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STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 14th DECEMBER 2015

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

[14:30]

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

The more hawk-eyed of Members will have noted that we have a stranger in our midst today. He is not going to be a stranger for very much longer but Dr. Mark Egan, who will be taking over as Greffier next year - sworn in next year - is here to observe what is happening in the States and to keep a hawk-eye on the Greffe's clerking in the front there, which he can just about see from where he is sitting. So I have agreed that he may be in the Assembly for the sitting this time. **[Approbation]** There is nothing more under A.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of the Deputy of St. John as a member of the Environment, Housing and Technical Services Scrutiny Panel.

The Bailiff:

The nomination of the Deputy of St. John as a member of the Environment, Housing and Technical Services Scrutiny Panel.

2.1 Connétable A.S. Crowcroft of St. Helier (Chairman, Environment, Housing and Technical Services Scrutiny Panel):

I would like to nominate the Deputy of St. John to join the Environment, Housing and Technical Services Scrutiny Panel.

The Bailiff:

Seconded? **[Seconded]** Are there any other nominations? Then I congratulate the Deputy and announce that she is elected as a member of the Environment, Housing and Technical Services Scrutiny Panel. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 SENATOR Z.A. CAMERON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE REGULATORY FRAMEWORK FOR PROFESSIONAL STANDARDS FOR DOCTORS AND NURSES:

Question

Given that it is important for recruitment that doctors and nurses coming to work in Jersey do not need to retrain to be able to return to the UK should they wish to do so, is the regulatory framework that Jersey has put in place to guarantee professional standards for doctors and nurses consistent with the UK performers list?

Answer

The UK Performers List does not apply to nursing. However, all nurses working in Jersey must be registered with the UK Nursing and Midwifery Council.

The regulatory framework for doctors in Jersey relies on doctors having a licence to practise with the General Medical Council. The standards are identical to those for any other doctor registered with the GMC and are the basis for assuring the standard and the quality of care that a doctor provides.

The Performers List applies only to doctors who are working as general practitioners (GPs). It is a list of doctors with the qualifications and experience to provide general practice services to patients.

The criteria for entrance to, and maintenance on, the Performers Lists have been very similar in each of the countries in the United Kingdom, as well as in Jersey.

However, the policy that supports the English Performers List was changed in April 2015 and NHS England has since required general practitioners to sit an examination before being able to practise as a GP in England.

This entry requirement applies only to the English Performers List. However the same requirements apply to any GP wishing to practise as a GP in England, whether they come from Jersey or, for example, from Scotland or Wales.

The Primary Care Governance Team in Jersey has been working closely with NHS England since the examination was introduced and a more appropriate route for experienced GPs to join the English Performers List is now under consideration and is expected to be introduced in the near future.

The regulatory framework in Jersey is therefore entirely consistent with other parts of the British Isles.

3.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING CORPORATE CONTROLS AND PROCESSES:

Question

Further to page 18 of the Home Affairs 2015 Business Plan in which a specific key risk is “workforce modernisation and process re-engineering hindered by corporate controls and processes”, could the Minister explain whether this has been an issue on the department’s ability to perform during 2015 and, if so, what hindrance in particular corporate controls and processes may have had?

Answer

This risk has not been an influence on the Department’s ability to perform during 2015. The Home Affairs Department has delivered savings of £1,033,200 in 2015 and is proactively engaged with the Public Sector Reform Programme to identify and deliver savings in the MTFP (2016-2019), including through the use of LEAN techniques, Service Redesign and e-gov.

The risk was first identified in the 2010 Departmental Business Plan as a risk to be aware of, but of course, this does not mean that it will happen. Risk Management is a quarterly standing item on the agenda of the Home Affairs Departmental Management Board (DMB) in order to keep the Department Risk Register updated and ensure that individual Service areas implement the current and additional risk controls and/or mitigations for each of the applicable risks. Risk assessment scores are reviewed along with risk control measures. The current assessment is that this risk is manageable.

3.3 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ANNUAL RUNNING COST OF THE JERSEY APPOINTMENTS COMMISSION:

Question

Would the Chief Minister provide a list of costs year on year for the running of the Jersey Appointments Commission since it was started in 2002 up until the current day with the figures broken down by Chairperson remuneration, Commissioner remuneration and expenses?

Answer

The attached spreadsheet shows the costs from 2004 which can be clearly identified and verified. The combined payments to all commissioners (excluding expenses) are shown under the heading of professional fees.

The costs of the Jersey Appointments Commission are met from the HR budget.

Account Description	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Actual 2014	Actual 2015
States Appointments								28,105.00	0.00	0.00	0.00	0.00	0.00	0.00
States Appointments								28,105.00				22,897.17	0.00	0.00
States Appointments Basic														43,788.31
Hired Services														15,000.00
Printing and Binding			37.25		426.95		257.66	273.36	320.71	421.83	150.00	0.00	0.00	195.00
Recruitment Advertising														4,074.21
Meals & Entertainment														152.80
Other Travel													719.01	1,732.66
Hotel Accommodation														487.74
Misc. Expenditure					42.55	2,144.68	336.24	1,359.40	2,032.01	185.00	1,680.15	185.00	319.18	80.00
Professional Fees			14,943.49	20,467.49	15,329.50	23,038.20	15,615.00		32,690.00	48,395.00	58,815.00	50,342.50	71,230.66	-646.50
			14,980.74	20,467.49	15,862.00	25,182.88	16,208.90	29,737.76	35,042.72	49,001.83	60,645.15	73,424.67	72,268.85	64,864.22

3.4 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF STAFF IN EACH CIVIL SERVICE WITHIN THE INFORMATION SERVICES DEPARTMENT:

Question

Would the Chief Minister provide a breakdown of the number of staff in each civil service grade for the 108.4 FTE's within the Information Services Department?

Answer

The 108.4 FTEs quoted in the question show the Information Services Department budgeted headcount figure. However, as of the 30/11/2015 the FTE within Information Services was 94.6.

This figure includes the Freedom of Information staff currently working within the departments, of which 5.0 FTE are on fixed term contracts due to end in December 2015.

The table below shows the Information Services Department, by grade. For data protection purposes some grades have been consolidated to ensure staff cannot be identified.

Information Services - Total	94.6
Civil Service Grades 4 - 6	9.5
Civil Service Grade 7	9.0
Civil Service Grades 8 & 9	10.0
Civil Service Grade 10	21.9
Civil Service Grade 11	19.6
Civil Service Grade 12	7.7
Civil Service Grades 13 & Above	17.0

3.5 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT ON PENSION INCOME OF CHANGES TO THE INCOME SUPPORT DISREGARD:

Question

Following the results of the Household Income Distribution Survey 2014/15 which showed that 28 percent of pensioners live in Relative Low Income, what work, if any, has the Minister undertaken to estimate what effect there will be on this figure by the recent changes to the Income Support disregard for pension income?

If she has not done any work on this, why not?

Answer

The relative low income threshold after housing costs (AHC) in Jersey is £340 per week (£17,680 per annum) for an adult couple, including a pensioner couple. Using the modified OECD equivalence scale (AHC), this is equivalent to £200 for a single pensioner (£10,200 per annum). These are weekly amounts after housing costs, e.g. after rent, building insurance and parish rates have been paid.

Other reports published by the Statistics Unit provide additional information on financial circumstances. For example the 2014 annual social survey reported on the question "As a household, how easy or difficult do you find it to cope financially?" Whereas 29% of non-pensioner households considered that it was quite difficult or very difficult to cope financially, the

proportion of pensioner households in this category was much lower at 10%. Alongside financial parameters, services such as the provision of social housing and healthcare can also have a significant impact on the quality of life for pensioners.

It is therefore important to take a rounded view of government policy and spending decisions. As part of the MTFP process, my Department has thought carefully about the steps needed to ensure that our benefit system remains sustainable in the face of the demographic changes that the Island faces. As our population ages, we will need to make further changes that take into account the decreasing percentage of Islanders who are at working age when compared to pensioners and the increasing costs of health care and pensions.

