we faced rescindments, votes of no confidence on La Providence, on Clos ... not Clos Vaze, but we certainly had the ones on the Coast Road. I think there were 5 rezoned sites. The world was going to end: there was too high density, it was disgraceful design, green lungs were being taken away and it was going to be a disaster. I will let Members into a little secret. When I am feeling particularly fed up after having been pictured in *J.E.P. (Jersey Evening Post)* with empty bottles of Moët next to me, apparently, I go and cheer myself up, and I go and drive round estates or go on a bike and I go and see some of the fantastic homes that have been built in the very sites that this Assembly told me ... **[Approbation]** and I think we won most of them, Deputy Hilton, if I may say through the Chair, and it fills me with enormous pride that we made a difference to people's lives. We delivered what Dame Kate Barker recommended to the United Kingdom Government in 2002, that you have to focus on supply. I would urge Members, those Members who have not ... they have now met Dame Kate Barker, I would urge them to read the report that she wrote on the U.K. housing supply and how important those remarks were, that policy-makers - in other words, us - have very difficult decisions to make in terms of issues of density, in type of accommodation and otherwise. But there is no alternative. One creates enormous hardship if one does not put in place the right supply mechanisms, and it is supply across all tenures, lifetime homes. I am delighted to go and see the new houses: I also went to go and have a look around in St. Saviour, named after a certain Constable, delighted with those new units. Decisions have been made which are at the time unpopular, but when they are done and when they are taken with good advice and good planning and good design, they end up creating great homes for needy, deserving Islanders. We will seriously fail our Island community if we do not have a focus on supply. Green Street is a site which can take additional supply. It is sad, it needs love, it needs attention, it needs investment. Dare I say it, it even needs a mixture of tenure. I think mixed-tenure estates, where there are a range of shared equity owners or owners or renters, are sometimes better environments to bring up families and where you have a whole range of people. Senator Ferguson used to speak of grey-haired ghettos or something. I think there should be mixed communities. What Andium is trying to do on this site is put a site of real mixed communities of different tenures. Now, this area of green land... I am sorry that I say to Deputy Labey I have not walked along Green Street today, but I have done on many occasions previously, and I have to say overall the amenity space that is being proposed to be ... well, I think it is being moved, not removed, because we are having more amenity space. I think that amenity space is going to be far more of value to the deserving residents, future residents, of that area. Now, Deputy Labey disagrees, but where is he to say that he is the expert in

design, with respect? Where is he the expert to say that he understands the way that you create great living spaces with great amenity? I know that his residents, some of them, do not want to see this particular form of development, but I am afraid this Assembly are not, firstly, very good at making planning decisions - we are pretty bad at it, and we are emotionally driven often - and that is why we have dedicated systems with proper appeal mechanisms with expert advice. I have confidence in the Minister for Planning and Environment and the Planning Applications Panel to make those decisions. Deputy Labey is a member of the planning panel, so he understands some of the trade-offs and the challenges that are there. Good design is not necessarily only delivered by low density. That has been a proven fact time after time. It is good design with appropriate density that delivers great living spaces and delivers the supply. The most important point, I think, where Members I hope do not put the Minister for Planning and Environment in an impossible position, is that this is completely against the principles of how the planning system should work. There is an Island Plan which has been approved; there is a planning department with experts who judge applications and negotiate with an applicant in a fairly tough way. They then make recommendations to a Planning Applications Panel who then adjudicate on those issues and make decisions in a balanced way. That is the process that must be allowed to continue with this application. If the planning panel disagree with officer advice about the planning reallocation of this amenity space, then let them speak, let them make the decision. If the applicant is unhappy with it, then they can go to the new adjudication process in terms of the inspector. That is the process which is established, and to start again, which is the nightmare that we had 10 or 12 years ago, where we start to believe that this Assembly can be the Planning Committee of the Island I am afraid is the wrong decision and it is the wrong route to go down. We will be sitting for days. Where does this end? Where does this end? Which application is a constituency Deputy with total rights, and I understand and respect them ... where does it end in bringing a proposition to the Assembly to request the Minister for Planning and Environment to do something? This is no way to run a planning function. We are not having the benefit of advice, we are not having the benefit of the people who are the experts in design, architecture and urban planning and the processes should be allowed to continue. But most importantly, I want to see this site given the love and attention that so many of the other sites that we have invested in and give people great new homes and more of them.

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

The Connétable of St. Peter kindly referred to the housing review supply report issued today by the Environment Panel. This highlights the dilemma in which I find myself. Certainly that review highlights the need for improved housing and we very much support efforts being made in that connection. On the other hand, that same panel is the Environment Panel. We backed the original 4 strategic priorities, and not only that, had amendments put to each of them, where environment was put at the head of each sector so that decisions would always have regard to the environment sector. It appears to me that this is almost the first time that we have a planning issue subsequent to that, and at the first fence almost it seems that the environmental factor, namely the lack of open spaces, which was broadcast as being one of the main aims of the future of St. Helier, that has been discarded. For that reason, and mainly that reason, I think we do need to register the fact that we are concerned that the vote taken by the Assembly earlier this year as to the importance of environment has almost been disregarded at the very first fence. For that reason, I will be supporting the proposition.

#### **8.1.15 Connétable P.B. Le Sueur of Trinity:**

I feel slightly on the horns of a dilemma today, being a member of the present Planning Applications Committee, but I feel that if I do not have the opportunity to speak, then I am disenfranchised as a Member of this Assembly. As a member of the then Planning Applications

Panel, I attend the site visit and saw for myself the appalling living conditions that the residents of La Collette Low Rise have to endure. I was horrified at what I was shown and described to me by the existing tenants: cramped living conditions; little or no outside space; rampant damp and mould growth in living rooms and bedrooms, where young children were being brought up; inadequate ventilation and thermally inefficient structures that could not be brought up to modern standards; coupled with this, the external staircases make disabled access impossible. When we visited, the weather conditions were relatively bright and sunny. What it must be like for people returning to these homes when it is cold, dark and raining we can only imagine. It must be thoroughly depressing. The matter that was before the panel on the last occasion was an outline application to determine just scale and mass. The only reason that I had for not agreeing with the officer's recommendation at that time for approval was that we identified that the proximity of Block D, which is located at the back of the site, the proposal before us was to construct Block D almost hard up against the rope walk, where there was already an existing high wall separating this from the rope walk. The proposal was to further reduce the level of site, thereby increasing the height of this wall to probably 2 storeys high. On enquiry, the panel was advised by the architects that the flats would look out on to this wall with single aspect, and therefore the only outlook from some of those ground-floor flats would be almost a 2-storey high granite wall which was in very close proximity, and as such, the new residents would barely see any sunshine. It was with this knowledge that I decided not to approve the scheme as presented at that time, in the hope that further consideration of the panel's comments may result in an improved living environment for the tenants when the scheme is finally delivered. I have a surviving memory of that panel public meeting, the 2 ladies who came along who were existing residents, who appealed to the application panel not to refuse permission, because they were entirely fed up with the conditions in which they had to live. I am a supporter of preserving our built heritage wherever practical. I see no merit or justification for retaining these particular buildings on those grounds. The loss of the bank and trees along Green Street is regrettable, but on balance, the increased provision of safer, user-friendly amenity space delivered by the redevelopment is, in my opinion, a price well worth paying. Unfortunately, I will not be supporting Deputy Labey's proposition. \*\*

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

I cannot help but look across at the plans in front of me and see a lot of green. Some of it is on the roofs, some of it on the plan below is clearly green space. When we look at the proposition, it talks about open space status of the existing green space. If that word "existing green space" was not there, I think I would be supporting this proposition, but I think what we are talking about here is a change and people do not like change. I have listened to all the different arguments today, perhaps it is why I am speaking later in the debate, and listening to some really good speeches and some really good observations, but a lot of conflicting evidence, and that concerns me a bit, because it is conflicting. The green space we see before us on the aerial plan suggests to me that perhaps there is extra amenity space, which in a modern development does not mean one big green open space in the middle of a courtyard, which is what we currently kind of have.

[15:00]

I am inspired by the head-down version of the plan in front of me. Aesthetically, the one above it does not do much for me, but I am not an architect and it is a subjective matter, and that is perhaps why we should not be having debates like this in this Assembly, as others have said. But that word "existing green space" is a killer for me. I am sorry to say that, because as a town Deputy, I support the principles of more open space, more green space for those that live in town to enjoy, for those that work in town to enjoy as well. It just mixes up the building environment in a very, very pleasant way. But there is extra green space there. It is just very different to what is there at the moment. There is a huge demand and need for new housing, and it is not just social housing either,

it is affordable homes, it is other homes at the top end of the tree, so the whole chain moves up. There is a desperate need for housing, not just in Jersey either, in the developing world, in the U.K. there is a shortage of housing, so there is a consequence that prices of housing, the cost of housing, the cost of materials is going up and up and further delay will increase costs on this scheme as well. We are in effect interfering with the planning process having this very debate, but I am sorry to say that constituency politics is very much about this sort of thing, so I would be not performing my duty as a constituency politician if I did not take part in these debates and bring such propositions, which I may do myself in the future. We, as Deputies, get more enquiries about planning issues perhaps than anything else, so it is absolutely right, I think, that the Deputy has brought this to our attention as Members of this Assembly, as people's delegates of this Assembly. I do not have a big issue with that, but I understand why others do, but as Deputies, it is our bread and butter. During my last term of office in this Assembly, I spent quite a lot of time going around social housing units, and many of the units that Senator Ozouf describes as being refurbished and rebuilt in recent times, I went before they were refurbished. The reason why I was there was because of a great number of social problems, many of which were caused by design, poor design in the 1950s and 1960s here and in the U.K. of social housing. The domestic scenes that I observed in my capacity involved with the Home Affairs Department was really quite distressing. I do remember one particular evening at the very place we are discussing today there was a dreadful domestic situation, and on talking to the social worker later, it was very clear that it was the built environment that had a major impact on the situation that I found myself in that evening, observing what the social services units and the police were doing at night. Today I met with an officer and he was quite distressed about a situation he found himself in today. He had been listening to this debate and he had a call to say that a lady had just come out of hospital, she had been there for 12 weeks, and she had nowhere to go. They were desperately trying to find a housing unit for her to go to and there are none, so they will have to find a private unit at some considerable cost to the taxpayer probably, if at all, or she will stay in respite care until they can find somewhere. There is nowhere for her to go. He was very concerned that this sort of debate, this sort of issue will cause delays in this process. I was talking Deputy Labey earlier to ask: "Look, do you really believe that having this debate and making this decision, will this delay the process?" He is on the Planning panel. He felt, no, it would not, and this should be part of the planning process and I do not dispute that. If this does not cause a delay, which Members are suggesting it will, then fine, I do not have an issue with voting for this, despite my concern about that one word "existing". But if this results in a reduction potentially of 88 units which will be created as a result of this green space that is being mitigated and changed into something modern and new and different, then I have got a problem with that, because we do not have enough social housing units in the Island. We have got a long, long way to go yet and this is part of that big jigsaw puzzle. I would also like know - and perhaps somebody could inform me before the debate ends - but does Andium Homes have a number of other possible sites up their sleeve that they could rev up and take off with tomorrow to create units? Somehow I am not sure they do, but I know they have got plans for the future that are very exciting but they are not instant switch-ons and instant units that they can create for the needy of today, not tomorrow. I will listen to what else is said, if anybody else has anything else useful and meaningful to add, but at the moment, I am on a knife-edge. I want to support town Deputies, because green space is important. I am looking at that plan thinking: "You know what, there is green space there, it is just different." That is a modern scheme, unlike Deputy Southern's comments of saying: "Build them high, build them cheap, throw them up." I do not believe Andium Homes are doing this here. They have not been proven to have done that elsewhere. It has been quality new build people are enjoying living in and I believe this will be of a similar quality. It is decent housing. That is the term that Deputy Southern used. Decent housing is what is required. Andium Homes have already proven a record of being able to produce it. I have no reason to doubt they will not do the same thing there, but as Senator Ozouf said, it is different, it is change, it is modern, it is making best use

of a valuable site which is a stone's throw from the sea as well, so a really nice place and part of St. Helier to potentially live in, and those people, many of them I believe want to return on completion because they like the location, it is a great location. That is a modern build, modern use of space to create that amenity space that we all desire, whether we live in town or the country. Unless somebody has got something else to say that will convince me otherwise, with heavy heart, with that word saying "existing green space" rather than concerns about overall green space, I have a problem with it and I may find myself unable to support the Deputy, but I would be interested to hear what other people have to say.

#### **8.1.17 Deputy M.J. Norton:**

Thank you to the previous speaker, because like him, I find myself at times on a knife-edge over this. Earlier today when the proposer of this proposition, Deputy Labey, made his speech, I was not in the Assembly. I was near to a speaker, which is somewhat of an advantage because it has a volume control to it, and I listened intently to his passionate speech. As someone that was brought up in inadequate social housing, my immediate thoughts are with those who have to endure some of the accommodation which has been talked about today. I visited that accommodation in the last month or so and saw for myself – not on any other tour, but privately - the inadequate accommodation, the stairwells, the damp, the poor conditions that people are expected to live in right now. That moves me to the plans which we see opposite us and outside and other Members have been looking at today. There is green space there. I read that there is 14 per cent more green space than there is there now and yet 300 more people. I would call that clever planning. I would call that making the most of the space that we have got. I think Andium should be congratulated for the work that it has done so far, some excellent work that it has done so far. It is a long road with a long way to go, as has already been mentioned, but to be able to offer more amenities, it is, as has been said previously by one of the Connétables, regrettable that we lose a grassy slope with some trees, regrettable, because given the choice, of course you would not. If you ask 100 or 500 people that live in that area: "Do you want that grassy slope there with some trees or would you rather see a building there?" Well, surprise, surprise what they might just say. But it is about balance, it is about the needs of this Island, it is about the needs of people for proper accommodation. Yes, we would lose a green space, but not without major gains, the gains to the residents, the underground car parking, the better accommodation, the amenities and more green space. Whichever way you vote on this particular petition and this proposition, you will be making a difficult decision, because it is a difficult decision either way. But I look around the Assembly and realise that we have a planning panel of 49 people or so. Wow, did not remember signing up for that one. I thought we had given that to somebody else to do. I thought we had experts. I thought we had designers of space that have been working at it their entire life who have studied all of the ergonomics that are required to provide the right accommodation for the right amount of people with the right space. It is difficult, and I have spoken to Deputy Labey about this during the lunch break today, and I do find it a very difficult decision, but I come down on the idea that we let planning do their job because they have all the information, all the relevant information, they have all the background and they can see it from all sides and they are charged with making that decision. We gave them that power. Let Andium do their job. Again, we did exactly the same there, and they are doing a good job and the evidence is there to see. Let our Minister for Planning do his job. Our job is to let them do their job. It will be with a great deal of regret that I cannot support Deputy Labey on this occasion.

#### **8.1.18 Connétable C.H. Taylor of St. John:**

The first point, I would like take issue with Senator Ozouf when he said: "Change can be good." I, when I was young, had a good crop of hair and you may have noticed things have changed. The winters are very much colder than they used to be. **[Laughter]** Anyway, the Constable of St.