The States will look at incentives for all workers to save towards pension schemes to encourage higher levels of income and self-reliance in old age over the next few years. The States will also develop the Discrimination Law to protect against age discrimination during 2016.

Against this background, the support for income support pensioners was reviewed earlier in the year.

From 1 January 2016, the fixed value pension allowance will be replaced with a percentage allowance, similar to the treatment of earned income. This will promote financial independence in old age by encouraging working age people to save towards a pension. At the moment, if someone expects to claim Income Support in old age, there is little incentive for that person to maximise their pension income. Under the current rules, the total income, including benefit, is the same for a household claiming Income Support whether it has a small amount of pension income, or a large amount of pension income. In future, people will be rewarded for providing for their retirement in proportion to the amount of pension income they have saved for during their working lives.

The new Income Support disregard for pension income will apply to people who reach pension age from 1 January 2016. Current pensioners who claim Income Support will not be made worse off by the change, and in some cases will be better off. The new Income support disregard of 23% will incentivise working age people to provide more for their old age, whether it be through saving and building a bigger pension, or working a bit longer after reaching pension age.

The effect of the changes to income support on people who attain pension age over the next few years will be considered as part of the overall impact of the work being undertaken across government towards the agreed strategic priorities and the funding provided to support those goals through the MTFP and this will need to be judged over the course of the next four years. A return to economic growth, improved health services, a refurbished social housing stock and more employment opportunities for older workers will all be of benefit to pensioners.

3.6 DEPUTY S.Y. MÉZEC OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LAW GOVERNING THE CRIME OF INCITING RACIAL HATRED:

Question

Would H.M. Attorney General clarify the current law in Jersey governing the crime of inciting racial hatred and inform members whether there have been any prosecutions since it was introduced?

Answer

Under Jersey Law, there is no specific offence of inciting racial hatred. There have, therefore, not been any prosecutions.

Activity which might be charged as inciting racial hatred under the specific legislation which exists in England and Wales may still constitute an offence in Jersey, both contrary to customary law and under existing legislation. For example, it is an offence contrary to Article 2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 to use threatening or abusive words or behave in a threatening or abusive way and a person using racially inflammatory language in public may be prosecuted under that legislation. Such conduct might also be charged as a Breach of the Peace under Jersey customary law.

In their sentencing policy, the Jersey courts have made it clear that if an offence appears to the court to be racially motivated then that is regarded as a significant aggravating feature.

3.7 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING SEARCHES CONDUCTED IN RELATION TO THE IMPORT OF ILLEGAL DRUGS:

Question

Will the Minister state how many individuals have been subject to -

- 1) baggage searches;
- 2) personal searches;
- 3) strip searches, including cavity searches;
- 4) X-Rays

in the past 3 years to-date (2013 to 2015), on the suspicion of importing illegal drugs;

How many of these were (1) charged and (2) not charged and (3) how many of these convicted of a subsequent offence?

Answer

The information below is as full and accurate as the Jersey Customs and Immigration Service's information technology systems allow in terms of statistical reporting. To enable the statistics to be put into context, the total number of passengers arriving at the ports has also been included.

Unfortunately, it is not possible to report the number of baggage searches conducted solely relating to the importation of illegal drugs, as there may be a number of reasons why a person is questioned or their baggage searched. In addition to the import/export of illegal drugs, Officers have regard to all assigned Customs and Immigration matters, including the import/export of prohibited or restricted goods, evasion of revenue and the proceeds of drug trafficking.

Intimate searches are only undertaken by medical practitioners.

*Note: *Arrivals figures are sourced from www.jersey.com. 2015 arrivals figures are to the end of October 2015. All other 2015 figures are to 10 December 2015.*

Type of record	2013	2014	2015
Air and Sea passenger arrivals*	1,090,935	1,134,318	1,034,537
Persons examined (including those solely questioned at Customs controls without baggage searches)	894	862	834
Personal "rubdown" searches, including "protective searches"	23	19	22
Strip searches	90	89	78
X-Ray examinations	22	15	14
Number of persons charged with drug offences	49	47	50
Number of persons convicted of drug offences	49	45	49
Value of drugs seized	£2,376,343	£950,301	£1,648,471

3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING LOW LEVELS OF SPENDING AS A PROPORTION OF GROSS DOMESTIC PRODUCT ON EDUCATION AND HEALTH SERVICES:

Question

What justification does the Chief Minister offer for the low levels of spending as a proportion of GDP on the Council of Ministers' 'priority' services of education (2.5%) and health (3.5%) in comparison with the OECD averages (6.2% and 9% respectively)?

What further explanation does he have for figures from Standard and Poor which suggest that total government spending will reduce from 18.4% of GDP to just 17.3% by 2018?

Does he consider that such low levels will inevitably damage the level and quality of public services essential to maintain the quality of life of residents and reduce the Island to third world standards?

Answer

Comparing government spending on particular services as a share of GDP needs to be carefully interpreted. In economies like Jersey, where GDP per head is high, this does not mean that spending is lower or that the services are of lower quality. In addition, it does not necessarily reflect what society spends on these services because it does not include spending in the private and third sectors.

The Innovation Review, published by Tera Allas, highlighted that government spending on education in Jersey was 2.5% of GDP. This percentage is not that different from Switzerland and Luxembourg, which are also successful economies with high GDP per head. The conclusion of that review was not to set an arbitrary target level of education spending as a share of GDP, but rather that the Education Department should work with businesses to raise standards and align the curriculum with future skills requirements of innovative businesses.

This is one of the key focuses of the Medium Term Financial Plan (MTFP). Jersey's economy is globally competitive and needs a highly skilled workforce so we are focusing on standards and skills. Stronger links between schools and businesses are being established so head teachers have the autonomy to lead creatively and inspire their students, and so young people leave school with an understanding of the world of employment, a good grasp of technology and a 'ready for work' approach.

Over the four years of the plan Education will receive an extra £27 million. That's £14 million to raise standards and fund the ICT strategy and £13million to cater for the predicted increase in school age children. As well as that £27million there's an extra £55m for capital investment – £40m for Les Quennevais, and £15m for Grainville and St Mary.

It is not clear how the Deputy has calculated that health spending as share of GDP in Jersey is 3.5%. The MTFP shows that net revenue spending by health and social services in 2016 will be £204 million. If the economy performs in line with the assumptions of the Fiscal Policy Panel this would amount to 5% of GDP. Such a figure has all the caveats mentioned above and does not include government spending on health through the Health Insurance Fund.

Council of Ministers recognises the importance of health spending and that is why the MTFP has allocated a total of £96 million of extra funding for health and social services over the 4 years of the plan. That includes £46million to meet rising costs of drugs, improved standards and ageing demographics; £11million on early intervention services for children – improving the life chances of our youngest and most vulnerable islanders; £850,000 on healthy lifestyle programmes – investing to reduce spending further down the line; £4million to improve mental health services; £15million on community healthcare – keeping people in their own homes for as long as possible and £20million on acute services, keeping hospital treatment safe and sustainable as more older people need these vital services

The Council of Ministers' intention is that through the reallocation of funding from savings in other areas to important services such as health and education that overall revenue spending will remain flat in nominal terms over the course of the MTFP.

Given that the economy is expected to grow over the life of the MTFP this would lead to a fall in revenue spending as share of GDP, but does not include the significant capital investment we will make over the period.

A growing economy where we get the best from the resources government spends shows we are adapting to the challenges we face. This is a far cry from reducing the Island to the status of a developing country.

3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DISPUTE BETWEEN THE STATES EMPLOYMENT BOARD AND REPRESENTATIVES OF PUBLIC SECTOR EMPLOYEES OVER PAY AND CONDITIONS:

Question

Will the Chief Minister inform members what progress, if any, has been made towards solving the ongoing dispute between the States Employment Board and representatives of public sector employees over pay and conditions in the light of above inflation pay rises in the private sector?