Martin then commented he walked 65 yards to the sea. Hopefully a couple more years and the sea lettuce will make its way around there and we will still be able to call it Green Street. We can stand here and joke, but this is a serious matter. We must provide housing, but we must also provide quality housing in which it has the right environment for people to live in. I am very sad to see the proposal of getting rid of the green bank and the trees that are on it. One of my favourite drives on this Island, believe it or not, whether travelling east or west, is over Fort Regent, Mount Bingham, because whether you are looking west across St. Aubin's Bay or whether you are looking east across Havre des Pas, they are both very stunning views, but once you get to the bottom of the hill, Havre des Pas takes on a different picture. I think it is essential that this Assembly takes some time to ensure that the area is developed appropriately. I have heard contradictions during this debate that: "Oh, we have got to pass it as quick as possible because we do not want delays" but I have also heard that: "Oh, we have got to find the 59 tenants somewhere else to live before we can start and that will take 2 years." It is full of contradictions, but what is important is that whatever we build is going to be there for the next 50 years, and if there is a 6-month delay, then that is worth having to get it right. This is the difficult conflict I have. The last speaker put it far more succinctly than I suspect I can. We appoint Andium Homes to provide the homes; we appoint Planning to pass the necessary planning applications or refuse them or to taper them in such a way that it is acceptable. It is correct, occasionally, to bring matters to this Assembly, to nudge them in one direction or another, according to public opinion. I congratulate Deputy Labey for bringing forward this proposition, because that is a nudge to the Planning Department and to Andium to say: "We do value these open spaces and these open spaces must be protected."

[15:15]

I suspect we have arrived at this position because the experts have sat down at a desk and designed and brought forward what we have today, ably shown over there. But did they consult the residents, not just the 59 residents whose homes will be knocked down and rebuilt, but other residents in the area who walk past every day, standing at the bus stop looking up at the trees, the people who drive down the road and see that nice isolated little bit of green before they reach the sea lettuce? It is a very difficult decision, because so often you are guided by your heart and not your head. I think I would like to say both Andium and Planning: "Would you re-examine it, go back to the drawing board and see if something more positive could be designed?" and it is for that reason that I will be supporting the proposition.

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

I cannot remember being quite as torn in any debate we have had here in my short time in this Assembly. Frequently I ask myself this question, or others and myself: "What is that about? Why am I having a struggle between making a decision on one side of the argument and on the other?" I think it has occurred to me it is about environment. We have an argument here between the environment of the green space and this Assembly's stated commitment to protect it, and an argument of people's personal living space and their right to feel happy within it. As for the green space, my personal feeling about Green Street is that when I am driving along there, I barely notice the grassy knoll myself. It does not have a huge impact on me emotionally, I do not live there, and I am about to face the beauty, give or take, of a certain big space lump that we have there; please cover that. The space itself is not that gorgeous I am saying on a personal level, but I understand we made a commitment to protect green space in town. What may be swaying the way I am thinking about this is something that the Constable of Trinity said, and that is that maybe right now 2 elderly ladies are listening to this debate, and if the build is delayed, their hearts will sink, because this is their living space and they desperately need it improving. Now, many Members of this Assembly live in comfortable homes; many people in this area do not. When this is built, I think it will be a very smart development, making the best use of a small amount of land. We as a

species have a habit of thinking we know it after the event and we look back at it and go: “Yes, I always thought that was probably a good idea.” At the time we do not think it is, but when we look back, we can change our minds and then suddenly, for some bizarre reason that we are able to, justify how we think and feel about we move forward with our lives. I have been torn. Deputy Labey has made an amazing case. However, Andium Homes have been charged with the job. We do have the Planning Applications Committee to look at it and so I think I finally move towards making my decision, and it is again with a heavy heart that I am going to have to vote against the proposition.

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

I am obviously not going to be able to persuade Deputy McLinton, but there were a few Members who seemed unsure how they were going to vote and it is to those Members that I am going to direct my comments in particular. Deputy Lewis of St. Helier appears slightly confused, and he is not the only one, between notions of public open space and private amenity space. What we are clearly being offered here, in what is in many respects an excellent scheme by Andium, bearing the parking, improving the worn-out homes, we are being offered an exchange of public space for private space. Now, Deputy Lewis of St. Helier is a No. 3 Deputy, he is very interested in the future of St. Andrew’s Park. I invite him to consider what would happen if a development came along which effectively enclosed First Tower Park or St. Andrew’s Park, in other words, it put all that public open space behind private gardens, because effectively that is what we are being asked to do here. The calculations that developers are so good at, we have this 14 per cent in amenity space. They do not mention the ... is it a 300 per cent increase in density that Deputy Southern came with? But that aside, I do not have a problem with the increased density. Deputy Martin, I am waiting for her to scowl at me, but she knows that we have different views about density in town. I think the site can take increased density, but I am concerned about the transfer of land which is effectively the public’s into private ownership. People who drive down Green Street may not notice the space. It has been disparaged by several Members who say they cannot get up on it when they visit it, they cannot have a barbeque on it, you might roll down the other side into a car park. No one is saying that this public space is perfect and it cannot be improved. Of course it should be improved. A while ago, the Community in Bloom group of St. Helier planted fruit trees on it and invited local people to help themselves. I believe they helped themselves to the trees as well as the fruit, which is why they are not there any more. But clearly parks are important in St. Helier, and they are public parks, they are important in every city, in every town and so I think it is disingenuous for some Members to say: “Oh, we are getting more open space.” We are not. We are losing open space. It is being put behind a very imposing development along the roadside, and incidentally, we are losing the trees as well. I hope that the Constable of St. Martin, when he was down there today - I was down there as well but I did not see him, because I was otherwise engaged, swimming in the green lettuce - he noticed that the trees are mature. That is a big loss. As I have said, the scheme has many excellent features and I commend Andium for what they are proposing to do, but no one who supports Deputy Labey is saying today that these worn-out buildings should not be redeveloped. What they are saying - and I think the Constable of St. John, in an excellent speech, came very close to saying this - is: “Why can we not have better homes, higher density, but also keep the open space that makes this part of St. Helier so attractive?” Why can we not do both? Why can Andium not go back to the drawing board and see if they can maintain the public space, increase the density by all means, perhaps not quite as much, because this is a huge increase in the number of homes, which is going to have an impact on the surrounding streets and so on, but why not see if we can tick all the boxes and maintain that commitment to protecting public parks? This park does not have a name. Perhaps it should do. If there was an association protecting this park as we have an association protecting People’s Park, perhaps this open space would not have been considered for development. Now, I want to talk a

little bit about consultation, because people have been trading blows about whether more people think this should happen and the petition and so on. I want to remind Members that the Havre des Pas Improvement Group, which Deputy Labey is now very competently chairing, is extremely active. Many of the Ministers have been to see it. It is very active, it is very numerous and it is a significant body that meets every month and has real concerns about the future of this area, real aspirations about the future of this area. That group has really put Andium through its paces. There have been a number of presentations, and it was really because of this group that Members who previously perhaps had not really noticed this scheme began to ask questions about it. I think we do that group a big disservice. It is probably one of the biggest residential associations in the Island now and it is a very active one. It is perhaps mentioning *en passant* that the previous group that was chaired, again very ably, by Senator Routier when he was a Deputy was called the Havre des Pas Residents Association. It included members like the former Deputy Paul Le Claire. Very active. That group gave up when the incinerator was built on its doorstep because they were so demoralised by the fact the States had not listened to them. I simply offer that up, because I think the current group is doing great work. It wants to see a future for Havre des Pas, and I do not believe that rejecting this proposition will send a very good message to that residents' association. Now, someone said it was unfortunate that the panel I chair had just this morning lodged a Scrutiny report on the supply of homes, and indeed, the Constable of St. Peter quoted from it from the foreword about how short we are of homes, and of course we are. I hope Members will have had a chance to look at that report, but you can read it and you will find a statement that we should be building homes at any cost and that we should be ... there is certainly no reference to doing away with open space public parks in order to build homes. We do challenge parking standards and historic building, I believe, but not open space. I suppose the good thing about the report being published today is that perhaps more Members have read it than would have otherwise been the case, as is the case with Scrutiny Panel reports, I am afraid, they tend to get put up on the dusty shelf, where you find other reports, like the 2008 Open Space Study, commissioned by Planning and Environment 7 years ago. I was pleased that Deputy Labey in his opening speech referred to it. It says we have a serious shortfall of open space. You are better off in central London, quite honestly, if you want to walk in the park. Parks are important, as I started off by saying, and that open space study should not be on a dusty shelf, it should be sitting in front of the Planning Applications sub-committee when they consider this scheme. It should be sitting on Andium's desk when, if possible, they have another look at this scheme. They will have to have another look at it, I believe, if Deputy Labey's proposition is successful. Senator Ozouf said these debates are a waste of time. I do not agree. I think some Members, not just Senator Ozouf, they have said that this debate should not be happening because we have a Planning Committee. I know we have a Planning Committee, we have a Planning Department, but these debates are important because the people who elect us to be here and to represent them one assumes have the sort of values that we espouse. Certainly I am very aware of the need for open space in town, as it begins to take more and more of the development, as it must, to protect the rest of the Island. St. Helier is happy to take the units, but do not take away our public spaces. It is for that reason that I am supporting Deputy Labey and hope that others will too.

#### **8.1.21 Deputy C.F. Labey of Grouville:**

Just very briefly, because I have been a little bit perturbed by some of the criticisms that are being made about a Back-Bencher bringing forward a proposition such as this, representing their constituents in the way that they ought to. We make decisions in this Assembly, we made the Island Plan, we made a decision to have this area kept as important open space. Andium were no doubt given a brief. They had the Island Plan in front of them with this area as important space and they have come back with their particular designs which do not recognise, do not respect the important open space that this Assembly agreed to maintain. Surely it is only right and proper that

a constituency Deputy brings forward a proposition to represent their constituents, who are objecting now to having this important open space built open? There seems to be some sort of criticism. Deputy Norton was saying that he did not sign up to this. I am sorry, if Members wish to represent their constituents, whether it is on planning issues, whether it is on issues of health in this Assembly - because this Assembly's policies, an important open space policy is being undermined or there are plans to change it - then this forum, this Assembly is absolutely the right place to do it. This is exactly what we elected to do and this is exactly the right forum to do it in. Now, the Planning Committee can go away and take on board what this Assembly have decided, just like I hope they will take on board the fact that these buildings are proposed on important open space.

[15:30]

Now, to my mind, if they are good designers, they may have respected the fact that there is a desire to keep this, to keep an area as important space and build nice houses for people. Nobody is saying that these people should not be housed in proper conditions, which is obviously what we want and we need to get on with it as soon as possible, but I am very concerned that we have this sort of criticism from the Minister for Planning as well in his comments that this is not the forum to air these sort of issues. This is exactly the forum, and I would just highlight, sort of a word of caution here, because we had a situation in Grouville where we had an area designated as important open space alongside Grouville School. There was a deal done with a landowner/developer, who wanted to build a tiny little retirement cottage in the corner and give the rest of the field to the school. This important open space was carved up, there was a 7-bedroomed house built on one side of it, and lo and behold the school is running out of space now. I just flag up a word of caution about doing compromising situations such as this. I will be supporting Deputy Labey. This Assembly made a decision to retain important open space on this area and I would like to see Andium come up with some designs that respect that and can adequately house and come up with some nice designs where people can live, but respecting this area, where the public can appreciate the space as well as the private residents.

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

You just thought you were off the hook then, Sir, did you not?

**The Bailiff:**

Should have been quicker.

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

There is nothing like a good planning debate to get Members' debating juices going. We have been at this one for hours now and we have sat in this Assembly for long enough to know that any matters relating to planning always, always - and understandably so - get Members talking. The Deputy of Grouville I like a lot, but I do not agree with her conclusion in this particular matter, because we have set up, after all, a process, and I have to say that having gone through that process, we approved through this Assembly the Island Plan. We have appointed a Planning Applications Committee; we have a Planning Department. We have employed experts in areas such as this to determine whether indeed the Island Plan is being met and all the other necessary conditions are being met and they have reached a conclusion. As the Constable of Trinity, a member of the Planning Application Panel, so correctly pointed out earlier on, the decision, as I understand it, not initially to approve was nothing to do with open space, it was to do with another building and a large wall which was going to make living conditions unacceptable. That is another matter, of course, altogether. But what we have to do, surely, in circumstances such as this, however emotive it might be ... and I have to say that the proposer of this proposition, Deputy Labey, made a very emotive speech, and clearly it has got a number of Members thinking. It was a very colourful speech, a little bit like his tie, and he is a very good orator and I can understand why Members are

swayed by him. He is doing absolutely the right thing, he is representing his constituents, and other Members who have constituents to represent in their areas would do exactly as he is doing. But it is not, in my opinion, good government for us in this Assembly to, as others have said, be effectively turning ourselves into a Planning Applications Committee and trying to determine this just simply based on a couple of drawings on the wall behind me here. I cannot really draw a conclusion from that. I am no expert. There is plenty of green on the map which looks reasonable, but I am not the expert and so I am not the one who should be seeking to determine it. I might add I suspect there is a lot of green currently inside many of the existing buildings. The living conditions are appalling. We have to provide acceptable standards of housing, we have to provide enough housing for residents within Jersey and that is clearly not the case at the moment. There is an important point which has not been mentioned so far and I am just going to raise it, because I think it is important that Members understand, and I think also the Constable of St. John will be interested in this point, because I know he is a very strong supporter of efficiency within the public sector, driving down costs, cutting out waste, waste of money and so on. Of course if this Assembly today supports the proposition before us from Deputy Labey, it will cost something in the region of £200,000 in aborted planning fees. Now, as the Minister for Treasury and Resources, of course I would find that a relevant matter. I am sure the Connétable does as well, with his efficiency hat on. But more important perhaps even than the cost is the fact, as I understand it, it would result in a delay of 9, probably 12 months before this would come back. That is the type of delay that we cannot possibly allow to happen. There are people who need housing of a decent standard and a decent quality. We are almost at the start line. We are going through a process. We have the necessary experts and professionals in place and we have to surely let them do their job. I have little more to say that has not already been covered very ably by a number of Members. I hope those points are of relevance and I would urge Members, as persuasive as Deputy Labey is and as compelling as his proposition at certain levels may be, to reject on this occasion the proposition that he has put before us.

**The Connétable of St. John:**

On a point of order and with my efficiency hat on, could I have a copy of the £200,000 account or the likely accounts to back up that statement? Thank you.

**The Bailiff:**

I do not think that is quite a point of order, Connétable. Does any other Member wish to speak? I call on Deputy Labey to reply.