Answer

The States Employment Board's Officers continue to negotiate with the Joint Trade Unions on a revised offer for a two year pay settlement, covering 2015 and 2016 . A meeting took place between officers and trade unions last week and another meeting is planned for this week.

One of the pay groups has responded via their executive, indicating rejection of the offer. However the respective staff have not been formally balloted.

Officers will continue to work actively to resolve the pay negotiations.

3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING GRANT REDUCTIONS TO THE JERSEY EMPLOYMENT TRUST:

Question

Given that during the course of 2015, the Jersey Employment Trust (JET), a third sector provider, was subject to grant reductions on 4 different occasions in January, June, July and November taking its forecast deficit from £40,000 to £370,000, does the Chief Minister consider that this process was efficient or effective and, if not, would he assure members that this did not happen to other third sector organisations supported by the States nor will it happen again in the future?

Answer

The Jersey Employment Trust (JET) receives funding from the Social Security and Health and Social Services departments. The 2015 grant has been maintained at 2014 levels. In each of these years JET has received £141,180 from Health and Social Services and £1.8 million from Social Security.

Cash limits for the next 4 years are set as part of the Medium-Term Financial Plan. Departmental officers have a good working relationship with the Trust and discussions are continuing on the grant for 2016 and the following three years.

As the Social Security Minister confirmed at the last States sitting, we remain committed to the provision of a full range of employment opportunities, including sheltered employment. The Minister will be encouraging all States departments to consider suitable projects in their own areas.

3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INCOME INEQUALITY GAP:

Question

Given that the latest Income Distribution Survey points to a growing income inequality gap in Jersey to the extent that the Island has now overtaken the United Kingdom in terms of inequality, what specific targets in relation to pensioners, children in relative low income or 90/10 ratios does the Chief Minister have for the rest of his time in office and, if none, why?

Answer

We all share the goal of reducing the number of Islanders living in relative low income and we need to use all the available data to develop policies that are best suited to achieving this goal.

The 2009/10 and 2014/15 Income Distribution Surveys provide a snapshot of two moments in time. Focussing on change between these two surveys reflects the impact of a global financial crisis on Jersey's economy. Real socio-economic change tends to evolve over a longer period so it is important to refer to all the available information to inform our judgement.

The 2002 Income Distribution Survey, for example, provides a different perspective.¹

¹ The 2009/10 figures in the 2015 Income Distribution Survey were reviewed to take into account updated methodology. The 2002 figures have not been reanalysed but the adjustments are minor and the broad picture is comparable

Table 1: % of individuals living in household below relative low income threshold, before/after housing costs, 2002-15

	Before Housing Costs			After Housing Costs		
	2002	2009/10	2014/15	2002	2009/10	2014/15
Children	22	12	13	33	22	29
Working Age Adults	11	9	10	19	16	19
Pensioners	31	28	24	33	25	28
All	16	13	13	24	19	23

Table 1 shows that Jersey was reducing income inequality up to 2009/10 but then lost some of this ground during the global economic downturn.

The next step is to use the data provided by the 2015 Income Distribution Survey to develop our understanding of what has happened, who has been affected and why. Initial analysis of the 2015 Income Distribution Survey provides some key insights -

- Before housing costs the trends on 3 measures of inequality (90-10 ratios and shares and Gini coefficient) in Jersey have been stable. The widening in inequality shown by the after housing costs measures seems to be a result of persistently low interest rates for mortgage holders and increasing rents for those in rental accommodation.
- The suggested rise in inequality relative to the UK is only shown by the measures after housing costs. Before housing costs, the picture was similar to that in the UK. This suggests that the impact of lower interest rates on mortgage payments and increases in rent have had a bigger impact in Jersey than in the UK. This could be due to different home ownership rates/mortgage sizes and trends in rental sectors.

It is also important to acknowledge that increasing GVA in 2014, real earnings growth for the last three years, record employment and reducing numbers of people actively seeking work are all positive economic indicators that should trigger an improvement in the income inequality indicators.

Realistic Targets to reduce Income Inequality

States Members were briefed on the proposed development of a 2035 Island Vision for Jersey at a meeting on 19th November. The new approach is designed to –

- facilitate a dialogue about our aspirations, as a community, for Jersey’s future;
- define the level of change required across a set of Strategic Goals, and;
- monitor progress over time.

The new framework is based on three ‘strategic themes’ of Community, Economy and Environment. These are broken down into a set of enduring Strategic Goals.

‘Affordable Living’ is one of these Strategic Goals. Embedding an ‘Affordable Living’ Goal into our strategic planning process means we can define what we hope to achieve and monitor progress over time. The headline performance indicators designed for this purpose already include the number of Islanders living in relative low income households.

The Council intends that the proposed Island Vision should comprise a set of realistic, long term stretch targets across the Strategic Goals which will identify the scale of change we hope to achieve by 2035. This provides the opportunity to set a meaningful target to reduce the number of Islanders living in relative low income households.

Income Distribution Surveys at regular intervals, supported by other measures such as material deprivation indicators in Jersey Annual Social Surveys, will enable future Councils to review progress. They will be able to take into account whether strategies are working as intended, whether factors outside of Jersey's control have changed the situation, and recalibrate the targets as they see fit.

In this way the Council of Ministers is already proposing to set a long term target for the number of Islanders who are living in relative low income. Such a target will need to take into account the number of children and pensioners affected and will require a rational assessment of the strategies and resources required to deliver the proposed level of change.

Focusing on outcomes, which has been widely adopted in other jurisdictions, will require a change in our approach to strategic planning. Taking the example of relative low income, it is important to recognise that -

- Sustainable socio-economic change takes time. Arbitrary outcome targets to match a political election cycle make no sense.
- Each Income Distribution Survey carries an element of statistical uncertainty because it is based on a representative sample and not the entire population. The methodology is explicit on this point and identifies the margin of error which must be taken into account. A change target must, therefore, be of sufficient magnitude to sit outside this margin of statistical uncertainty if it is to be meaningful. Again, this points to the necessity of setting targets with a realistic timescale.
- Outcome targets are not directly deliverable. Governments can put interventions in place to try to achieve a desired outcome but cannot control all the variable factors (eg; global recession, mortgage rates) that determine the result.

In summary, the Council believes there is merit in setting long term targets as part of the new Island Vision. Such targets will measure the impact of government policy on social, economic and environmental goals.

At the same time, the Council considers that the notion of setting outcome targets with an unrealistic timescale is fundamentally flawed. Furthermore, the next Income Distribution Survey will probably not be published until 2021. Even if there were any value in setting outcome targets for 2018, there would be no means of measuring progress.

In the meantime Ministers are implementing changes designed to improve the profile of relative low income in Jersey. The direction set in the 2015-18 Strategic Plan is now being translated into concrete delivery.² These interventions include, for example -

² Page 19 of the Plan, as approved by the Assembly, illustrates the alignment between the Council's priorities and social inclusion.

- Planned investment of more than £7 million over the next four years in a targeted ‘Jersey Premium’ programme to support the needs of individual children who are at risk of under-achieving due to their socio-economic circumstances.
- Investment in the development of nearly a thousand new affordable homes by 2020.
- Ongoing investment in ensuring that social rental accommodation meets the Decent Homes Standard. By 2018, 90% of Andium Homes’ housing stock will have achieved this standard.
- Significant investment in the transformation of health and social care. New Mental Health and Primary Care Strategies have been published. Poor health and relative low income are inextricably linked.

Strategic planning is not about delivering instant results. It is about making long term investments designed to create sustainable change. Economic growth, improved productivity, growth in real earnings and investment in education are key to improving the profile of relative low income in Jersey.

Putting Jersey on a sound path to fiscal balance ensures that we can continue to invest in social protection in the future and also sustain the quality services, infrastructure and amenities that help improve people’s lives.

3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING TARGETS FOR THE PROVISION OF ADDITIONAL UNITS OF ACCOMMODATION IN THE SOCIAL RENTAL AND SUBSIDISED PURCHASE SECTORS:

Question

What specific targets for additional units of accommodation in the social rental and subsidised purchase sectors does the Minister have for the coming 4 years of the Medium Term Financial Plan in order to bring down housing costs which are pushing households into relative low income?

Can she further indicate what effect, if any, the decision to move to 90% of private sector rentals levels had on the increase in the proportion of social rental households (from 50% to 66%) in relative low income over the period of the Income Distribution Survey 2014/15?

Answer

The primary means of supporting affordability is to deliver an adequate supply of new, good standard housing for our population, while also getting the most out of our existing housing, including reviewing options to get empty homes back into use.

Over the life of the Island Plan, 1,000 units of affordable were planned. An analysis is underway to provide details on delivery to date and expected delivery over the life of the Plan, across all tenures, including for rent and affordable purchase, with this to be published in early 2016 (with initial indications suggesting a further 750+ affordable units over the next 4 years).

Alongside this, the Council of Ministers is focussed on supporting a strong economy to help with the delivery of new private sector housing. The Scrutiny Panel have been very clear that we need deliver more housing. This is why the Housing Strategy is so important.

The Income Distribution Survey shows that people in social housing, in particular those of working age, have found the recent economic climate difficult. This needs further, detailed analysis. The forthcoming rental price index, which will be published by the Statistics Unit in February 2016, will further inform this analysis.

At the same time, the 90% rent model enables us to invest in more and better housing, delivering decent homes. This is important, and reflects States decisions. At this stage, 20% of tenants in the largest social housing provider are on 90% rents, some of whom will be fully supported by Income Support, being unable to meet these costs. For the people who are not supported by Income Support, we need to deliver not just better homes, but continue to improve our economic performance, improving standard of livings – which is why it has been so welcome to more recently have experienced record employment growth, earnings above inflation, and unemployment falling.

3.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SHARP REPORT:

Question

Will the Chief Minister confirm with regard to the Sharp Report:

- a) how many pages were contained in the full report not including appendices;
- b) how many appendices were produced to the report, the title of each appendix and the number of pages in each appendix;
- c) the date the main report was sent to the Independent Jersey Care Inquiry; and,
- d) the date(s) on which the appendices were sent to the Independent Jersey Care Inquiry and the number(s) of appendices which were sent on each date?

Answer

- a) The full report contained 41 pages not including the appendix.
- b) One appendix was produced to the report. The title of the appendix is “The Attorney General’s Questions and My Answers” and it contains 2 pages.
- c) The main report was sent to the Independent Jersey Care Inquiry on the 27th February 2014.
- d) The one appendix was also sent to the Inquiry on the 27th February 2014.

The author of the report has been contacted and he has confirmed as follows: “I have looked out my printed copy of my report, which is labelled strictly confidential and numbered 19. It has 41 pages and one two-page appendix, containing the Attorney General's questions and my answers.”

3.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING INCREASED INCOME RESULTING FROM CHARGES AND FEES:

Question

Will the Chief Minister provide the following information for members for each States Department (breaking down the Chief Minister’s Department into its individual operational or administrative units) for each year from 2008 to November 2015 -

- (a) every charge, fee or item that resulted in an increase income from members of the public or companies (ie. a charge by any other name) raised in that year together with its percentage rise; and,

- (b) the annual rate of inflation for each year (in the case of 2015 using November 2014 to November 2015)

Answer

The Chief Minister has advised that, due to the comprehensive nature of the question, it has not been possible to collate all the information prior to the deadline. The Chief Minister will endeavour to provide a full answer during the States sating, although this may not be until Wednesday 16th December 2015.

3.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING OPERATION RECTANGLE:

Question

With reference to Operation Rectangle will the Home Affairs Minister explain to Members -

- (a) the chain of evidence requirements for all bone or suspected bone fragments recovered from Haut de la Garenne; and,
- (b) whether there were breaches in the chain of evidence that occurred in their handling, examination and testing and, if so, how many breaches, who was responsible for them and what effect these breaches would have had on their admissibility had they been used as evidence in court?

Answer

- (a) All material that was excavated from the grounds and building of Haut de la Garenne was searched using appropriate methods including careful archaeological excavation, visual search and sieving.

Any items that were identified as being possible bone or teeth were set to one side for assessment by an on-site anthropologist. These assessments were carried out periodically throughout the day. If an item was identified as being of human origin (e.g. as occurred with teeth), or it was not possible to immediately identify the source of the material (e.g. as occurred with numerous bone fragments) that item was packaged in a suitable tamper proof evidence bag giving details of the nature of the item, and the location in which it was found in terms of room, area, archaeological context (layer). Each item or exhibit was sealed, labelled and documented in an Exhibits Register as soon as possible after identification. This was all carried out onsite at Haut de la Garenne.

If an item was confirmed as not coming from a human source, it was still retained in the same way with appropriate annotation. In addition, items within each context which could be considered as suitable for dating a particular layer or context were also recovered in the same way.

A dedicated temporary property store was set up within the premises of Haut de la Garenne. Access to this was very limited and could only be gained by a key which was held by the Forensic Co-ordinator or their representative. Anyone entering the store had to obtain the key, break a unique numbered seal on the door and sign a register. When completed in the store, they would then lock the room on their exit before placing a new numbered seal on the door/frame and return the key. Any movement of exhibits from the store was logged in the appropriate exhibits register. When the forensic teams were not on site, the key was removed from the building and scene guards ensured that no one entered the site. Access to the whole site by any personnel was logged throughout the investigation.

At the end of the work at Haut de la Garenne all exhibits were packed into sealed crates and transferred to the main property store at the Police Station where any exhibits of potential relevance are still held. The only exception to this were a number of sealed wheelie bins containing soil which were retained off site in case further examination was deemed necessary.

A number of exhibits were submitted for further examination by suitably qualified experts. Examinations included carbon dating tests, histology examinations and assessments of teeth in terms of type, condition and ageing. These tests were carried out either in Jersey or in the UK. In all cases, the exhibits remained sealed until they were delivered to the appropriate expert who handled them in line with recognised forensic methods ensuring that their continuity (chain of evidence) was assured at all times.

(b) Breaches in the chain of evidence have the potential to significantly impact on the admissibility of evidence in an investigation or at court. For this reason, continuity is vitally important and carefully regulated and recorded. If there had been any breaches, these would have been recorded and communicated to the relevant expert before any evidence was put forward so that those breaches could be taken into account.

In the case of Operation Rectangle, there are no known breaches to the continuity of evidence.

3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE CASE OF BOSCHAT V. CHIEF OF STATES OF JERSEY POLICE:

Question

Following the criticism of the States of Jersey Police by the Master of the Royal Court in *Boschat v. Chief of States of Jersey Police* (JRC 220A (2015)) regarding the failure to supply timely information when requested, and further to the answer given to written question 1240/5(9068) on 17th November 2015 which showed that the States of Jersey Police, uniquely of all States departments, were failing to meet the 40 day response time to subject access requests, will the Minister -

- (a) explain what steps she will be taking to ensure that the Police will, in future, respond to all subject access requests within the 40 day period prescribed in the Data Protection (Jersey) Law 2005;
- (b) publish in an anonymised format the nature of all outstanding subject access requests over 40 days in each of the years listed in the previous written question, explaining the reasons why the information has not been supplied to date; and,
- (c) advise all States members within 40 days of this question how many of these outstanding information requests have, and have not, been cleared and, for those that have not been cleared, the reason(s) why?

Answer

- a) The States of Jersey Police appointed a dedicated Data Protection officer in June 2014. Previously the role was combined within the Information Security manager's role. As a result, all outstanding subject access requests have been answered and none are still outstanding. Since June 2014, all subject access requests have been answered within the 40 day limit except for one which was extended with the permission of the requestor due to the extremely large amount of data requested (Over 10 years of 'redacted' e-mail traffic

requested by a retired police officer). This request was completed within 108 days although information was released in batches over that period, to the satisfaction of the requestor.