**8.1.23 Deputy R. Labey:**

Similar to the Constable of St. John, perhaps Senator Maclean could let us know where he gets this 8 or 9-month delay figure from. It seems to be plucked out of the air, because it is going to take a very long time to move the residents of the La Collette Low Rise out into other accommodation because there is not very much accommodation for them to move out into. There is a huge shortage of it, and everyone is agreed - I am agreed, everyone is agreed - that the conditions that some of those residents are living in at the moment is intolerable and if it is that intolerable they should not be paying rent. **[Approbation]** If a residential unit that is the subject of a residential tenancy agreement becomes uninhabitable through any event other than a malicious act of the tenant, the tenant is not required to pay any rent or any other amount payable under the agreement. We have heard from the Minister for Housing and the Minister responsible for Andium that these were intolerable houses, so I hope that they will go and see them and see these tenants and cancel their rents, and at least I can do that for those tenants. You know, so many of us have stood on a platform of no building in the green zone. This is Havre des Pas, La Collette's equivalent of the green zone. It may not be well-used now, but the same space with more T.L.C (tender loving care)

and protection, a fence, some landscaping, a few steps, a ramp, could be much more enhanced. It is a pocket park. It ticks every single box in the Island Plan refers to amenity space, every single box, and at least Senator Green had the honour to admit that he had no argument for the fact that it is a barrier zone. It is a buffer zone by a major road and between blocks of housing. You will be used to counsel appearing before you and when they are dodgy on the facts they argue the law and when they are dodgy on the law they argue the facts. We have the Council of Ministers and the Minister for Planning and Environment ignoring the facts and arguing process. I thank Members who have listened to me incredibly graciously and I thank them for their contributions, and I make absolutely no apologies for bringing this proposition to the States. I will tell you, if Port Galots had gone any further I would have brought a proposition to stop that one as well. This is not about a planning application. Let us go back to the proposition. This is not asking the Members of this House to decide a planning application. That is to the Planning Applications Panel, and Members are right, this is not the place to do that but let me go back to my original point. The States Assembly is a wholly appropriate forum for addressing whether a Minister and his department are acting against agreed policy, in this case the correct approach to protected open space. Double protected open space, amenity space which is the Cinderella of open green space because it very often is average, very often it is just a hump, I prefer to call it a slope, but call it a hump if you like. It is very often not particularly great but that is what makes it even more vulnerable. That is what makes it even more important to protect and with the new Island Plan, the new Jersey standard, we are 11.67 vergées short of the standard we should have of amenity space in St. Helier. The figure is probably even lower if you look at Havre des Pas in general. The other point which no Minister has really addressed or been able to contradict is this one that this is open space which does not just belong to the residents and the tenants of La Collette Low Rise, it belongs to the neighbourhood. It is used by the neighbourhood because it is viewed by the neighbourhood, and it forms the barrier and the buffer. The people of Green Street and Clos des Pas and Havre des Pas Gardens and Havre des Pas and Greenwood Court, they have a sense of ownership of this space. It is their bit of green. It is a pocket park, amenity space which we could improve for the continued benefit of all those residents. If the residents and the tenants of La Collette have been told that there is any chance that they will not have to winter again in these flats I think someone is playing fast and loose with them. It is shameful. If you agree, if you go with me on this it will make no difference whatsoever to the time it is going to take to move those residents, those tenants out of the awful La Collette flats. It is not going to make zero difference. The Minister for Planning and Environment keeps going back to the Planning Applications Committee. He says the protection of the open space was considered by the Planning Applications Committee and no objections were made. No objections were made because nobody knew about it because nobody had been consulted about it. Nobody had gone door to door and said: "This is what we are planning to do with your pocket park." They did not know about it so the Planning Applications hearing was like a ghost town and they next hear from an improvement group. I said to them: "What are you thinking? Are you all okay with this?" They go: "What? What is it about?" We talked about it and then of course whoosh, now look at the list of objections, and the next hearing will be a different matter. As if to say that the Minister for Planning and Environment has made a magnanimous sacrifice to delay the next hearing of this application from August to October, I am sorry it is simply protocol that when a proposition comes in like this everything is delayed until this House, as a matter of respect, has a chance to consider it. He has not made a magnanimous sacrifice whatsoever. If he had scheduled the Planning Application hearing with this application in August when it is so controversial with everybody on holiday that would have been shameful and it is also further proof that this process is dangerously *ultra vires* and is completely flawed. This all stems from the fact that we did not go with the Island Plan and the protected open space that is afforded to this particular parcel of land. I think I have made my points. Deputy Le Fondré I thought gave his best and shortest speech. **[Laughter]** It is not Andium land. It is not the Council of Ministers' land.

[15:45]

It is the people's land on that street and they want to keep it and I want to keep it for them. Yes, we have formed Andium to do their thing and we formed the Planning Applications Committee to do their thing, and the Minister for Planning and Environment does his thing but this House makes the policy and it has spent hours, and I have read the whole debate, making the protected open space policy in 2011 with all the right information, and well done to former Senator Cohen for doing it. We should recognise that. It has done everything right in terms of finally we have open space, even tatty little open spaces in St. Helier put there, protected in the statutes and one of the first times it comes up to meet the test of being protected because somebody wants to build on it we capitulate because we cannot build houses on the ambulance site. Now we do not have the money. No, we will put more down in La Collette. La Collette will take its share of the burden. Let us put more houses on there. We will take more houses down there. We will do our bit. We will put more. We will have more affordable houses and they will be nice but they do not have to be built on the pocket park which is an asset. It is open space. What no one has been able to do is convince anybody here in this House that what is proposed there is adequate compensation even though it is 14 per cent more, counting the balconies or whatever, for the loss of this important open space which is the people of the Island's open space. I maintain the proposition and I ask for the Appel.

**[Approbation]**

**The Bailiff:**

The appel is called for and I ask Members to return to their seats. The vote is on the proposition P.78 and I ask the Greffier to open the voting.

<b>POUR: 22</b>		<b>CONTRE: 19</b>		<b>ABSTAIN: 0</b>
Senator Z.A. Cameron		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator A.J.H. Maclean		
Connétable of St. Lawrence		Senator L.J. Farnham		
Connétable of St. Saviour		Senator A.K.F. Green		
Connétable of St. John		Connétable of St. Clement		
Deputy J.A. Martin (H)		Connétable of St. Peter		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of Grouville		Connétable of St. Martin		
Deputy J.A.N. Le Fondré (L)		Connétable of Grouville		
Deputy K.C. Lewis (S)		Connétable of Trinity		
Deputy M. Tadier (B)		Deputy J.A. Hilton (H)		
Deputy of St. John		Deputy of Trinity		
Deputy S.Y. Mézec (H)		Deputy E.J. Noel (L)		
Deputy A.D. Lewis (H)		Deputy S.J. Pinel (C)		
Deputy of St. Ouen		Deputy of St. Martin		
Deputy L.M.C. Doublet (S)		Deputy R.G. Bryans (H)		
Deputy R. Labey (H)		Deputy of St. Peter		
Deputy S.M. Wickenden (H)		Deputy M.J. Norton (B)		
Deputy S.M. Bree (C)		Deputy G.J. Truscott (B)		
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy P.D. McLinton (S)				

**9. Immigration, Asylum and Nationality Act 2006 and Immigration Act 2014: extension of certain sections to Jersey (P.64/2015)**

**The Bailiff:**

We come now to P.64, the Immigration, Asylum and Nationality Act 2006 and Immigration Act (2014): extension of certain sections to Jersey lodged by the Chief Minister. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion – to signify, pursuant to Article 31(1)(b)(i) of the States of Jersey Law 2005, whether they agree that a request be made to Her Majesty in Council for the making of an Order in Council that would extend to Jersey, with appropriate exceptions, modifications and adaptations, the provisions of – (a) sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006; (b) section 67 of, and schedule 8 and parts 1 and 10 of schedule 9 to, the Immigration Act 2014, as summarised in the report of the Chief Minister dated 10th June 2015.

**The Bailiff:**

In the absence of the Chief Minister, his rapporteur please?

**9.1 The Deputy of St. Peter (The Minister for Home Affairs - rapporteur):**

Members will have noticed the different format and the unusual phrasing of this proposition. I certainly found it unusual and I thought it might be helpful to remind Members that this quite a rare event in that we are being asked to agree an Order of Justice rather than a proposition.

**The Bailiff:**

An Order in Council you mean, Minister.

**The Deputy of St. Peter:**

Sorry?

**The Bailiff:**

An Order in Council, not an Order of Justice.

**The Deputy of St. Peter:**

Order in Council, thank you very much. I do apologise, an Order in Council. This differs from our usual propositions where we extend legislation written by our own law officers, and this case the Assembly is being requested to extend provisions of law that have been ratified by Her Majesty herself for her own Government in the U.K. We are obliged to meet these provisions in order to meet obligations as members of the common travel area. This Order in Council extends the provisions of the Immigration Act 2014 which relate to embarkation checks. Such checks would only be required for journeys from Jersey to destinations outside the common travel area, the C.T.A., which consists of the United Kingdom, Channel Islands, the Isle of Man and the Republic of Ireland. The legislation also gives the Minister the authority to give carrier and port operator staff the powers to carry out these checks on passengers on these journeys. The Order in Council also extends provisions of the Immigration Act, Asylum and Nationality Act 2006 not previously extended but which is felt is now required, in particular the ability for an immigration officer to require a passenger to give biometric information and on embarkation to establish the identity of a passenger and whether his entry into Jersey was lawful and in compliance with any conditions of leave to enter the Islands. Extension of these provisions will allow the Island to comply with the requirements of the U.K.'s border management programme and will assist in the development of an efficient border control system which will protect the public from crime, terrorism and illegal immigration. In addition it will ensure that Jersey maintains the same standard of immigration control as the U.K., a very important consideration in maintaining Jersey's position in the C.T.A. Under the U.K.'s border management programme airlines, shipping companies are required to



provide advance passenger information to the U.K.'s national border targeting centre for journeys into the U.K. from outside the C.T.A. and journeys from the U.K. to destinations outside the C.T.A. The national border targeting centre processes the data received and sends alerts to the relevant agency at the port of arrival for further actioning. The requirement for airline or shipping companies in Jersey to provide this information for similar journeys to or from Jersey has not been extended to the Island as yet but it is likely to happen in the near future once the data exchange Memorandum of Understanding has been agreed between the U.K. and the Crown Dependencies. Any airline or shipping company not prepared or able to provide advance passenger information to the national border targeting centre is required to conduct embarkation checks on their passengers for the relevant journeys. Embarkation checks are not required if the data is provided. Officers from the Customs and Immigration service have met with Ports of Jersey staff who have made the relevant carriers at the airport aware of the draft legislation which would allow the introduction of embarkation controls. Officers have also met with the executive director of operations at Condor Ferries. As a result of these discussions it is apparent that with one exception all companies serving the Island are already providing advance passenger information in relation to these journeys to and from the U.K. The exception therefore is that with one exception it will not be necessary to enforce embarkation controls. All advance passenger data must be submitted by the national border targeting centre 30 minutes prior to departure of a ship or aircraft. In section 67 in schedule 8 of the 2014 Act which for our benefit is page 12 of the proposition in schedule 2, paragraphs 4, 4(a), 4(b), 5(a) and 5(b) along with minor consequential provisions in schedule 9 of the 2014 Act empowers the Minister for Home Affairs to make designations of persons in relation to embarkation checks undertaken in Jersey. There would however be a requirement for the Minister to inform the Lieutenant Governor of any such designation or of any variation or withdrawal of such a designation. Under the Immigration Act 1971 the concurrence of the Lieutenant Governor is required to the appointment of Customs and Immigration officers. For the Minister to appoint a designated person to conduct checks in place of immigration officers without so much as informing His Excellency would be at the very least inconsistent with the law. It has to consent to the appointment of immigration officers under paragraph 1(1). The Lieutenant Governor should be informed of officer designation of a person in respect of the same function. The effect in practice will be that powers of examination currently only authorised by an immigration officer will be carried to a limited extent by a designated person in relation to persons leaving Jersey. This would mean that those who currently have a role in outbound passenger processes would be designated and trained to perform the basic checks and require to establish a passenger's identity and to confirm departure. In effect to ensure that the person at check-in is the same person as the passport photo. It is not intended that designated persons should exercise any other powers over an immigration officer such as those of search or detention. It will also create an offense for non-compliance with any such direction. It is the view of officers in Customs and Immigration that where embarkation checks are required they will not cause any particular delays to the travelling public. If checking in online these routes will be required to provide airline or shipping company with the required advance passenger information so this can be passed on to the National Border Targeting Centre. I am moving on to section 27 of the 2006 Act which is reflected in schedule 2, paragraphs 4(4) and 4(5). Firstly, it will bring together the provisions on detention and examination and other documents produced by passengers or found on them while being examined and provide that the same conditions should govern detention and examination for all documents. Secondly, it will provide a new power for immigration officers to require passengers being examined to provide biometric information such as fingerprints for the purpose of ascertaining whether the passenger is the rightful holder of the passport or other document that is produced. Moving on, we are now on page 21 which refers to the extension of section 42 of the 2006 Act. This extends the powers of examination on embarkation to cover 3 new kinds of information. An immigration officer will have the power to examine an embarking passenger not only for the purpose of establishing

whether he is a British citizen and if not his identity but also to establish whether his entry to Jersey was lawful, he has complied with any conditions of leave to enter or remain in Jersey and his return to Jersey is prohibited or restricted. It also enables an immigration officer to require a person to submit to further examination and introduces a power for a person to be detained under the authority of an immigration officer where he has been required to submit to further examination on embarkation. I hope that Members will have understood that despite the title of this proposition and the nature of international concerns at this time this is not the moment to debate general issues relating to immigration, asylum or nationality. Today Members are simply being asked to extend provisions of an important aspect of immigration law to our own Customs and Immigration service and to maintain the same standards as other members of the common travel area.

**The Bailiff:**

Is the proposition is seconded? **[Seconded]** Does any Member wish to speak? All Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

**10. Greville Bathe Fund: appointment of Jurat (P.66/2015)**

**The Bailiff:**

We come to P.66/2015 Greville Bathe Fund: appointment of Jurat lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to approve the appointment of Jurat Colette Crill for the purpose of administering the income of the Greville Bathe Fund.

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

I am seeking Members' approval for the appointment of Jurat Colette Crill to be one of 4 Jurats to oversee the Greville Bathe Fund. The Fund was established under the Will of the late Greville Inverness Bathe and provides relief to sick, needy and aged persons and to local charities in Jersey. I am seeking the appointment of Jurat Crill with immediate effect to replace Jill Clapham who has retired as a Jurat. I can confirm that this proposed appointment is supported by fellow Jurats currently overseeing the fund. I hope all Members will therefore support this proposed appointment. I would also like to take this opportunity to sincerely thank Jill Clapham for her time, her expertise and service to the Greville Bathe Fund, it was freely given.

**The Bailiff:**

Jurat Clapham would be better, Minister.

**Senator A.J.H. McLean:**

Yes, Jurat Clapham. She has freely given during her time as a Jurat. **[Approbation]**

**The Bailiff:**

The proposition is seconded? **[Seconded]** Does any Member wish to speak? Deputy Hilton.

**10.1.1 Deputy J.A. Hilton:**

I was wondering if the Minister for Treasury and Resources remembers the size of the fund, how often the committee or panel meet, on average how much of the funds are distributed each year.

**10.1.2 Deputy M. Tadier:**

I was wondering if the Minister could, I know this is not the first time this has come to the Assembly or that others have voted on it, perhaps give us a very brief history as to why it is that Jurats are the ones who oversee - and I am sure they do that very ably - the fund and whether there

is any possibility in the future given the fact that Jurats are obviously busy people, busy individuals and that roles can and maybe do evolve whether there would be an alternative and what that alternative might be for the development and running of the fund in future.

[16:00]

**The Bailiff:**

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

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

Deputy Hilton was enquiring as to the size of the fund. Currently, and this is as of 30th June this year, there is £17,782,127 in the fund. As Members will note it is a very healthy fund but it has of course been in existence since the 1960s, 1964 if I remember correctly. Since July 2010 Members might be interested to know it transferred to the Common Investment Fund for much closer management and indeed the performances in recent years have been very encouraging. In 2013 there was a 19.2 per cent increase in the value of the fund, last year 8.8 per cent. Clearly there will be fluctuations depending on investments and other conditions. Deputy Hilton also asked, I believe, how often the Jurats meet. My understanding is on a quarterly basis where they review those that have been awarded sums from the fund and also consider applications for further distributions. Deputy Tadier asked about why it is that the Jurats are involved in overseeing the fund and the distributions from it. That was quite simply the request that was left and contained within the Will and as far as I can see they do an absolutely excellent job. They are those with the right expertise and they are entirely impartial which I think was the intention at the time that the fund was set up, an independent, impartial party should oversee distribution of the funds. That answers all the questions although Deputy Hilton perhaps wants clarification on something, I am happy to allow her to do so.