- b) There are no outstanding subject access requests over 40 days.
- c) As b.

3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING PAYMENTS MADE TO HONORARY POLICE OFFICERS:

Question

Would the Committee set out for each Parish the number and type of each type of honorary police officers together with details of any payments of expenses and honorarium made to each class of honorary officer?

Answer

The number of honorary police officers (prescribed in statute) and the payment of expenses and honorarium are as follows –

	Centeniers	Vingteniers	Constable's Officers
St Brelade	4	4	24
Payments of expenses / honorarium	£875 per annum	£140 per annum	£70 per annum
St Clement	4	4	16
Payments of expenses / honorarium	£5,200 paid in total to all officers in 2014/15, on average £675, £270 and £177.50 to Centeniers, Vingteniers and Constable's Officers respectively.		
Grouville	4	4	12
Payments of expenses / honorarium	£225 (each) out of pocket expenses	£175 (each) out of pocket expenses	£150 (each) out of pocket expenses
St Helier	10	11	30
Payments of expenses / honorarium	£45,311.83 paid in total to all officers for the period 01.05.14 to 30.04.15		
St John	4	3	12
Payments of expenses / honorarium	£3,700 paid in total to all officers in the year to 30.04.15		
St Lawrence	4	6	15
Payments of expenses / honorarium	£660 per annum	£125 per annum	£75 per annum
St Martin	4	5	12
Payments of expenses / honorarium	refunded petrol expenses for using their own vehicles	£245 to 5 Vingteniers	£136 to 9 Constable's Officers
St Mary	4	2	12

Payments of expenses / honorarium	£300 per annum	£80 per annum	£60 per annum
St Ouen	4	6	12
Payments of expenses / honorarium	£500 per annum and home telephone bills paid	£70 per annum	£70 per annum
St Peter	4	5	17
Payments of expenses / honorarium	Chef de Police £750 honorarium, £200 per quarter telephone; Centeniers £500 honorarium, £100 per quarter telephone	£150	£100
St Saviour	6	6	20
Payments of expenses / honorarium	£500 per annum	£175 per annum	£95 per annum
Trinity	4	5	12
Payments of expenses / honorarium	£250 per annum	£100 per annum	£100 per annum

4. Oral Questions

4.1 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the cost of providing alternative care in the independent sector for the residents of The Limes:

What is the annual cost of providing alternative care in the independent sector for the 25 residents of the Limes due for closure by April 2016 and, since there are no redundancies involved, what savings, if any, are envisaged and what costs were estimated for bringing the home up to modern standards?

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

The annual cost of providing alternative care in the independent sector for residents of the Limes will continue - and I stress continue - to be based on their assessed needs through the long-term care benefit scheme. Each resident will have an updated needs assessment which identifies the level of care from the scheme and the charge that is applied accordingly. Health and Social Services charge the same as the long-term care benefit scheme and same as the rates in the independent sector, and these are specified in Article 8 of the Long-Term Care (Benefits) (Jersey) Order 2014. The savings are £770,000 - most of that is to do with building and infrastructure. The cost of refurbishing the Limes to make it suitable and safe - I have to stress that this is not in relation to the care provided by the care staff - but to make the environment safe and suitable. There is a budget allocated of £1.7 million and I am told now that the estimated cost is somewhere in the region of £3 million.

4.1.1 Deputy G.P. Southern:

Is it not the case that this £1.7 million was allocated or was a submission of the department back in 2012 where they put aside £700,000 for refurbishing all 32 bedrooms, installing 4 new bathrooms, to install and upgrade sluices, and completely redecorate the building inside and out, along with £1 million to balance with that from the H.G. Le Seilleur Fund? What has changed since that this

planned projected development refurbishment of the Limes has been abandoned? What has changed?

Senator A.K.F. Green:

The Limes was designed and built as a residential home. It is now being used as a nursing home and, as such, the corridors are not big enough; the normal size domestic doors are not wheelchair friendly and, frankly, while the care that the nursing staff and the other staff provide is absolutely first class, it is not the correct environment in which to provide nursing care for the elderly. What has changed is a number of things. First of all, we know that there is going to be capacity within the care sector to be able to accommodate our patients. Secondly, the work is so substantial, you are virtually talking about knocking the building down and, therefore, everybody would have to move out anyway, and then would move back in one and a half, 2 years' time when the work had been completed, and that is not the best way to do it. As I say, there is spare capacity. We have got the care regulations from 2014 which come into effect in my department in 2016 and 2017, quite rightly. We just would not be able to meet that standard given the current building. This is a much better way of providing care for those who need it.

4.1.2 Deputy G.P. Southern:

The Minister failed to even address the question. What has changed between 2012 and now?

Senator A.K.F. Green:

What I said was that the costs now are higher than the money allocated, that there is capacity within the care sector, that patients would have to move out anyway, and I also know that the fire precautions in the building need substantial investment. So a lot has changed and we can do better than we are doing currently. I have a very simple rule when providing services that has taken me right through my public sector. If it is not good enough for a member of my family, then it is not good enough for somebody else's family. This falls woefully behind that which you would require in a well-regulated nursing home.

[14:45]

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

I do have constituents residing at the Limes at present. I would like to ask the Minister what are the plans for the site? Will it be rebuilt as a care home or will it become an office block or a police car park?

Senator A.K.F. Green:

You can jest about the latter, I do not think there is any intention of it becoming a police car park. At the moment, I have brought forward the closure of the home because of the points that I have raised in answering Deputy Southern. What becomes of the site I do not know. It could become a different home for people who are mobile with mental health needs. It could become a site to provide true sheltered housing. That would be a matter for departments to discuss with Property Holdings, to whom the building will go to. It could be that the site will be sold. I do not know. That is the truth. What I do know is it is not fit for purpose. In case people are listening, I would just like to separate the Willows and the social housing that sit on the same site. No changes there.

4.1.4 Deputy S.Y. Mézec of St Helier:

Could the Minister explain to the Assembly why it was that the media were briefed on what was happening to the Limes before the residents were and before we, as Members of this Assembly, were briefed?

Senator A.K.F. Green:

Entirely down to me as it happened, because there was a “leak”, if you want to call it that, and the fact that the Limes was closing was being bandied about on social media so I moved a week forward to that which I had intended to do, made sure that the trade union reps were told, the media was told and embargoed, and then the residents were told about 4 hours later.

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

Can the Minister tell us when he says “the building is not fit for use”, I assume he means as a nursing home? The building itself though, do you have any estimates on what it would cost to refurbish the building for other uses?

Senator A.K.F. Green:

I do not, because it does depend what you use that building for. What we know is the Deputy is absolutely right: it is just not suitable for use as a nursing home and as such we will be handing it back to Property Holdings and then departments can bid for it and maybe vacate other sites. It is pure conjecture at the moment.

4.1.6 Deputy S.M. Wickenden of St. Helier:

Could the Minister explain how often these fit-for-purpose reviews are done on care homes in the Island by his department please?

Senator A.K.F. Green:

There are regular reviews but I have to say that there is more emphasis at the moment because of the need for the department, quite rightly, to comply with the care regulations.

4.1.7 Deputy G.P. Southern:

Does the Minister have a shortage of candidates, who are ambulatory, and might have very well been catered for in this building, without such a comprehensive rebuild as he is making out? Or is the fact that we are increasing the numbers of elderly, ambulatory or not, and we are going to need greater facilities in the future? Why is he solely reliant on the private sector?

Senator A.K.F. Green:

P.82 - when people were consulted about that, they replied in the main, where possible, they would like to remain in their homes. The majority of treatment, I think, will take place in people’s homes while they are able to move around and while they can be supported. The problem is the Limes is just not suitable for nursing, and that is where the greater demand is within the services at the moment. As I say, while the care is absolutely first class provided by the staff, the environment is not and it is right that we close it.

4.2 Deputy J.A. Hilton of St. Helier of the Minister for Home Affairs regarding investigations into the circumstances of the death of a young man in Trinity in July 2015:

Can the Minister confirm whether the States of Jersey Police have concluded their investigations into the circumstances in relation to the death of a young man in Trinity in July of this year?”

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

The States of Jersey Police concluded their main investigative work last month and a detailed case file remained with the Law Officers’ Department since mid-November. There has been a requirement for a small number of final enquiries, which, I am advised, will be concluded this week. As proceedings remain live, it is, of course, important to remember that this case remains a

matter of *sub judice*. The deceased young man's family have been kept apprised, as have those who remain under investigation.

4.2.1 Deputy J.A. Hilton:

Does the Minister agree with me that to remand on bail five 15 to 16 year-olds for a period of 23 weeks without charge is an unacceptable delay?

The Bailiff:

If it is *sub judice*, it seems to me that is going to be an end to the matter, Deputy. I am looking at you in case you wanted to object but I think that must be the position.

Deputy J.A. Hilton:

Is it worth objecting?

The Bailiff:

Not really, no. [Laughter]

Deputy J.A. Hilton:

Maybe I could direct a question to the Attorney General.

The Bailiff:

If you give notice in the usual way I am sure you could try, but not today.

4.3 Deputy M.R. Higgins of the Minister for Home Affairs regarding inspections of the States of Jersey Police by Her Majesty's Inspectorate of Constabulary:

Will the Minister advise Members the date when the States of Jersey Police last underwent an inspection by Her Majesty's Inspectorate of Constabulary and also when it underwent a peer review of one of its major investigations, such as murder, by an independent police force, and if it has not had one in the last 5 years, why?

The Deputy of St. Peter (The Minister for Home Affairs):

While there is no statutory requirement for Her Majesty's Inspectorate of Constabulary to undertake inspections of policing in Jersey, the States of Jersey Police was last inspected in March 2008 at the invitation of the Island authorities. Since then, the force has established arrangements with other Crown Dependencies and other U.K. (United Kingdom) police forces to periodically undertake peer reviews in particular areas of practice, which has included reviews into police use of firearms, managing sex offenders and domestic abuse, police custody and public order. In addition, following the Island's 2 most recent homicide investigations in 2011 and 2014, the States of Jersey Police have called upon the National Police lead officer with responsibility nationally for a particular discipline for some bespoke elements of the investigations and in order to provide advice and guidance in accordance with the College of Policing good practice.

4.3.1 Deputy M.R. Higgins:

The last inspection by Her Majesty's Inspectorate of Constabulary, who obviously are reviewing all police forces throughout the U.K., was in 2008. Does the Minister not think it is time that perhaps they should come in and do another inspection and these *ad hoc* ones are not going to be as comprehensive as a full H.M.I.C. (Her Majesty's Inspectorate of Constabulary) inspection? Does the Minister not agree it is time for another inspection?

The Deputy of St. Peter:

Since 2008 a lot has happened and the Police Authority has been set up in Jersey, which provides an additional level of oversight. The question of whether or not to invite Her Majesty's Inspectorate of Constabulary is one that I would take with the Police Authority if deemed appropriate. But, also, one would have to be mindful of the cost, which would be in the region of £30,000.

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

I do not know if this is going a bit too far, but can the Minister advise when the police force was last externally audited?

The Deputy of St. Peter:

That is not a piece of information I have at my fingertips.

Deputy J.M. Maçon:

Could the Minister please provide that in due course?

The Deputy of St. Peter:

Of course.

4.3.3 Deputy M.R. Higgins:

Considering that the Police Authority has no real expertise of policing, I do not think it is good enough to say that they have not felt the need for one. Will the Minister consult before the end of the year with the Police Authority and see if they are willing to call for an H.M.I.C. inspection, as it is long overdue?

The Deputy of St. Peter:

I am not willing or able to meet with the Police Authority before the end of this year, as we have only a matter of a couple of weeks left before the end of the year. But it is a constant point of review and discussion between ourselves and, at the moment, it is not considered necessary, or we would have called for one.

4.3.4 Deputy M.R. Higgins:

I will go back to my request: will the Minister speak with the Police Authority, review this situation of an H.M.I.C. inspection before the end of January, which gives her more time to do so?

The Deputy of St. Peter:

I meet regularly with the chairman of the Jersey Police Authority and I will raise the point at our next meeting, but I am assured from my colleague on the Police Authority, in front of me, that this has been discussed recently with the Police Authority and they drew the same conclusion as myself, which is there is no need. But we can have that conversation between ourselves, I am sure.

4.4 Deputy S.Y. Mézec of the Minister for Social Security regarding the effect of the phasing out of the lone-parent component of Income Support:

Further to the Minister's answers to questions asked by Deputy Southern and myself during the States sitting of 1st December 2015 in which the Minister stated that the department had conducted research into the effect of the phasing out of the lone-parent component of income support upon the number of people living in relative low income, which currently stands at 56 per cent, could the Minister advise what that research concluded?

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

Deputy Mézec has asked me to comment on the impact of a change of one component within income support on the future household income of single parents. The change to the lone-parent component, as approved by the States, is one of a number of changes to benefits. The package of benefit changes is just one of a wide range of decisions agreed as part of the approval of the Medium Term Financial Plan. These changes must be taken as a whole and any judgment on the success of the policies will need to be taken in future years as their impact is assessed. For example, the investment in economic growth is designed to stimulate the economy and create more job opportunities for local people, including single parents. The continued support for the Back-to-Work teams at Social Security allows us to provide tailored support for all income parents. The investment in education is designed to raise standards and the pupil premium will provide extra targeted support for vulnerable pupils to help them achieve their potential. I am confident that the package of measures endorsed by the Assembly will have a positive impact on single parents over the next 4 years, helping to lift them and their children out of relative low income.

4.4.1 Deputy S.Y. Mézec:

What I would like to know from the Minister then is this figure of relative low income is based on a very defined formula. My question is: is she anticipating that over the next few years, with the reduction of the lone-parent component of income support, the phasing out of it, which once has been completed will see those families £2,000 a year worse off, does she anticipate that the number of people living in relative low income in the Island is going to go up as a result of the phasing out of that income support component?

Deputy S.J. Pinel:

I think I answered that in my initial comments: that we will have to wait to see what the impact is before we can assess any of it.

4.4.2 Deputy G.P. Southern:

We will have to wait and see what the impact of removing £2,000 from people's income produces, whether it produces more income or less. Was the Minister aware that over one in 2 lone parents was in relative low income when she proposed to reduce the one-parent family supplement?

Deputy S.J. Pinel:

Yes, and I produced the figures during the debate in the Medium Term Financial Plan.

4.4.3 Deputy G.P. Southern:

The Minister was aware of the predominance of relative low income among single-parent families before it was published? She was aware of it, was she?

Deputy S.J. Pinel:

As I have said consistently, we did know all the figures before we brought the Medium Term Financial Plan budget savings to the Assembly.

4.4.4 Deputy S.Y. Mézec:

How is the Minister saying she knew this figure when it was published a significant period of time later? It was published in the Income Distribution Survey report, which said that 56 per cent of single parent families were living in relative low income. That came out several weeks after the decision to ... that came out on Friday, 13th November, so that was a significant period of time after these changes in the M.T.F.P. were discussed and debated in the States. I personally do not remember it ever being told to me during that period that we were voting to take money away from a group of people in which over half of them are living in relative low income at the time. I believe I would have remembered that.

[15:00]

Is she telling the Assembly that she knew that that group of Islanders was over 50 per cent living in relative low income at the time she made the decision to essentially abolish the lone-parent component of income support?