**Deputy J.A. Hilton:**

Yes, my third and final question that I asked the Minister before was to give Members some indication of how much was distributed in any given year, £17 million is an enormous amount of money and there are a lot of needy people out there.

**The Bailiff:**

That was the third question.

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

I can help the Deputy with that as well. Just in recent years as an indication, in fact a few years ago, there were approximately - I did mention in my opening remarks that local charities are beneficiaries not just individuals - in 2013 20 local charities received a total of £279,000, a total of £379,000 in total. In 2014 that rose again, 20 charities £399,000, £512,000 in total. And last year the number of charities have grown, in fact 24 charities receiving £463,000. The total amount distributed beyond charities was just over £514,000.

**The Bailiff:**

All Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

**11. Draft Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) (P.69/2015)**

**The Bailiff:**

We come to P.69/2015, the Draft Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law 201-, lodged by the Minister for Economic Development and I ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

The Draft Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law 201-. A law to amend further the Registered Designs (Jersey) Law 1957, the Patents (Jersey) Law 1957 and the Trade Marks (Jersey) Law 2000. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

**The Bailiff:**

Minister, you wish... sorry, carry on.

**Senator L.J. Farnham (The Minister for Economic Development):**

I beg your pardon. I was going to say Senator Ozouf will be acting as rapporteur for this item.

**The Bailiff:**

Rapporteur, you wish to propose the principles?

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

This law is one of a suite of laws that the previous Minister for Economic Development started. I think those Members in this Assembly will recall what was known as the doorstep proposition which was 400 pages of legislation. The Minister did very well to get through the Assembly. I am pleased to say that this is slightly shorter but nevertheless important. It is perhaps helpful just to explain why intellectual property and the reform of our intellectual property laws is so important. The reason is that in a world where the knowledge economy is increasingly at the core of many businesses, and indeed, I.P. (Intellectual Property) are now almost even more significant in terms of the valuation of businesses in stock markets, et cetera. I did a little bit of summer reading and I read, if anybody would like it, I have a guide to intellectual property here from the *Economist*. It is a really good read if you want to go on holiday for a bit of reading. I read interestingly that 80 per cent of the estimated value of the S.&P. (Standard & Poor's) stock market in the U.S. is in fact in terms of intellectual property. Therefore I.P. rights and having the right legal framework are absolutely fundamental to many businesses and to the value of businesses and are, indeed, important in the evolution of the developed and developing world economy. Making the right decisions about investing legal protection in I.P. and effectively having the structure to manage I.P. rights and the managing of the ownership of I.P. rights is absolutely vital for the global economy. It is increasingly important. In the U.K. it is estimated that 48 per cent of the market in intangible investment, as it is called, or in fact, creations of the mind, as I have seen, about 10 per cent of assets are patents, 3 per cent design registrations, 21 per cent in trademarks, and that makes of the value of intellectual property in the U.K. about 34 per cent are in the category we are addressing here today. Intellectual property is worth billions of pounds, so it is important that we have the right legislations. I know Members will think this is quite a technical piece of legislation but effectively it can be explained in having 2 important rationales. The technical details are necessary because we need to adhere to international standards. The first purpose of the draft law is therefore to remove also one of the barriers to the extension to Jersey of the W.T.O. (World Trade Organisation). The Minister for External Relations is not with us today and I hope that Members will join me in wishing him well. But I know that he is of a very strong mind, and this is agreed with the Chief Minister and Council of Ministers, that membership of the W.T.O. is an important objective for Jersey, and this law today is part of that process. The second reason is that we also need to make laws that can be adapted and changed in a faster and more appropriate manner in the future. This law is about registering intellectual property rights. There are 3 laws that make

provision for this type of intellectual property. We have a Trade Marks (Jersey) Law, one about patents and one about design rights. There are 2 others in terms of intellectual property. One that I mentioned earlier we have already dealt with property rights, and in future we will deal with plant and native species. The existing laws on our statute date back to 1957 and the Trade Marks (Jersey) Law was recently updated 15 years ago, in 2000. There have been at various different times some amendments to this law but I do not believe that we have made any sort of changes as we are proposing today. This draft law amends all 3 of the law areas I have mentioned so that they comply with what is known as the Paris Convention for the protection of industrial property. Having laws in Jersey that comply with this international standard, and it is a standard that has been adopted by a very large number of countries around the world, enables us to show Jersey's commitment to up-to-date protection of what are creations of people around the world for registered rights. We have achieved this area in unregistered rights. Now we are dealing with the issues of registered rights. This draft law is delivering the same sort of updates for the 3 laws as the previous Minister did in property rights. Modern laws about intellectual property that meet international standards are going to be importantly a feature of the diversification of our service-based economy. Copyright and related rights law are particularly important in the development of eCommerce. Digital content is protected by copyright. Copyright delivers a reward for investment in the creation of content and the development of new services to make it available to consumers. Registered intellectual property rights can also be important because they effectively allow people to make a trademark to brand goods and services that are made available online and patents for technical developments that enable services to operate better. There perhaps would be justification enough just to do that, to deliver those rights, but as I have said, we need to develop international compliance. The first issue I mentioned is membership of the W.T.O. We are not going to get membership of the W.T.O. if we do not adhere to something that is called T.R.I.P.S. (Trade-Related Aspects of Intellectual Property Rights) and the Paris Convention effectively sets that out. The draft law before Members makes the 3 existing laws comply with those T.R.I.P.S. obligations. Adopting this law will not be a final stage in W.T.O. application for membership because we have to deal with plant varieties and that is what we will do as soon as possible, but it is an important step in the path to W.T.O. membership. There are a number of minor changes to existing laws about registered intellectual property rights but they are important. It is important to say there has been some industry comment that would like us to go further in terms of the registration system we would operate in Jersey, and I agree this is an area we want to look at. The officials working in this area have started considering what might make sense for Jersey in terms of developing a unique U.S.P. for Jersey. Possibly particularly our role is holding those rights within the existing structures of financial services vehicles, and this is a very complementary area for our financial services industry, about owning and protecting rights. We are very good at holding physical assets, if you can call physical assets things like cash and property. I think there is a lucrative market for us to take our brand quality image and our reputation to be a jurisdiction of choice for holding intellectual property. But this is quite a complicated area and we need to have expertise, which we are getting. I should also say there are some unsung and unknown growing intellectual property companies growing here in Jersey. Members will know, perhaps, of CPA Global, Lysaght & Company and Spoor & Fisher. These are all important that day-in and day-out are providing services for the international intellectual community, and I think those are areas we are able to grow, and with the right laws, particularly laws that are internationally compliant. We have these businesses engaged in I.P. activity and we want to create an even better climate for them to foster. Alongside that we are also developing things like W.T.O. agreements, double tax agreements, and also investment treaties. It is all part of an overall suite of measures we are looking at to develop the Jersey economy. As I have said, I think this is fairly complicated. If I was to be simply explaining, there are issues such as looking at a different form of registration we could look at in terms of looking at the automatic registration of other countries' rights. We are going to look at all

these issues very carefully and put a real focus on this issue in order to develop what is potentially a growing market for Jersey. We will, of course, only do anything that is compliant with international standards. One of the changes in the law is going to be to allow future changes to be made by regulations. There is no downplaying of the importance of getting Royal Assent for changes but it is regarded that a regulatory ability in the various different areas could enable us to be more nimble and fast-moving in terms of changes and in particular in the view of the areas we are looking at in terms of registration. This is a technical law. My officials have spent a great deal of time working on the detail of it. There has been a great deal of discussion by our expert panel who also assist us in this area and I hope that Members will agree for the principles of what is an important step in the further diversification of our economy and meeting international standards.

**The Bailiff:**

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

**11.1.1 Deputy J.M. Maçon:**

I remember sitting on the Scrutiny Panel when we looked at the unregistered rights law and as the Senator said, it is quite a doorstep of a proposition.

[16:15]

But what stood out was in that particular aspect in these forthcoming bits of legislation when we look at intellectual property, it is not just the rights that we give but also at times it is, and I would be interested to hear from the Minister, what exemptions are built into the law with regards to things where perhaps it should be right that registered rights do not apply with regards to things like education where things are done for not for profit, or other ethical reasons. It might apply more to the Plant Varieties Law that comes along but you do hear of instances where multi-national companies and organisations patent certain plant proteins and turn around to indigenous communities that have been growing very specific plants for generations and eradicate them because these communities do not have the patent in order to say that we own these crops and we have for centuries, for example. So, the exemption parts within the law are very important, especially when we consider this with regards to the ethical points of this. So, I will be very interested to hear from the Minister where the exemptions are within this particular law and also to talk about things like expiry dates, so when they come to a point where intellectual property has to come to a point - it does not have to but - there is a benefit where there is an expiry date on how long you can protect something for in order that the rest of humanity can benefit from something that is produced. Not everyone is as human-minded and spirited as the gentlemen that invented the internet that we all benefit from. If we all had to pay that how different would society be had that been totally protected? I would like to ask the Minister what exemptions there are, what expiry dates there are within these particular laws because when considering the ethical aspects of intellectual property they are very important.

**11.1.2 Deputy J.A. Hilton:**

Just a small issue: I was wondering if the Assistant Minister could clarify for me, on page 13 under (c) "Trademarks", there is a word that looks as though it should be pronounced "quinquies", Article 6. I was wondering if the Assistant Minister could clarify what that word is. At page 13 under (c), Trademarks, it starts: "Article 6 quinquies".

**The Bailiff:**

Does any other Member wish to speak? Well, Minister, **[Laughter]** we are all looking forward to your answer. **[Laughter]**

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

Yes, I am looking forward to my answer as well. I am not sure whether I can trademark it or not. I think it is a mistake. I have been working off the substantial briefings that I have had from my officials on this and I must say that I probably did not read the main features because I have been dealing with the detail of it, so I do not think that is a word that should be there and I do apologise to Deputy Hilton. I am waiting for a message from my officials to say exactly what it is. That is not a new English word so it is an error, but we are not approving it. It is an explanation.

**Deputy J.A. Hilton:**

There are 3 in the following paragraph as well.

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

Okay. I apologise for that but the only thing I would say in mitigation is those are the explanatory notes that I think are absolutely excellent. I will take notice. I will try and deal with the thing when I find out exactly what that word means because I do not know, but I will come back to the Deputy in a minute. Deputy Maçon; I have sent him a very interesting article from the *Economist* that was published in the summer on the edition of 8 August that speaks to some of the concerns he has. There is some call around the global community that the international system that was set out in the convention I mentioned should be changed, and there is a debate going to happen about whether or not, for example - and I will send the *Economist* article to Members if they wish - there should be changes internationally to the amount of time that rights can last and that would foster greater innovation. I know that Deputy Maçon and others are looking forward to the innovation review that is being published at the end of the week because effectively trade and inventions are fostered by investment and the climate in which you have the threat, almost, of creating something new. We all know, for example, of the way that generic drugs operate. You have a patent where you can exploit a patent for a period of time and that expires, and there is a whole debate about that and has relevance in these laws about the international requirements for dealing with patents for third world developed countries, et cetera. So I absolutely agree that there are big issues for the international community to do and to think about, and certainly I have views about what patents should be and design rights should be and how they should be limited and how the current system perhaps does not serve to globalise trade and to move things more quickly in terms of inventions. But it really is not us here to make laws which do not then respect the rights that the international community has had. So, I hope he reads the article because it does speak to the issues that he raised. I would say that this law is very much about the rights applying to commercial activity and it really deals with the protections against the abuses, such that people with rights have got. I hope the Deputy would agree that it is important that we do have laws that are compliant with what the international community has agreed. Sir, I move the principles.

**The Bailiff:**

Will all those in favour of adopting the principles kindly show? Those against? The principles are adopted. Deputy Brée, does your panel wish to scrutinise this legislation?

**Deputy S.M. Brée (Chairman, Economic Affairs Scrutiny Panel):**

No, Sir, we do not.

**The Bailiff:**

Do you wish to propose the Articles in detail?

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

I was going to do them in 3 parts and I will be as quick as possible. It is law so I was going to make some brief observations about the individual parts because they fall into 3 different areas, if that is appropriate. I have set out that we are dealing with 3 different types of I.P. rights. In each

case I.P. rights can be acquired in the Island by registering those rights that have been registered or granted in the U.K. and it is that system of automatic registration that we are going to look at.

**The Bailiff:**

Can I just confirm which Articles are you proposing on?

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

Sorry, I am doing part 1.

**The Bailiff:**

Thank you.

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

That is Articles 1 to 14. The draft law does not change the system of registration and we are going to be looking at that. Protection for designs is about protecting the appearance of something that has eye appeal. I know that is different for different beholders but that is ultimately what it is. It is a creation of something that is what it looks like. It can be very important to stop competitors making their products look the same as the one that some company has invested very significantly about. That, obviously, is the important issue of counterfeiting of goods. There are some updated provisions of design rights in the new law about unregistered rights and we have already made some changes. The new automatic design right that we now have in Jersey is to complement that we have already adopted in copyright, and, of course, it is similar to the provisions that we have lifted from the U.K. Designers in the U.K. find the provision very valuable to them. This is important to protect effectively the investment that is made. We have a very old law and that permits people to register a design but it needs to be updated. The original 1957 law essentially permits a design that has been registered in the U.K. to be re-registered in Jersey but registered rights may give people a bit more certainty as they offer protection for non-automatic, unregistered rights, and that is what we intend to do, as other countries have done. There are some problems with the 1957 law, not least because it has been not kept up to date with changes in the U.K. equivalent. As a law about registering a design that was registered in the U.K., this makes probably the existing law in Jersey quite confusing and that is why effectively there is a whole series of amendments to bring it into line. We have developed some of the changes but we also have an eye, because of the need to comply with the Paris Convention, which is the important issue to develop membership of the W.T.O. They are quite complicated and I do not propose to go into any detail because they have been looked at by experts, but I will try and answer any questions that Members may have on any spelling matters or any words that I do not understand but I will try and do my best. I think that is all I want to say apart from to say that there are also arrangements for regulation-making powers in this part that are equivalent and I am going to repeat in the next 2 parts and it is going to be the ability to update the laws with less delay in future. Of course, any regulations that we bring will need scrutiny and we would not in any way downplay the importance of a law or arrangement being put in terms of regulations. I think that is all I want to say about registered design but I am quite happy to attempt to answer any questions Members may have on Articles 1 to 14.

**The Bailiff:**

Does any Member wish to speak on Articles 1 to 14? Will those in favour of adopting Articles 1 to 14 kindly show? Those against? The Articles are adopted.