Deputy S.J. Pinel:

I want to correct, or adjust a couple of things that Deputy Southern said. He said that lone parents would be reducing their income by removal of the lone-parent benefit by £2,000. This is over 4 years. This is not an annual reduction. As regards the 56 per cent: no, I did not have that particular figure but we did the analysis of how many lone parents there were, how many were receiving maintenance from their partners, and how the reduction of £10 a week over 4 years would have an effect.

The Bailiff:

We come to question 7, which Deputy Hilton will ask of the Minister for Health and Social Services. I am sorry, I missed out question 6. Deputy Southern will ask of the Minister for Transport and Technical Services. I am sorry, Deputy.

Deputy G.P. Southern:

Getting confused over numbers, Sir, but never mind.

The Bailiff:

Deputy Tadier is not here so ...

4.5 Deputy G.P. Southern of the Minister for Transport and Technical Services regarding proposals to outsource sectors of Transport and Technical Services' work:

It makes a change from the Minister for Social Security getting confused over figures. In the proposals to outsource significant sectors of Transport and Technical Services' work, what consideration has the Minister given to the policy, outlined in P.59/1999 Outsourcing Policy, for a framework of agreed safeguards to be developed in conjunction with employee representatives over terms and conditions where public sector employees are affected by such proposals, and if none, why?

Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):

T.T.S. (Transport and Technical Services) is currently considering all options as how to deliver its services while making significant savings. The department is unable to say at this stage whether this will be by reducing, ceasing or outsourcing services provision. All T.T.S. employees and union representatives have been briefed and involved in discussions on the various options the department is considering to make departmental savings of almost 20 per cent, some £4.6 million by 2019. The department's priority is to ensure that we provide best value and services for Islanders and outsourcing is just one option that is being discussed at a high level with staff during the initial briefings. T.T.S. is preparing for a huge programme of organisational change and is working to the current States of Jersey human resources policies and guidelines that have recently been developed and approved by the States Employment Board. These policies cover many aspects contained within the original P.59/1999 Outsourcing Policy.

4.5.1 Deputy G.P. Southern:

Specifically, will the Minister accept whether or not he is to apply the following criteria? "In consulting with employees' representatives it has been made clear that fundamental to any

outsourcing policy is the need for safeguards. These safeguards should be developed in consultation with the employees' representatives and to cover issues such as equity, standardisation of wages, job security, security of tenure, health and safety, terms and conditions of service, employment of local labour." Is it his intention to negotiate with his employees on these terms?

Deputy E.J. Noel:

The Deputy there is quoting from P.59/1999, a document of some 16 years ago that came through this Assembly. Legislation and indeed best practice regarding human resources has moved on since then and I can reiterate that we are acting and complying with the current States of Jersey human resources policies and guidelines.

4.5.2 Deputy S.Y. Mézec:

Does the Minister consider it appropriate for his chief officer to be reported in the media as having made what some might consider to be a disparaging remark about the union representative who will, in the future, in the course of what T.T.S. will be doing in future, will be expecting to work with those in the department with trust and in good faith in moving forward so that both the employees, the department and the public get a good deal out of this? Does he think that the remarks he was reported as making were acceptable?

Deputy E.J. Noel:

Deputy Mézec emailed me with an excerpt from the *Jersey Evening Post* of the supposed remarks made by the chief officer. I do not find those remarks to be derogatory to the union official in any way. I am sure that the union official himself would have the same view. They were not derogatory and therefore I do not see the issue that Deputy Mézec is trying to make.

4.5.3 Deputy S.Y. Mézec:

I do not have the quote to hand unfortunately, I wish I did, otherwise I would point it out. But the gist of the quote that was issued was that, yes, well, we can expect the head of Unite Union to simply blow this out of proportion and make a public outcry over nothing when there is nothing at stake here. I call that a disparaging remark and it is casting aspersions on to the actions of his own employees' union representative, who, during the course of this will be trying his best to act in the best interests of the workers. Does he not consider that to be a disparaging remark and does he think it would be better to enter these negotiations with good faith, without making these sorts of comments?

Deputy E.J. Noel:

Deputy Mézec is not quoting directly from what the actual chief officer said there at all. He is embellishing it to make it sound something that it is not. I really ask him - he should reconsider the words that he used and go back to the article and the quote that was provided by the chief officer to the media.

4.5.4 Deputy G.P. Southern:

The Minister hinted that in this particular case, in the outsourcing of his department's tasks, that T.O.P.S.E. (Transfer of Public Sector Employees), which is the new trade union law, which - no, it is not the new law, is it? It is a best practice which applies to outsourcing and privatisation in Jersey - was used in the case of the Ports but was not used in the case of Tourism. Is he committing himself to the application of T.O.P.S.E. to his outsourcing and privatisation initiatives in this particular case?

Deputy E.J. Noel:

Deputy Southern knows full well, he brought a proposition to this Assembly in the summer of 2012 for T.U.P.E. (Transfer of Undertakings (Protection of Employment)) and that proposition, P.60/2012, was defeated handsomely: some 36 votes against, some 10 votes for. If T.T.S. and other government departments go down the outsourcing decision out of the 3 - reduced, ceasing or outsourcing - we will ensure that those organisations that we outsource services to are doing so and will employ people in a way that we will find acceptable in this Assembly.

4.5.5 Deputy G.P. Southern:

Does that mean there will be some continued continuity of terms and conditions applied to the new workforce as distinct from the old one?

Deputy E.J. Noel:

That is not the process of outsourcing. We are outsourcing a service, we are not outsourcing the individuals that currently review those services to new suppliers. But we have not got to that stage yet. We need to complete our reviews and we need to consider whether or not we reduce a particular service, cease it or outsource it.

4.6 Deputy J.A. Hilton of the Minister for Health and Social Services regarding the reasons behind the recent announcement to close The Limes:

Can the Minister confirm the reasons behind the recent announcement to close the Limes?

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

This is a slightly wider question than the one previous. The Limes currently provides 25 beds for older people with complex physical care needs. It was originally built in 1993 as a residential home, but over the recent years the complexity of need has increased with all service users now receiving full nursing care. I have to stress again that the nursing care is first class, but it is the physical environment that has continued to deteriorate with different demands in providing nursing care as to providing residential care. For example, the corridors are too narrow for wheelchairs to pass, for manoeuvring beds and hoists, and for emergency evacuation. The need for a new sprinkler system and wider and improved fire doors has also been identified. This is of greater significance now that all residents are dependent on others to support them in evacuation. When the Limes functioned as a residential home, people were less dependent and the population were able to move about and, therefore, the risks significantly reduced. If central infection and prevention control audit standards cannot be achieved because of fundamental environmental failings, including poor floor coverings, frequently blocked drains, the need to provide new sluice facilities, and furthermore the narrow corridors and domestic-size bedroom doors result in regular damage to walls and doorframes. It is not just a matter of aesthetics. It is a matter of this increases the likelihood of increasing the acquired hospital infections. As I said before, the Regulation of Care Law 2014 quite rightly will be applied to all our facilities in 2016 and 2017.

4.6.1 Deputy J.A. Hilton:

Notwithstanding that the home currently is nursing complex physical needs, the fact of the matter is that those residents are being nursed with complex needs in the building at the moment, although I do accept what the Minister has said: that he does not believe it reaches the required standard that it should. Has the department considered whether the premises could be used as a step up/step down facility?

Senator A.K.F. Green:

We are at the stage where we know it is not suitable for a care home. It is now for departments - because in accordance with the quite right procedures it will now go back to Property Holdings to see if it has a useful use within States departments - and that can include my own. If we have a useful use for it, an alternative other than a nursing home, we can make a bid. Mental health might be one of those things. If there is no use for it then it may be suitable, and this is pure conjecture on my part, for sheltered housing. It may be better to dispose of the site.

4.6.2 Deputy J.A. Hilton:

It does seem disappointing that the building underwent substantial renovation in 1993, so it is basically only 22 years old and is already being disposed of. Could the Minister inform Members what is happening with the £1.7 million budget that was allocated to the Limes in 2012?