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

Part 2 deals with the law of patents and I can say that is Articles 15 to 23. This, as I say, is about patents. This law has been amended in the past but there have been recent updates that provide a



secondary registration system. The changes that will be made are essentially about compliance with those important conventions I mentioned earlier. They do not really change the relationship with the recognition of the U.K. patents. Patent protection is really quite important in terms of economic activity. Right to provide a monopoly, this was the issue that Deputy Maçon was raising, or a monopoly for up to 20 years for inventions relating to products and processes. Inventions that receive a patent right must be both new and involve an inventive step. An inventive step is something that is not obvious to someone with knowledge and experience in the relevant area. Invention that have to be capable of being made or used in some form of industry, and I am sure Members can give many examples of patents and how they work. Some things that are specifically ruled out of being able to get patent protection, such as scientific discoveries, ways of doing businesses and methods of diagnosis or treatment, are set out. There is one important exclusion, these are some of the exclusions that are there but it does not necessarily mean a patent cannot be used, for example, in inventing new medicines used in treatment. Patent rights in this area ensure considerable costs. At the heart of this issue is the fact that there is considerable research cost into R. and D. (research and development), in for example, the development of new medicines that must be able to be recouped. That is why these protections are being managed. As I have said patent rights in Jersey can be acquired by being registered in any patent in the U.K. Not many patents, I must say, are registered in Jersey at the moment and that is perhaps because we do not have any big manufacturing activities but perhaps with the ambition from the Tera Allas innovation report we may see that change. But it is important, and I think a very serious point, about the importance of the knowledge economy because, of course, patents can be made in terms of importance. It is unlikely that we are going to be a car manufacturing place. I know another politician said that but I do think that we can be a really innovative place and support new and innovative inventions and that is a kind of big thought that Digital Jersey, and I am delighted they have a new chief executive yesterday that is going to be looking at. Patents: I have not really got much else to say about this. I want to simply say that it is an important part of W.T.O. membership and the regulation provisions are identical to the one previously, and I am happy to answer any Members' questions on patents. I move Articles 15 to 23.

**The Bailiff:**

Is the proposition seconded? **[Seconded]**. Does any Member wish to speak on Articles 15 to 23? Those Members in favour of adopting those Articles kindly show? Those against? The Articles are adopted. Do you move Part 3, Senator?

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

This last part amends the Island's laws about trademarks. Trademarks are perhaps the most important registered intellectual property that is covered in the draft law before Members. A trademark can enable a business to brand goods or services and so effectively its reputation can be built up with the chosen trademark. As for other registered intellectual property rights, the law in Jersey provides a system of secondary registration for trademarks and it is possible in Jersey to re-register trademarks that have been registered in the U.K. Significantly more trademarks are re-registered than patents and designs.

[16:30]

It is trademarks that are one of the most important areas of core value for intellectual property. In general the secondary registration for trademark complies with the international convention and treaties because the trademark had been registered in the U.K. first under their laws, and what we are being asked to do is effectively recognise those laws under the law of Jersey. The Jersey law about trademarks that is before Members is much more modern than the laws about patents and registered design. The current law that we have dates back to 2000 but there are some important

changes that have been made in the T.R.I.P.S. arrangements. We need to ensure that there is the possibility of refusing to register a trademark in Jersey and there are limited grounds for that to be done. This in theory could be an important feature of the way that registration in Jersey has. There are certain ways of getting relief for proprietors and various different owners. There are arrangements, for example, for State emblems and where there has been an unauthorised registration in the name of a trademark, an arrangement can be put in place to deal with that. Finally, the registered legislation asserts a provision that enables search warrants to be sought regarding the existing offences about counterfeit goods. The actual offences are not changed in any way. What the legislation before Members is doing is aiming to harmonise the way that these offences can be enforced with similar copyright offences. These are identical to the ones in the copyright law that we discussed previously, and they can ensure that the law enforcement agencies can play a full part in any action where appropriate to defend rights. There are some other minor amendments that are designed to make our laws consistent and I will answer any questions. I think there is a very good explanatory note on this and I have explained again the arrangements for applying the arguments that we are looking in terms of primary registration and also the issues of that fact that we can make some regulations in future. I hope that explains in very fast pace something that is really quite complicated but I will attempt to answer any questions Members may have on part 3, Articles 24 to 33.

**The Bailiff:**

Does any Member wish to speak on part 3? Will those Members in favour of adopting part 3 kindly show? Those against? Part 3 is adopted. Do you propose the Bill in the Third Reading?

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

Yes, Sir, and in doing so I hope Members recognise that while we have a 39-page piece of legislation here, I do want to pay warm tribute to the officers who have been dealing with this. There is a dedicated individual who works in the United Kingdom and comes to Jersey very regularly. She may well be in the officers' room. She is known to Members and we also have another senior member of the Economic Development team who has been really working so hard on this for so long. It is not sometimes the most interesting of things to be dealing with something so technical but I really do believe that getting the full suite of intellectual property and then really working out what our U.S.P. is in Jersey, not perhaps for inventions of things. We invent lots of lovely things in relation to the digital world and I am sure Deputy Wickenden is enthusiastic as anybody about the creation of all sorts of apps and other things, but I think there is a real opportunity for us to be developing a world class reputation in the holding of intellectual property and the word "trust", the trust at the end of the day is the thing that has driven our Jersey economy, our financial services industry. It is strongly resurgent, it is growing in its reputation, it is growing in its jobs and growth, and this is the kind of almost horizontal justification that is going to enable us to be simply not having all our eggs in one basket. Assets are both physical assets, financial assets, but intangible assets and this legislation is a door opener effectively to W.T.O. membership and a lucrative new form of business and I thank Members for their support, and I thank warmly the officers who have worked so hard on this together with the legal advisers and the law draftsmen. I move the Bill in Third Reading.

**Senator L.J. Farnham:**

Thank you, and in doing so can I echo the Senator's words of thanks to the Economic Development staff and of course the Senator himself for taking it through so ably. Thank you.

**The Bailiff:**

Does any Member wish to speak on Third Reading? Deputy Wickenden.

### 11.5.1 Deputy S.M. Wickenden:

I just want to say that I congratulate the hard work that has been done on a very complicated and quite possibly very dry subject. But it is very important. It is very important that we have these in place to move Jersey forward as something in our toolkit that is going to give other areas and jurisdictions coming into us the confidence that we are moving in the right direction, not just in the digital area but in other sectors and areas that use trademarks as well. I support it fully, the hard work that has been put into it. Thank you.

#### The Bailiff:

Does any other Member wish to speak? Do you wish to reply, Minister?

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

No, Sir. I just thank Senator Farnham, the Minister for Economic Development, Deputy Wickenden and also say perhaps that, yes, we are going to keep ahead on this one. We were behind but we are ahead and I am determined. I know that Senator Bailhache wants to get the W.T.O. membership ahead of some of our sister islands because we are going to keep ahead and we are going to keep ahead of this law and others very quickly. There is more of this to come. I thank Members for their support.

#### The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law in the Third Reading and I ask the Greffier to open the voting.

<b>POUR: 34</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Bailiff:**

We now come to P.71, the ...

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

Can I just say, I just did not answer the issue about the word and I am grateful to the Greffier, ever the mind of knowledge, that has said it is Latin for the word ... for subdivision of paragraphs such as like saying 6.5. So, I thank Deputy Hilton for her observations and to the Greffier for his, as ever, fast and accurate advice in correcting me. **[Approbation]**

**12. States of Jersey Complaints Panel: renewal of membership (P.71/2015)**

**The Bailiff:**

We come to P.71 the States of Jersey Complaints Panel: renewal of membership lodged by the Privileges and Procedures Committee and I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion, in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, to reappoint the following persons as members of the States of Jersey Complaints Panel, from whom members of complaints boards can be drawn, for a further period of 4 years. The members are Mr. Christopher Beirne, Mr. Robert Frederick Bonney, Mr. Graeme George Marett and Mr. Patrick David McGrath.

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

I am very pleased to be able to seek the reappointment of the 4 individuals mentioned in the report and the names read out by the Greffier for a further term of office on the Complaints Panel. The committee is always grateful to members who give many hours of their time in relation to the work on this panel and we are very pleased that these 4 individuals have offered to serve for a further 4 years. At the same time the committee would like to thank the retiring members, Mr. Frank Dearie, Mr. Stephen Platt; who have both served for 6 years, Mr. John Mills, who has been a member of the panel since 2012. But in particular would like to pay tribute to Mr. Nigel Le Gresley who has retired from the panel after 12 years' service as deputy chairman and most recently as chairman. On behalf of all States Members I will pass on our sincere gratitude to him for the incredible service he has given to the Island on an honorary basis. **[Approbation]** I make the proposition.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Yes, Connétable.

**12.1.1 The Connétable of St. Martin:**

Can I just ask the chairman why 4 members are standing down at the same time; if there was any reason?

**The Bailiff:**

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

**12.1.2 The Connétable of St. Clement:**

No, there was no particular reason, as far as I am aware. I think they all get on with the chairman of the Privileges and Procedures Committee very well. **[Laughter]**

**The Bailiff:**

Those Members in favour of adopting the proposition, kindly show? Those against? The proposition is adopted.

**13. Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (Jersey) Regulations 201- (P.79/2015)**

**The Bailiff:**

We come to the Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (Jersey) Regulations, P.79, lodged by the States Employment Board and I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (Jersey) Regulations. The States, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, have made the following Regulations.

**13.1 Senator A.K.F. Green (Deputy Chief Minister - rapporteur):**

I am going to handle this one. Members will be aware of the proposed changes from the Public Employees Contributory Retirement Scheme, otherwise known as P.E.C.R.S. (Public Employees Contributory Retirement Scheme), changing from a final salary scheme to a new career average. That legislation has been lodged and is due for debate in November. However, the legislation before us today will amend 4 sets of regulations which control the current P.E.C.R.S. scheme. The effect of this draft legislation is to bring the P.E.C.R.S. scheme into line with recent changes with the Income Tax (Jersey) Law 1961 and improve the eligibility criteria for membership. Some employees are currently excluded from joining the P.E.C.R.S. scheme. Under these changes they will now be eligible. The Income Tax Law now states that the maximum service a person can have in order to take a refund of their contributions is 5 years. This means that a member of the scheme with more than 5 years pensionable service will no longer be able to claim a refund of his or her pension contributions if they leave the organisation. Of course they will be able to take a deferred pension or transfer to a suitable agreed scheme. Under the current P.E.C.R.S. regulations members employed prior to 1st August 2000 are allowed to take a refund of all their contributions irrespective of how long they have been a member of the scheme. While a refund of contributions is only permitted for those after this date where they have accumulated less than 2 years' pensionable service, changes to the Income Tax Law means the ability to request a refund for members who have more than 5 years' service, therefore, will be removed. The options that remain open to them, as I have referred to before, is to have a deferred pension payable as stipulated under the particular regulations or to transfer their benefits into a pension scheme as approved by the Comptroller of Income Tax. Those with less than 2 years' service would have the option of either a refund of their contributions, or, again, a transfer to the pension scheme; another approved pension scheme. The second change under the Income Tax Law allows for a deferred member, that is an ex-employee who leaves their pension benefits within the P.E.C.R.S. scheme, to convert that deferred pension into a lump sum so long as the capital amount is less than £18,000. Under the current rules it is £5,000. This change to the P.E.C.R.S. legislation now matches the maximum

limit allowed under the Jersey Income Tax Law. The final amendment to the P.E.C.R.S. New Members Regulations 1989 which, if approved today, will mean that no longer will persons under the age of 20 or within 5 years of normal retirement age be excluded from joining the P.E.C.R.S. scheme. That is, people under 20 currently cannot join the scheme; if we adopt these Regulations today, they will. People currently between 60 and 65 who have become new employees under the current scheme cannot join. If we adopt these Regulations today, they will be able to do so. The amendment also applies to fixed term contract employees. The current situation is that fixed term contract employees with a contract of less than 6 months' duration are offered an opportunity to join the P.E.C.R.S. scheme. However, those ... sorry, more than 6 months' duration. However, those with less than 6 months are currently excluded. This amendment will mean that all current fixed term contract employees will be able to join the P.E.C.R.S. scheme with immediate effect or the new scheme as from 1st January if the draft legislation is agreed by this Assembly. I make the proposition.

**The Bailiff:**

Is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles? Those Members in favour of adopting the principles, kindly show. Those against. The principles are adopted. Deputy Le Fondré, does your panel wish to scrutinise this legislation?

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

No, Sir.

**The Bailiff:**

Do you wish to propose the Regulations *en bloc*?

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

Yes. I can propose, if Members are happy, Regulations 1 to 5 *en bloc*.

**The Bailiff:**

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

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

Yes, please. I propose the ...

**The Bailiff:**

Does any Member wish to speak in Third Reading? Those Members in favour of adopting the Regulations in Third Reading, kindly show. Those against. The Regulations are adopted.

#### **14. Draft Air and Sea Ports (Incorporation) (Jersey) Law (Appointed Day) Act 201-(P.81/2015)**

**The Bailiff:**

We come to the Draft Air and Sea Ports (Incorporation) (Jersey) Law (Appointed Day) Act, P.81, lodged by the Council of Ministers. I ask the Greffier to read the proposition.

**The Greffier of the States:**

Draft Air and Sea Ports (Incorporation) (Jersey) Law 201- (Appointed Day) Act. The States, in pursuance of Article 55(2) of the Air and Sea Ports (Incorporation) (Jersey) Law 201-, have made the following Act.

[16:45]

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

The Minister for Treasury and Resources will take this one.

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

On 2nd June 2015 the Assembly approved the Air and Sea Port (Incorporation) (Jersey) Law which was granted Royal Assent on 15th July 2015. This Appointed Day Act will activate the law in 2 sections. The first section will come into force immediately if Members approve this Appointed Day Act. This will allow the Assembly to use the regulation-making powers in the law to debate the draft regulations, which will follow shortly, P.80/2015. Those regulations will make provision for the transfer of staff, assets and property to the new company and would come into force on 30th September in advance of the formal incorporation on 1st October. The second section will bring in all of the remaining provisions of the law which will give the new company its full functions, legal duties and obligations as the operator of the air and sea ports and the harbour and airport authorities for Jersey. This Appointed Day Act is deliberately constructed into 2 sections to ensure that the regulations can be debated in a timely manner while the legal duties do not fall upon the Ports of Jersey Limited until the planned incorporation date. The effect of the Act is that the new company will be created as a shell with no assets or legal duties as soon as the Act is approved. The assets, property and staff will follow upon the incorporation as an outcome of the approval of the regulations and the legal duties will start to apply when the second part of the Act comes into effect. In simple terms, the effect of approving the Act and the regulations that will follow in P.80 will be that the Ports of Jersey will incorporate as provided for in the law and as envisaged at the time of P.70/2012. The debate on the first board of directors will then follow as P.68. I feel that it would be appropriate for me at this stage to commend the Economic Affairs Scrutiny Panel for their detailed and challenging review of the incorporation of ports. Members will have seen my email circulated only yesterday containing correspondence between myself and the Scrutiny Panel regarding the shareholding. I believe this, again, amply demonstrates the panel's commitment to ensure that the Scrutiny process was fully applied right up until this final approval stage. The panel's determination to ensure that the governance arrangements around this incorporation were sound and robust has been rigorous. While challenging, they have also provided many constructive suggestions, which have been taken on board, and I believe we have a much stronger governance arrangement in place as a result of their work. I thank them for that, their commitment and the constructive yet demanding challenge throughout the process which has been quite long. I maintain the proposition.

**The Bailiff:**

Minister, the proposition refers to the law, the principal law as having been awaiting registration at the Royal Court; that proposition was of course lodged on 24th July. Has registration now taken place?

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

Yes.

**The Bailiff:**

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

**14.1.1 The Connétable of St. Peter:**

As one part of the Ports of Jersey - the airport is in the Parish of St. Peter - there are some tranches of Parish property which will be transferred if this is passed today. That being 2 roads, namely Rue Rose to the north of the airfield and Rue Carreè to the south. I would just like the Minister to

confirm that all the necessary road extinguishment notices will be put in place for Rue Rose and the transfer of ownership for Rue Carreè will be done before 1st October. Thank you.

**The Bailiff:**

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

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

Yes, I can confirm for the Connétable of St. Peter that it is yes to both, although he slightly jumped the gun because I think this would come under the regulations which we are about to deal with but nevertheless, the answer is yes and yes.

**The Bailiff:**

All Members in favour of adopting the proposition, kindly show? **[Interruption]** The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Air and Sea Ports (Incorporation) (Jersey) Law 2015 (Appointed Day) Act. I will ask the Greffier to open the voting. If all Members have had the opportunity of voting I will ask the Greffier to close the voting. I can announce that the proposition has been adopted: 33 votes in favour, 2 votes against and one abstention. [INSERT VOTE TABLE]

**The Greffier of the States:**

Deputy Maçon and Deputy Mézec voted contre and Deputy Labey abstained from voting.

**15. Draft Air and Sea Ports (Incorporation) (Transfer) (Jersey) Regulations (P.80/201-)**

**The Bailiff:**

If I might add, for the benefit of Members, my question to the Minister was if, by any chance, the law had not been registered, it was not enforced, then that would have made it impossible to have an Appointed Day Act. That was the reason for the question. We come now to P.80 Draft Air and Sea Ports (Incorporation) (Transfer) (Jersey) Regulations lodged by the Council of Ministers and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Air and Sea Ports (Incorporation) (Transfer) (Jersey) Regulations. The States, in pursuance of Articles 33, 53 and 54(2) of the Air and Sea Ports (Incorporation) (Jersey) Law 2015, have made the following Regulations.

**The Bailiff:**

I call on the Minister for Treasury and Resources to propose the principle.

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

These Regulations will complete the incorporation of the Ports of Jersey. There are 3 elements to them: the transfer of staff, the transfer of assets and the transfer of the property. I will deal with them in turn. Firstly, staff. The effect of the Regulation alone is very simple; to define those staff who are to transfer. These comprise all of the staff who work at the harbour and airport for the Ports of Jersey and whose chain of line management ends with the Group Chief Executive Officer. The Regulations do not set the terms of transfer which have already been agreed by this Assembly in approving the primary law. To recap: all staff members, currently 250 F.T.E. (Full-Time Equivalent), will transfer to the new entity on their existing terms and with their pension rights intact. Unlike previous incorporations, the Ports of Jersey has undergone an efficiency enhancing reorganisation prior to its formation as a company. Jersey Harbours and Jersey Airport, having merged to create the Ports of Jersey within Government, have already been subject to a process of optimisation and have continued to develop an organisation capable of operating in a post-



incorporation environment. This means that the ports go into an incorporated position with the right capability and staffing levels. Now to the movable assets. The Regulations will transfer the movable assets to the new company. This property includes those things on the asset registers of Jersey Harbours and Jersey Airport. They include, as an example, things such as buoys, boats, software, communications equipment and so on, that are required to operate a harbour and an airport. These assets, like the property, will be in the day-to-day control of the Ports of Jersey Limited but their ultimate ownership will remain with the shareholder, the public of Jersey. Finally, the property. The land transferred by these Regulations consists only of that in use by the airport as the land in use by the harbours is subject to a separate lease arrangement. The property to be transferred was described in the original proposition on incorporation, P.70/2012, as the red line drawn around the airport. Some small additions have been made to this area since then. I will briefly outline those for Members. Firstly, small areas of land underneath operational equipment have been added. These sites have very limited value in real terms but it is highly desirable to ensure that the ownership of the navigational equipment that supports the movement of aircraft is unquestioned. Also, access to these areas has been provided for where necessary. Secondly, 2 properties on the north boundary of the airport have been acquired by the public in the intervening period with the intention of transferring them to the Ports of Jersey. These properties impinge on the operational area of the airport and they are to be demolished as obstacles in order to comply with international safety regulations. Lastly, the area used by the Air Training Corps was added to the transferred area. The rationale of the time was that the property upon which the Air Training Corps constructed their H.Q. (Headquarters) was in public ownership and was contiguous with airport property being transferred. As there is no other public property in the area it was felt that it would be more efficiently administered via the Ports of Jersey. In May 2015 the Ports of Jersey extended heads of terms to the Air Training Corps who continues to evaluate the position. Ports of Jersey have confirmed to the Air Training Corps if they desire to remain a tenant of the public rather than the Ports, the property would be or can be transferred back to the public after incorporation. The public will retain certain rights over the land that is transferred, in particular to maintain underground infrastructure and to access the land to carry out works where necessary. In reality, the public, as 100 per cent ultimate owner of the Ports of Jersey Limited, has the capacity to take any necessary action in respect of the land. The Regulations simply serve to make some powers explicit in the most likely scenarios. For the assurance of Members, the Ports of Jersey will not be permitted to dispose of any land transferred to it from the public without written permission of the Minister for Treasury and Resources, and, I might add, without referring back to this Assembly. So that decision would not be taken unless that format was followed. I maintain the proposition.

**The Bailiff:**

Is it seconded? **[Seconded]** Does any Member wish to speak on the principles? Those Members in favour of adopting the principles, kindly show? **[Interruption]** The appel is called for. I invite Members to return to their seats. The vote is on the principles of the Air and Sea Ports (Incorporation) (Transfer) Regulations. I would ask the Greffier to open the voting.

<b>POUR: 33</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Deputy J.M. Maçon (S)		Deputy R. Labey (H)
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				

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

**The Bailiff:**

Right, Minister. Sorry, Scrutiny, yes, thank you. Deputy Brée, do you wish to scrutinise?

**Deputy S.M. Brée (Chairman, Economic Affairs Scrutiny Panel):**

No, Sir, we do not.

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

I would propose *en bloc* the Regulations 1 to 7 of the schedule as parts 1, 2 and 3.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Those Members in favour of adopting them, kindly show. Those against. The Regulations are adopted. Third Reading, Minister? Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations in Third Reading, kindly show? **[Interruption]** The appel is called for. I do not think any Members have left their seats but I invite Members to return to their seats. I will ask the Greffier to open the voting.

**POUR: 33**

**CONTRE: 2**

**ABSTAIN: 0**

Senator A.J.H. Maclean  
 Senator L.J. Farnham  
 Senator A.K.F. Green  
 Senator Z.A. Cameron  
 Connétable of St. Helier  
 Connétable of St. Peter

Deputy J.M. Maçon (S)  
 Deputy S.Y. Mézec (H)

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

## **16. Ports of Jersey Limited: Approval of First Board and Terms of Office (P.68/2015)**

### **The Bailiff:**

We now come to the Ports of Jersey Limited: Approval of First Board and Terms of Office, P.68, lodged by the Minister for Treasury and Resources. I ask the Greffier to read the proposition.

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

The States are asked whether they are of the opinion to approve the proposed membership of the first board and the first directors' terms of office of the Ports of Jersey Limited as set out in the attached report and Memorandum and Articles of Association.

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

I propose the appointment of the first board of Ports of Jersey Limited as set out in the Articles of Association attached to this proposition. The approval of a first board by this Assembly was requested by the Economic Affairs Scrutiny Panel during their work on ports incorporation. It was a request that I was happy to agree with. The first board proposed is the current shadow board and the proposed term is to the end of October of next year, 2016. I circulated the profiles of the board for Members' information earlier this afternoon. The shadow board was first appointed in November 2010 for a 3-year term following a formal appointment process overseen by the Appointments Commission. At the end of their first term and following due consideration, including an internal board effectiveness review process, it was felt appropriate to retain the same board for a further 3-year term through to 31st October, as I have mentioned. If this proposal is

approved today, the chairman of the board will develop his plans for a structured review and refresh of the board and present them to me, as shareholder representative. This structured approach will then allow for the board and for the Ports of Jersey Limited to phase the replacement of current directors to avoid all contracts being coterminous while ensuring the board retains the necessary experience, continuity and builds capability. I believe the shadow board has done an excellent job in delivering the integration of the former Harbours and Airport and then the process of incorporation that has led us here today. They have risen to the challenge set to them and delivered on it. I commend and thank them for their considerable expertise, commitment and drive in doing so. I believe it is essential that as the ports take their first steps as a newly incorporated business that we maintain the impetus that has been shown to date. I believe the current shadow board have demonstrated quite clearly that they, individually and collectively, have the skills, drive and commitment to do so. I also believe that by appointing them today we will maintain the continuity necessary for the business in what I have no doubt will be a challenging first year. I maintain the proposition.

[17:00]

**The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Is that Deputy Martin? No. Yes, Deputy Doublet.

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

I just wanted to say a few words on this proposition in my capacity as the States Trustee for the Community Relations Trust. As I am sure Members will know, the Trust works to promote equality in Jersey. The trustees believe that there is currently a significant issue in Jersey being a lack of diversity on boards where we are not seeing women and members of minority groups reaching the highest positions of leadership. The gender imbalance is quite apparent, indeed at present this proposed board has only one female member out of 6 total members. The Community Relations Trust is soon to publish a report on women in leadership roles in Jersey and it is highlighted within this report. Gender diversity on boards and throughout senior management nurtures diversity of thinking which enhances the decision making process and promotes stronger leadership. The strongest and most successful businesses are those which embrace and support diversity. Companies which actively promote programmes which support gender equality achieve better financial performance than their peers. So it is clearly in the public interest to promote diversity both for its own sake and for financial reasons, and having today had a brief conversation with the Minister for Treasury and Resources on this topic, I am very grateful for his invitation to involve the Trust in future discussions in looking at how we can achieve diversity within publicly-owned bodies. I look forward to working co-operatively to make progress on this issue. So accordingly I will be abstaining from the vote, not wishing ... not having any specific concerns about this board but to indicate the importance of having a diverse board and I would urge other Members to do the same if they feel that diversity on the boards of our publicly-owned bodies is important. Thank you.

**16.1.2 Deputy S.M. Brée:**

Reference is made to the comments paper issued by the Economic Affairs Scrutiny Panel, and particularly our recommendation 6 which relates to the States should approve appointment of the first board. What the approval fails to mention is some of the more detailed comments that the Economic Affairs Scrutiny Panel put into their comments paper about the issue of the consistent or constitution of the board itself. If I may be permitted, I would just like to refresh Members' memory about what was in the paper. During the discussion the panel raised concerns about the amount of time individual directors can devote to serving on boards and particularly the ability of

individuals to sit on a number of boards at the same time, which could potentially result in an inappropriate concentration of influence in the hands of a small number of individuals. The panel considers that this should be taken into account by the States and relevant bodies when selecting and appointing board members for States-owned companies, both in this case and for future appointments. Members believe that there is a strong case for additional guidelines to limit the number of directorships on States-owned companies that can be held by any individual at one time. Appointments would be expected to reflect ability and relevant experience rather than reward reputation or past position. I merely wanted to refresh States Members' memory as to what was in the comments paper. I shall leave it up to Members to take their own interpretation from those comments. Thank you.

**The Bailiff:**

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

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

I would just like to thank the 2 Members who spoke; I did indeed have a brief conversation with Deputy Doublet about the issue of the Trust, and I think she raised a very sound point indeed. We do, in this Island, need to have - and in fact it links in part to what Deputy Brée was saying - more diversity on boards. I think the challenge that we face in the Island, with a population of 100,000 people, particularly where we are looking for board representation on sometimes large and complex businesses, such as the Ports of Jersey, is finding the pool of necessary talent to ensure the appropriate oversight, guidance, expertise, governance that is necessary for those particular businesses. As I have said earlier, I am delighted with the board that we have in place but indeed the process is now about to start to look to refresh that board and the points the Deputy raised are good ones. Members will be clear that we do see some of the same individuals appearing on not just boards but all sorts of organisations across the Island and it would always be preferable to see more choice but that is difficult and I think we have got to work harder to try and build that capacity in due course. So those points are fair and reasonable although it is not as easy to deliver on as perhaps one would imagine, but that is not a reason for not seeking to do so and I think we can work well with the Trust and others in order to do that. I maintain the proposition.

**The Bailiff:**

The Appel is called for. I invite Members to return to their seats. The vote is on the Ports of Jersey Limited: Approval of the first board and terms of office and I ask the Greffier to open the voting.

<b>POUR: 29</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 4</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		Connétable of St. Saviour
Senator A.J.H. Maclean		Deputy M. Tadier (B)		Deputy of Grouville
Senator L.J. Farnham		Deputy J.M. Maçon (S)		Deputy of St. John
Senator A.K.F. Green		Deputy S.Y. Mézec (H)		Deputy L.M.C. Doublet (S)
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				

Deputy K.C. Lewis (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

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

If I may, just before we proceed, could I just give a vote of thanks to a number of people, very briefly, I know time is getting on. But this has been a project, ports incorporation, that has been running for some considerable years. I have mentioned the significant valuable input from the Economic Affairs Scrutiny Panel, both the current panel and the previous panel because of course it has covered 2 terms. There are of course a number of officers that have put an enormous amount of work in; Treasury, Economic Development, Property Holdings, and I would specifically like to mention law officers, the Law Officers' Department, because the job of conveyancing, there have been something like 250 parcels of land to be conveyed; it has been the largest conveyancing undertaking I think the Island has ever seen and I think their incredible efforts should be mentioned and marked as part of this process. There have been very many people involved and I would like to thank them, one and all, the ports, both staff and executives who also worked fabulously well to get the business into the state that it is in now which is very positive, where it is self-sustaining and no longer likely to be a burden on the public purse and I believe it has a long and strong future. I would like to thank everyone who has been involved and Members for being supportive.

**17. Draft Veterinary Surgeons (Amendment No. 2) (Jersey) Law 201- (P.83/2015)**

**The Bailiff:**

We come to P.83 the Draft Veterinary Surgeons (Amendment No. 2) (Jersey) Law lodged by the Minister for Planning and Environment. I would ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

Draft Veterinary Surgeons (Amendment No. 2) (Jersey) Law, a law to amend further the Veterinary Surgeons (Jersey) Law 1999. The States, subject to sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

**17.1 The Deputy of St. Martin (The Minister for Planning and Environment):**

To protect animals and their owners here in Jersey, the practice of veterinary medicine and surgery is restricted to qualified veterinary surgeons recognised by the Royal Court. In common with practice elsewhere in Europe, certain procedures are exempt from this restriction and they form into 2 main categories: procedures such as giving emergency first aid to save life, relieve pain and prevent suffering may be given by any unqualified person. Other exemptions are only permitted by certain individuals and are subject to training and the demonstration of necessary skills such as carrying out artificial insemination or the transfer of cattle embryos between donor and recipient.

The amendments to the law provide 3 main changes. The first is to introduce an exemption to specific aspects of the practice of equine dentistry. The second is to clarify the conditions for exemptions are only applicable to certain persons demonstrating the necessary skills to practice equine dentistry, artificial insemination and the transfer of bovine embryos and the insertion of a transponder, and finally, number 3 is in accordance with user pays policy to recover costs, introduce the ability to charge a fee for approval to carry out an exempted procedure which is restricted to certain persons. Moving to the details of equine dentistry controls, under the law all diagnostic and treatment procedures in a horse's mouth are acts of veterinary medicine and surgery with one exception, which is removing small overgrowths and sharp points with manually operated instruments. For several years it has been acknowledged that there are welfare benefits of improved equine dental care and this can be achieved by permitting accredited technicians to perform selective non-invasive procedures in the horse's mouth. Advice from European Veterinary Dental Associations, including the British Veterinary Dental Association, the Royal College of Veterinary Surgeons, the British Equine Veterinary Association, and from human dental specialists, has enabled development of a grading system which clarifies which procedures can safely be delegated to technicians without compromising the animal's safety. This system is accepted by the Royal College of Veterinary Surgeons, the British Veterinary Association, the British Association of Equine Dental Technicians, the British Veterinary Dental Association and the European Veterinary Dental College. Amending the Veterinary Surgeons (Jersey) Law 1999 to permit suitable trained and accredited equine dental technicians who are members of the British Association of Equine Dental Technicians, to conduct the specified procedures will ensure adequate safeguards to equine welfare are maintained while allowing suitably trained and qualified individuals to practice in Jersey. The specified procedures are: the examination, evaluation, recording of dental abnormalities, the removal of loose teeth or dental fragments with negligible periodontal attachments, the removal of erupted, non-displaced wolf teeth in the upper or lower jaw under direct and continuous veterinary supervision, and for those Members who do not know, wolf teeth are pre-molars and like wisdom teeth in humans and not always present. Fourthly, the rasping of fractured and adjacent teeth, and finally the use of motorised dental instruments when these are used to reduce overgrowths and remove sharp enamel points only. Horses should be sedated unless it is deemed safe to undertake any proposed procedure without sedation, with full informed consent of the owner and sedation naturally can only be prescribed by a veterinary surgeon. To be eligible for necessary approval to carry out other exempt procedures, artificial insemination, the transfer of bovine embryos or the insertion of transponders, individuals have always been required to demonstrate they have satisfactorily undertaken accredited training. The proposed amendments make this clear in the law and stipulate conditions, when approval may be superseded, or a vote, together with an appeal process, for anyone previously approved and aggrieved by such a decision. I commend these principles to the Assembly to allow safe practice of equine dentistry by accredited technicians, improved transparency concerning the approval of certain individuals applying for legal exemptions and to enable levy costs to be incurred. I propose the principles.

[17:15]

**The Bailiff:**

Is the principle seconded? [**Seconded**] Does any Member wish to speak on the principles? Deputy Tadier.

**17.1.1 Deputy M. Tadier:**

Deputy Le Hérissier is no longer in the House but I think [**Laughter**] there is a tradition, I think, on the back row and perhaps even in this seat, when thinking of the former Deputy de Faye, of not giving up an opportunity like that, this is clearly important legislation. When I saw the Minister earlier I said to him: "Why the long face, Minister" [**Laughter**] It was not simply because perhaps

he had lost the proposition to do with planning but it was of course because he had to present this very complex legislation and perhaps quite niche and esoteric legislation, which he has done very well. I think we would be foolish not to accept it although for a moment when he was setting out the guidelines there I thought he was setting out the protocols, post-election, for the horse trading that goes on in the corridors of power, rather than necessarily to do with veterinary surgery. But I think if we did not accept this we would genuinely be looking a gift horse in the mouth. So I think we should go ahead with it and I will have no problem supporting this. I might hedge my bets though. **[Approbation]**

**The Bailiff:**

Does any other Member wish to speak? Do you wish to reply, Minister?

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

I would say that any of us that have suffered from toothache will only imagine that the animals involved will be only too pleased to have a registered dentist in their corner.

**The Bailiff:**

Those Members in favour of adopting the principles, kindly show. Those against. The principles are adopted. Do you propose the Articles ... sorry, Scrutiny, Connétable?

**The Connétable of St. Helier (Chairman, Environment, Housing and Technical Services):**

I think the horse has already bolted on this one. **[Laughter]**

**The Bailiff:**

It certainly nearly had, yes. Do you propose the Articles *en bloc*?

**The Deputy of St. Martin:**

I do, Sir.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the Articles? All Members in favour of adopting the Articles, kindly show. Those against. The Articles are adopted. Do you propose it in Third Reading?

**The Deputy of St. Martin:**

I do, Sir.

**The Bailiff:**

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

## **18. Draft Residential Tenancy (Deposit Scheme) (Amendment) (Jersey) Regulations 201-(P.84/2015)**

**The Bailiff:**

We come to P.84, the Draft Residential Tenancy (Deposit Scheme) (Amendment) (Jersey) Regulations lodged by the Minister for Housing. I will ask the Greffier to read the citation.

**The Greffier of the States:**



Draft Residential Tenancy (Deposit Scheme) (Amendment) (Jersey) Regulations. The States, in pursuance of Article 24 of the Residential Tenancy (Jersey) Law 2011, have made the following Regulations.

**The Bailiff:**

Minister, do you wish to propose the principles?

**18.1 The Deputy of Trinity (The Minister for Housing):**

Yes. Last year this Assembly approved Regulations to introduce a new scheme to protect tenants' deposits. I am pleased to inform Members that this work is almost done, a culmination of many years of work. But first I would like to propose 2 very minor amendments to improve the efficiency of the scheme. Later this month we will launch the publicity for the scheme beginning an in-depth process of engagement with tenants and landlords and also detailed briefings for interested parties including States Members. This will enable us to be ready to introduce the scheme in November. This will mean peace of mind for tenants when they pay their landlord their deposit and greater ease for responsible landlords who will no longer have to manage deposit monies. Following a competitive tendering process we are close to concluding contractual discussions. We have a scheme administration that combines and partners an experienced scheme administrator who is used to handling millions of pounds worth of deposits elsewhere in the British Isles and a partner with local knowledge and expertise. The protection given by the scheme will stop bad landlords from delaying paying back their tenant's deposit or making unfair deductions from the deposit. This is a problem we know that some 20 per cent of people renting in Jersey have been affected by at some time. The scheme, importantly, will also keep disputes out of the Petty Debts Court by offering a free dispute resolution service which helps landlords and tenants resolve disputes more easily. As I said, before the scheme launches I would like to make 2 changes to the Regulations approved last year. These amendments are small and procedural, intended to make paying in deposit money more efficiently to manage. The first amendment is to Regulation 28 and 29 which sets out the process landlords must follow when they first hand over a tenant's deposit to the scheme. The experience in the United Kingdom has shown 14 days for a landlord to hand over the deposit is not enough so we would like to extend that to 30 days. This avoids landlords falling foul of the Regulations too easily and too quickly. Of course the landlord still needs to pay the deposit into the scheme and if they do not they will be liable to a penalty of up to £2,000, almost double the average deposit in Jersey. The second minor amendment is to Regulation 30 which requires a landlord, when they pay a deposit into the scheme, to complete a notice with key information about the tenancy such as the deposit amount, the address of the property and the length of the tenancy. These Regulations currently require a landlord to seek the signature of each tenant when they complete this notice. But this is not so easy with electronic systems whereby most landlords will complete the paying online. Of course tenants must be able to check that their landlord has provided the correct information when handing over their deposit. So the scheme administrator will send each tenant confirmation that their deposit has been paid in with all the information the landlord has provided. If there are any errors the tenant can then contact the scheme administration. If there are inaccuracies and it is found that a landlord has provided false information deliberately it will again be an offence liable to a penalty of up to £2,000. Any errors indeed are easily checked by referencing back to the tenancy agreement. I hope I have explained to Members the purpose of these amendments clearly and why they will be helpful. For me, the success of this scheme is not just about the protection of deposits but how quick and easy and user-friendly it is, and it is what these amendments will help it to do. We have learnt this as we completed the tender process, understanding more about what has worked elsewhere. Obviously until these final decisions are made we cannot publicise the scheme, but as soon as we have made our decision today the final touches will be put in place and we will launch the scheme which I am

eager to do. It has been my pleasure, since becoming a Minister, to steer this work to completion, building on the foundations established by the previous Minister for Housing and supporting the decisions of this Assembly. I ask the States Members to support these amendments in helping us deliver the most effective system possible and I propose the Regulations.

**The Bailiff:**

Are the Regulations seconded? [**Seconded**] Does any Member wish to speak on the principles? Yes, Deputy Andrew Lewis.

**18.1.1 Deputy A.D. Lewis:**

I welcome this amendment to these Regulations. The system that is being proposed by the Minister is very commonplace throughout the U.K., Scotland, Northern Ireland and Wales. However, I have a few questions for the Minister which I would like to pose.

**The Bailiff:**

On the principles or will we come to those when we come to debate the Regulations?

**Deputy A.D. Lewis:**

I can come to them later on if you prefer.

**The Bailiff:**

If they are on the detailed draft I think you should put them later.

**Deputy A.D. Lewis:**

Okay, I will. However, I welcome the proposal that you are putting forward, Minister. The Regulations have already come before this House and I think been approved before. This is something that is needed although I would like to talk about some evidence that is required by landlords to support this as well, which I can talk about when we get to the next part. Thank you.

**The Bailiff:**

Well, Deputy, if it is a question of evidence which goes to whether we should adopt the principles, you should say it now because the next part of the debate will be on the language of the Regulations.

**Deputy A.D. Lewis:**

I will continue then.

**The Bailiff:**

I am sorry, I misunderstood you.

**Deputy A.D. Lewis:**

That is quite all right, Sir. Could the Minister explain, there are 2 elements to a scheme of this type; there are 2 concepts, 2 ways of doing it. I understand there is a custodial system and there is an insurance system. The Landlords and Lodging Houses Association feel that they have not been adequately consulted with as to which is the best system to adopt. I would like to know as to how the Minister has come to the decision to adopt a custodial system for the deposit scheme rather than an insurance scheme. Also, this is very much a 2-way process. It is not just about tenants it is about landlords as well. Landlords will benefit from this but there are some out there that do not believe that they will, so I would like the Minister perhaps to give some reassurance that they will benefit from this system as much as tenants. There is also some evidence that suggests that this is needed and there is other evidence suggesting that it is over-bureaucratic and unnecessary, and I

wondered if the Minister could present any kind of evidence that proves the need for this because landlords are suggesting that there are very few complaints about deposits whereas the Minister has suggested that there have been complaints regularly, and having spoken to the previous Minister for Housing, he received regular correspondence about this subject but there does not seem to be any tangible evidence, it is all anecdotal. I would welcome some tangible evidence if the Minister has some. Also, could she confirm that there will be a local office for the agency that is appointed to deal with local enquiries that can be dealt with very quickly because there is a concern, both among tenants and landlords, that because it is a U.K. company there may occasionally be delays to the process; perhaps she could confirm that as well. Also, within any S.L.A. (Service Level Agreement) with the agency that is appointed, will there be levels of turnaround and speed of response to any queries that may occur? I think, with that, that is everything that I wanted to query with the Minister. Thank you.

**18.1.2 Deputy S.Y. Mézec:**

Just to speak very briefly. When I lived in the U.K. I had the misfortune of having to utilise aspects of the Tenancy Deposit Protection Scheme Law there which ended with me taking a landlord to court and winning. But in the process of doing that and also in the process of speaking to some of my colleagues at the time when I was volunteering at a Citizens Advice Bureau there, C.A.B. (Citizens Advice Bureau) being an organisation which had campaigned for the introduction of a deposit protection scheme in the U.K. in the first place, found that the law they had there had elements of it which were not fit for purpose and could end up in a situation where landlords who were not protecting deposits were getting away with it and there was no recourse to punish them for that. So I took an interest with this law as it was being developed and I had several good conversations with the previous Minister for Housing who reassured me throughout that process that the law that we are looking at here is fit for purpose, does a better job than the U.K., and this particular proposal here to amend certain elements of the previous version, I think, as the Minister has rightly said before, enhances what was proposed before and makes it more likely to be able to do its job. In my view, this is a good law and the right thing to be supporting.

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

I would like to start by acknowledging that there are good landlords and there are bad landlords, just as there are good tenants and there are bad tenants. In my former position as Minister for Housing, I was very clear that more needed to be done to support both tenants and landlords. Almost half of Jersey's households rent. Almost half of Jersey's households are in somebody else's accommodation, and housing, I think, goes right to the heart of the quality of life. I do not think we can underestimate the importance both of good standards but also peace of mind in your rented home. That is why we introduced the Residential Tenancy Law, providing a clear legal framework, extending tenancy rights to tenants including unqualified people, and that is why we introduced, in 2014, the condition report. These were solid improvements, helping landlords and tenants, and for me the Deposit Protection Scheme is in the same spirit. I listened to Deputy Lewis about the evidence. I have to say, and I said this to him when we discussed it, this was the one item that I had more phone calls about than any other. If we want more solid evidence, and it was Deputy Mézec that reminded me of it, the Citizens Advice Bureau have campaigned over here for this scheme; it is one of the items that they get the most complaints, queries, enquiries about. I think it would be right to acknowledge, while I have done some work and the new Minister has done a lot of work to bring this forward, this was the original request, I think, of Deputy Southern. I used to dread questions without notice when I was a Minister when he used to ask me: "When is this coming in?" So we are nearly there, Deputy, we are nearly there. I ask Members to support the principle of such a scheme. It has taken time to produce, it will help tenants and it will protect the deposits. The deposits belong to the tenant. Just to give one story, one phone call I had, and I

know it is true because I know the person well. The landlord was happy with the way that the tenant left the property; it was immaculate, it was just how they had moved in, but said to the tenant: "You cannot have your deposit back until I get the new deposit from the next tenant." That is not right and there are a lot worse cases than that. So I urge Members to support the Minister in making these changes.

[17:30]

#### **18.1.4 Deputy M. Tadier:**

Members will know that I am a Member who has shown interest in housing matters, particularly in rental issues both for tenants and landlords and I welcome this principle. I think what Senator Green has just said is also my understanding of the facts on the ground. I also support the extension to a month, that seems entirely reasonable, 2 weeks can go very quickly and I imagine if you are a landlord it certainly does if you are moving into a new place as a tenant. So that seems entirely sensible. It is about being the flipside of the same coin; we talk about tenants' needs and landlords' needs and essentially there is no reason that they need to be mutually exclusive. I think what is good for the tenant is ultimately good for the landlord and I think most reasonable people see that no matter what their positions are or even if they are in neither of those situations. What concerns me is what the Minister said about having the most efficient system that we can have and I think that we are in risk of missing a trick here. We have set up a deposit scheme here which will require or has required a certain amount of bureaucracy but necessary, a certain amount of administration is perhaps a better word, to maintain that. Members will remember that earlier, perhaps I think it was in the last Assembly, I asked for a review into the viability of creating a landlord register and also to look at establishing minimum standards so we could have a one-stop shop. It seems to me strange that we can have this particular administration, which seems the most difficult to do out of the lot, but we do not have a landlord register so we do not know who the landlords are in Jersey at any one given point but presumably we will need to know that for the purpose of administering such a scheme. This is not a voluntary scheme, as far as I know, this is compulsory, so you are a tenant, you are a landlord, you will have to put a deposit, if you have a deposit, into this scheme. We therefore need to know who the landlords are. My question to the Minister is, how do we know who the landlords are at any one given point if we do not have a landlord register, and if we have got the administration to do that why can we simply not have that built into the computer system so we will know the information which presumably we will need to know anyway? The second point, I think, is, you make a one-stop shop. So rather than having these, what I think is supposed to be, light touch regulation but will come back to bite us, it is retrospective regulation and it is very complex. I do not want to go into that debate but I think it is relevant to touch on it, now I have given the comment to the Minister, is that people will have to go through a process of saying: "Actually, this property is not right." Look at the current Residential Tenancy Law trying to prove the fact that your accommodation is uninhabitable where it might just be slightly substandard but not meet the test so they can withhold their rents. We do not want to go down that route. It is not good for the tenant; it is not good for the landlords. It would be much easier if we could tag on to this piece of administration here, a tick box which says: "Landlord, these are the minimum standards which you are now required to meet" whether that be on health grounds or environmental grounds or to do with whatever. You tick the boxes: "That was in good condition when you moved in and we will check the condition when you move out and if, for whatever reason, you have damaged it of course we will retain some of your deposit." If, for whatever reason, the house has fallen into a mouldy state, which one of the Constables referred to earlier at La Collette, then that is the point at which those things can be flagged up. I am very worried that we are building a bureaucratic monster ironically in an attempt to not be heavy with regulation and we are going to end up with, as I have said, a behemoth which is much more unwieldy; it is not good for the tenant, it is not good for the landlord and it could be much simpler.

So I would ask the Minister to give serious consideration into making this a one-stop shop, where we can make sure that all the minimum standards are met, the boxes are ticked, but not just a box-ticking exercise, but that the standards are met when new tenants move in. I think it can be a win-win situation and we do not have the optimum situation with what is being proposed.

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

I was just reading through the explanatory notes, which was on page 6 and page 4, on which it describes in separate paragraphs about the amendments. As I am reading it I just feel that the Minister needs to clearly explain what exactly is the administrative delay that is given as the excuse as to why we need to move from the 14-day to the 30-day, when in the next breath, on the second amendment, we are saying we are going to speed up the process. So if that is the case I need some evidence or proof that it will take 30 days for a landlord because I currently ... I personally do not see the point in the first amendment in changing from the 14 to the 30 days unless I get a clear explanation or proof; or review or explanation over the administrative delay that is being used as an excuse for moving it to 30 days, when in the next amendment that we are being asked to approve is stating that we are speeding up the process by removing the requirement for both to sign. So if the Minister could just explain to me and provide some form of evidence, not just that it is because based on U.K. experience, but exactly what the administrative delay would be.

**18.1.6 Deputy S.M. Wickenden:**

I just want to check when this all comes about, landlords who currently have tenants, who currently have their deposits; are they going to be given a very short period of time to pay those deposits into the scheme or is it just for new tenants in new places? So could you just clarify how that would work? Because if half of the Island are renting, that is going to be an awful lot of work for a 30-day period for new landlords and the administrators.

**The Bailiff:**

Would the Minister please clarify. Does any other Member wish to speak? Minister, would you like to reply?

**18.1.7 The Deputy of Trinity:**

I will start with Deputy Wickenden because it is quite an easy one. This will not be retrospective because I think it would be too cumbersome to be retrospective. Deputy Vallois of St. John, the administrative delay; I think the majority of landlords will pay their deposits via an internet facility within 14 days and that probably will be time enough. But there will be occasions when 14 days is not enough time if there is a delay in a bank transfer or the landlord may be on holiday, or if a landlord has got a huge number of tenants changing at one point and the letting agency does that. So this amendment means that good landlords would not be affected when there are genuine reasons for the payment to take longer than it should. Also, importantly, the landlords cannot say it has been an administrative delay after 14 days that they have that time. I think that time is a good time because it does allow, especially for like the bank transfers. Also, it gives stronger grounds to take out legal action against the landlords who deliberately seek to avoid not paying; avoiding the scheme so to speak. I hope that satisfies her. Anyhow, Deputy Tadier, I am pleased that he welcomes the principles because I know that he has worked with Senator Green over the last years. Many landlords want to have good tenants and vice versa so I think we are trying to make the scheme as possible. As regarding a landlord registry scheme, it is something that we need to look at and I totally agree with him. Perhaps once this is up and running we will get more idea of how it would work. The points that you raise are very good points and something that we ... the good points that the Deputy raises and something that I shall certainly look into. Because that includes like the state of the houses when they ... flats or units like environmental health, et cetera, so it is a very good point that you raise. I thank Senator Green and like him I am pleased to say that I have

not had too many complaints about deposits. I have had some but not as many as he had and I think perhaps landlords are beginning to realise - and tenants - that this is coming and I know that the conditioned report has made a significant difference when somebody enters a new tenancy. Deputy Mézec; I thank him for his personal experience and his experience with C.A.B. Landlords we are not protecting ... we should be hopefully the same as the U.K. We put a set sum of £2,000 rather than an insignificant sum as there were before. And as I just said, this is vastly over the amounts that people pay in their deposits anyhow. Regarding Deputy Lewis; there is evidence from Citizens Advice Bureau who make a note of this every single year and I think the figures are there to be seen. I think this year alone there has been well over 100, I think. Last year there were well over 200 complaints about deposits and that really in this day and age is not acceptable. This is good governance I think what we are proposing here and it is good governance that we will put this in place. Protecting individuals; we aim to protect the individuals as well as the landlords and consultation will continue. It started well before the Regulations came to this Assembly last year and I know I have met with the Lodging Houses Association at the beginning of the year and I am happy to meet with them in the next couple of weeks or so. It will make a difference that there is a local partner here so that we will have the scheme partner on Island to answer questions, to point in the right direction. I hope I have answered all the questions and I maintain regulation.

**Deputy A.D. Lewis:**

Can I seek clarification; I did ask about the reason why we went for the custodial system rather than the insurance system. I wondered if the Minister could explain the difference and the reason why we have opted for the custodial system?

**The Deputy of Trinity:**

The difference between the custodial and insurance scheme is a case of where the deposits are held. In insurance scheme the landlord pays the fee to the scheme to protect the deposit. The deposit is held by the scheme administrator only when there is a dispute in getting the deposit back. In a custodial scheme the deposit is paid into the scheme at the start of the tenancy, which is held until it is due for repayment. Because as Senator Green said: "It is not the landlord's money, it is the tenant's money." Also, we felt that on Island, one scheme would be more appropriate.

**The Bailiff:**

All Members in favour of adopting the principles, kindly show. Those against. The principles are adopted. Connétable of St. Helier, do your panel wish to scrutinise?

**The Connétable of St. Helier (Chairman, Environment, Housing and Technical Services):**

No, thanks.

**The Bailiff:**

I draw Members' attention to the fact that under Standing Order 47 I should invite you to decide whether you wish to continue tonight or to adjourn immediately?

**Senator P.F. Routier:**

I propose we continue, Sir. It looks as if we could manage to finish everything this evening.

**The Bailiff:**

Very well. I am just conscious that there is another meeting for Members to attend but that there probably is time to continue for a while. Minister, do you wish to propose the Regulations *en bloc*?

**18.2 The Deputy of Trinity:**

Yes, Sir. I think they are quite self-explanatory I think.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the Regulations?

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

Can I just ask that we can take Amendment 2 separately as a vote?

**The Bailiff:**

Yes. Any other Member wish to speak? Minister, it is up to you whether you wish to take the Regulations together. Minister, we will take Regulations 1, 3 and 4 together. Those Members in favour of adopting Regulations 1, 3 and 4, kindly show. Those against. Those Regulations are adopted. Regulation 2. The appel is called for. I invite Members to return to their seats. The vote is on Regulation 2 of the Regulations and I ask the Greffier to open the voting. All Members have had the opportunity of voting. I ask the Greffier to close the voting.

<b>POUR: 34</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator Z.A. Cameron		
Senator P.F.C. Ozouf		Deputy of St. John		
Senator L.J. Farnham		Deputy J.M. Maçon (S)		
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

[17:45]

Do you propose the Regulations in Third Reading? Is that seconded? [**Seconded**] Does any Member wish to speak in the Third Reading? The appel is called for. I ask the Greffier to open the voting. All Members have had the opportunity of voting

<b>POUR: 35</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## **19. Jersey Overseas Aid Commission: appointment of non-States Commissioner (P.85/2015)**

### **The Bailiff:**

We now come to P.85 Jersey Overseas Aid Commission: appointment of non-States Commissioner lodged by the Deputy of Grouville. I would ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to appoint Mr. Douglas Melville as a non-States Commissioner of the Jersey Overseas Aid Commission until 4th March 2017, in



accordance with clause 7.6 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005.

### **19.1 The Deputy of Grouville:**

Members will note that the Jersey Overseas Aid Commission is seeking the appointment of Mr. Douglas Melville following a vacancy for the post of non-States Commissioner. The Commission has liaised at every stage of the appointment with the Jersey Appointments Commission to ensure that the process was undertaken in the most transparent way. The panel agreed unanimously that Mr. Melville be appointed. He has a wealth of experience in the management of overseas funds, together with hands-on experience of development issues. Full details of Mr. Melville's humanitarian work can be found in the attached report. I hope Members will support this appointment.

#### **The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Those Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

### **20. Jersey Employment and Discrimination Tribunal: appointment of lay members (P.88/2015)**

#### **The Bailiff:**

We now come to P.88 the Jersey Employment and Discrimination Tribunal: appointment of lay members lodged by the Minister for Social Security. I ask the Greffier to read the Proposition.

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

The States are asked to decide whether they are of opinion to appoint, further to a process overseen by the Jersey Appointments Commission and in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, the following persons as lay members of the Jersey Employment and Discrimination Tribunal, each for a period of 5 years to begin from the date of States approval: Mr. Simon Cross, Mrs. Susan Cuming, Mrs. Louise James, Mr. Gerald Larkins, Mrs. Suzannah Le Moignan, Mr. Vincent Manning, Mrs. Anne Southern, Mrs. Marilyn Wetherall.

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

I am pleased to propose the appointment of 8 lay members to the Jersey Employment and Discrimination Tribunal, following an open recruitment process that was overseen by the Jersey Appointments Commission. These lay members will hear complaints made under the Employment Law, as well as complaints about acts of race and sex discrimination that occur in the workplace. When a Tribunal is formed to hear an employment-related complaint the panel of 3 consists of a legally qualified chairman or deputy chairman, along with 2 lay members. One lay member must have experience of employment matters from the perspective of employers and the other lay members must have experience from the perspective of employees. It is essential that the employer/employee balance is retained. I am pleased to be able to recommend the appointment of 4 new lay members in each category. Each of the candidates has the necessary knowledge skills and experience. I am grateful that they have put themselves forward to take on this important responsibility. If this proposition is adopted the Members will each be appointed for a 5-year term of office and training will be provided later this month. I ask Members to support the proposition.

#### **The Bailiff:**

Is the Proposition seconded? [**Seconded**] Does any Member wish to speak? Deputy Southern?

**Deputy G.P. Southern:**

Sir, I believe I have to declare an interest. It is a remunerated post.

**The Bailiff:**

I think it perhaps goes further than that. As I understand it, Members who are in receipt of remuneration, in which case you should not only declare, but also withdraw.

**Deputy M. Tadier:**

Sir, I have just been flagged up, that we may need to declare a non-financial interest in that one of the candidates proposed is our party secretary. We will take direction if that affects voting or not. Otherwise we are happy to support all the nominations.

**The Bailiff:**

As long as he or she is not accounting for the remuneration to the party then you can remain and you have declared it. Does any Member wish to speak? Those Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

**Deputy S.J. Pinel:**

Excuse me, Sir. May I just please say thank you to the 8 retiring Members, 7 of whom have given 10 years of service to the Jersey Employment Tribunal: Mrs. Susan Armes, Mrs. Mary Curtis, Mr. Stewart Mourant, Mr. Peter Woodward, Mr. Alan Hall, Mr. Patrick Kirwan, Mr. Sam Le Breton and Mrs Angela Swindell. A big thank you to them all. **[Approbation]** Thank you, Sir.

**21. Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 3) Act 201- (P.92/2015)**

**The Bailiff:**

We now come to P.92, the Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) Act lodged by the Minister for Economic Development. I ask the Greffier to read the proposition.

**The Greffier of the States:**

The Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 3) Act. The States in pursuance of Article 27 of the Financial Services Ombudsman (Jersey) Law 2014 has made the following Act.

**21.1 Senator L.J. Farnham (The Minister for Economic Development):**

The Financial Services Ombudsman (Jersey) Law 2014 was adopted by the States on 1st April 2014, sanctioned by order of Her Majesty in Council on 16th July 2014 and registered by the Royal Court on 25th July 2014. This final Appointed Day Act would bring into force on 16th November 2015, the day that is intended for the Ombudsman's office to start trading, as it were, the remaining provisions of the Financial Services Ombudsman Law 2014. It covers Articles 7, 8 and 10 to 19 of the Ombudsman (Jersey) Law and effectively allows complaints to be referred to the Financial Services Ombudsman. Thank you.

**The Bailiff:**

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak? All those Members in favour of adopting proposition kindly show. All those against. The proposition is adopted.

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

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

Arrangements for Public Business in the future. A couple of things here: firstly, on 6th October we are due to debate the Medium-Term Financial Term and on 15th December the Budget. Our committee would like to recommend that the States meet on the day before, on 5th October at 2.30 p.m. and on 14th December at 2.30 p.m. to take question time, statements and perhaps any minor items of business that there might be, so that we can go straight into those major debates on the Tuesday morning. That is first proposition I would like to make.

#### **The Bailiff:**

Seconded? [**Seconded**] All those Members in favour of adopting the proposition kindly show? Does any Member wish to speak? Chairman that seems to be approved.

#### **The Connétable of St. Clement:**

The arrangement for the other dates are as per the Consolidated Order Paper. The only difference being that on 6th October the Chief Minister has asked that P.46 Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) to be moved to 20th October. I would point out that 6th October says the Medium-Term Financial Plan, I suspect that it is going to be a considerably long debate with a number of very important and contentious propositions. Members might like to think that we could also be sitting the following week to complete that business. I think Members allow for that possibility. As for 22nd September, the States never cease to amaze me, I really thought that we were not going to complete today's business in a day. I think that for the 22nd there is the potential for 2 days, but if we carry on like we have today then it could be one day, but I think there is the potential for 2 days. I would like to propose those arrangements for public business. Also, while I am on my feet, remind Members are invited to meet the potential new Greffier in the facilities room after we rise this afternoon, Sir.

#### **22.1 Deputy J.A.N. Le Fondré:**

May I seek one query? P.57 on 22nd September, which is lodged by the Minister for Treasury and Resources, which is the third amendment to the Public Finances Law, I had understood was going to be withdrawn. Can you just clarify whether that is the position, Sir?

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

I believe that is correct, but I will confirm back to the Deputy in due course.

#### **Deputy J.A.N. Le Fondré:**

Thank you.

#### **The Bailiff:**

Any matters arising? No. Then I can announce one other thing to Members.

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **23. Her Majesty Queen Elizabeth II – longest-reigning British monarch**

Tomorrow, as Members will be aware, Her Majesty the Queen becomes the longest serving British monarch. I wish to advise Members that I have sent a letter to His Excellency and I understand that it has been transmitted to Buckingham Palace in the following terms: "The Lieutenant Governor, Bailiff, States and people of Jersey join together to send your Majesty their most loyal congratulations on the occasion of becoming the longest serving British monarch. We are proud of our historic connections with the Crown and remember with great fondness the many visits you and

members of the Royal Family have made to this bailiwick. Of recent particular significance in 2012 on the occasion of your Majesty's Diamond Jubilee was the visit by their Royal Highnesses the Prince of Wales and the Duchess of Cornwall. Your Majesty has been ever constant in a fast-changing world, providing a stable basis for the nation's progress. For us, in this Island, it has been a privilege to have lived in a second Elizabethan age. We express our most sincere admiration for your Majesty's continued dedication over more than 63 years in serving the people of the Commonwealth and in pledging our most loyal and devoted affection we pray that your Majesty will continue to be blessed with good health and happiness in the future." **[Approbation]** The States now stand adjourned until 9.30 a.m. on 22nd September.

## **ADJOURNMENT**

[17:56]