Senator A.K.F. Green:

It will not be used to make the renovations at the Limes. The £1.7 million that was bid for is held by Property Holdings. They may- and I do not know the answer to this - choose to use it if we alter the building for some alternative use, otherwise, presumably, it will go back into reserve.

4.6.3 Deputy G.P. Southern:

Can the Minister confirm to Members that part of the reason for the closure of the Limes was because of challenges in the recruitment of staff given in his answer to my question on 22nd September over the reduction of 5 beds in the Limes? He said: "This followed the increased choice available to individuals following the introduction of the long-term care scheme and because of challenges in the recruitment of staff." What staff were challenging, or recruitment of which staff was challenging in this particular case?

Senator A.K.F. Green:

I can say it is absolutely not the case that the Limes is closing to aid recruitment. The Limes is closing because it does not meet the standards required ... well, I would not want my parents to be there and I do not think anyone else should expect their parents to be there. Having said that, the care again, the care provided by the nurses is good. The environment is wrong. It is absolutely nothing to do with recruitment and we seem to have lost sight that if we are going to renovate a building, if we were able to renovate the building, and if we were to renovate the building to that standard, everybody would have to move out anyway. So, homes would have to be found for every member who occupies that now and then in 18 months, 2 years, come back. Not good.

4.6.4 Deputy G.P. Southern:

If it truly has nothing to do with the recruitment of staff why, then, was a reduction of beds in part blamed upon the challenges of recruitment of staff at the Limes?

Senator A.K.F. Green:

The Deputy is twisting words. The closure of the Limes is absolutely nothing to do with recruitment of staff. Now there were and are challenges around maternity leave and recruitment within the General Hospital, but it is absolutely untrue that the closure of the Limes was to do with recruitment of staff.

[15:15]

The closure of the Limes is about providing the right facilities for our elderly folk who deserve to have the right facilities.

4.6.5 Deputy J.A. Hilton:

Obviously, a large amount of the general public were very concerned when they heard about the Limes closure, and I think the general public are seeking reassurances from the Minister that this, indeed, has nothing to do with the police station opposite. Can the Minister just confirm to me that he has not been privy to any conversations about the future use of the vacant Limes site?

Senator A.K.F. Green:

I can confirm that to the Deputy and to the Members that it is nothing to do whatsoever with the quite ridiculous suggestion that the police station would already be extending to the Limes. Nothing could be further from the truth. This is about the quality of care that we provide for our ageing folk.

4.7 Deputy M.R. Higgins of the Chief Minister regarding expenditure by the Data Protection Commissioner's Office on court proceedings involving former Senator Stuart Syvret:

Further to the Chief Minister's answer to written question 1240/5(9067) of 17th November 2015, will the Chief Minister advise Members what part of the £387,000 spent by the Data Protection Commissioner's office over 6 years was allocated to the court proceedings involving former Senator Stuart Syvret and what amount was incurred by other States or judicial sources?

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

Could I ask Senator Routier to act as rapporteur please?

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

As previously confirmed, these were costs incurred by the Data Protection Commissioner's office alone throughout the proceedings. With regard to the other amounts, the Chief Minister gave the details of additional cost to the court service in his answer to Deputy Pitman on 12th September 2011.

4.7.1 Deputy M.R. Higgins:

Can the Assistant Minister confirm that the Data Protection Commissioner was spending £60,000 for 6 years on this particular case?

Senator P.F. Routier:

I am not sure how the money was spent over the years. I can only reconfirm that the figures that the Deputy has put in his question: that £387,000 was spent over 6 years.

4.7.2 Deputy M.R. Higgins:

Can the Assistant Minister answer the second part of the question which was: how much money was spent by other departments and sources ... sorry, I have lost the question. What amount was incurred by other States judicial sources because can we have a figure from the Assistant Minister? How much was spent on this case and where the money came from, because I do not believe it has been properly disclosed to this House?

Senator P.F. Routier:

The figure is already in the public domain. It was given in answer to a question to Deputy Pitman on 12th September 2011.

Deputy M.R. Higgins:

Would the Assistant Minister help us by telling us what it is?

Senator P.F. Routier:

I did not think that questions that were already in the public domain were to be asked in this Assembly.

The Bailiff:

That is theoretically so.

Deputy M.R. Higgins:

I will just have to come back in January with a lot more questions. Thank you.

4.8 Deputy S.Y. Mézec of the Chief Minister regarding reductions in grants to third sector providers:

At the meeting of the States on 1st December 2015 the Chief Minister agreed to produce a list of third sector providers of public services whose States grants had been, or were to be, cut in 2015 and 2016, including the size of the cuts and the reduction or cessation of service that would ensue. Can the Chief Minister produce this data and, if not, why not?

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

I have asked the Treasury to co-ordinate the information requested at the last sitting and I am informed that this will be provided by the end of this week.

4.8.1 Deputy G.P. Southern:

Can the Minister also provide, as part of that particular piece of information, the progress of the way in which the budgets were cut through this year? Because there were in total 4 announcements of how much was going to be cut, the last one occurred quite recently in the case of one particular third sector provider that I am aware of. I believe it also happened in other cases too.

Senator I.J. Gorst:

Sir, you are being very lenient this afternoon. I assume because it is afternoon. I am not sure how that arises from this question. I think it relates to a written question that the Deputy put to me, which I answered appropriately. Treasury are working on providing the information, which I agreed to at the last States sitting. I am, therefore, to go back and ask them to go back to departments and garner other information - I am not sure that I can commit to the commitment that I have just given. But I can certainly ask them. That will inevitably delay the information.

4.8.2 Deputy G.P. Southern:

The festive season is upon us, we have plenty of time at the moment to get some answers out of the Ministers and consequently respond to them. So it is not a problem for me.

The Bailiff:

I think you are being invited to take longer, Chief Minister. In answer to your question to me, both questions had the word "cut" in it.

Senator I.J. Gorst:

Indeed and they were both questions.

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

5.1 The Connétable of St. Helier:

Would the Minister be willing to give the Assembly and parishioners of St. Helier some indication of where he feels the new hospital will be sited if it is in the Parish?

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

The sites that we are looking at are all in St. Helier so it is likely to be in the Parish, but I can say no more than that at the present time.

5.1.1 The Connétable of St. Helier:

Would the Minister be able to tell us when this decision will be made so that we can put many parishioners' minds at rest?

Senator A.K.F. Green:

I hesitate to give an indication of timing because every time I seem to be way out because another piece of work needs to be done. But I do hope that we can conclude it very early in the new year.

5.2 Connétable J. Gallichan of St. Mary:

Can the Minister confirm to me whether doctors working in the out-of-hours clinic have full access to patient medical records through the information systems?

Senator A.K.F. Green:

I believe the doctors' information system is connected, I think it is with A.D.I.S. (Approved Doctors Information System), which is the G.P.s' (general practitioners) information system. They have access to that, I believe. But it is a belief. I cannot say I definitely know that. I am getting a nod from my Assistant Minister saying yes.

5.3 Deputy M.R. Higgins:

Can the Minister tell us: with obviously increased delays costs are going up all the time because of new studies, further to the last report to the States of how much we have spent already on the hospital can he tell us what additional sums have been spent while we are still trying to make the decision as to where it should be?

Senator A.K.F. Green:

I am sorry I do not have those figures. The evaluations are done by my colleagues in Property Holdings, but I am sure we can give the Deputy an update after Christmas.

Deputy M.R. Higgins:

Sorry, I missed the last part the Minister said. Will he give the information to all States Members, hopefully before this week?

Senator A.K.F. Green:

It will not be this week, but, as usual when I answer a question remotely or later on I send it to all States Members.

5.4 Deputy G.P. Southern:

Can the Minister inform Members what training he has had to hold completely contradictory views at the same time in that the closure of some beds at the Limes is due to staffing problems, but the closing of all beds is not? Equally that he knows full well that the site of the Limes will not go to the new extension of the police station, whereas he knows also that Jersey Property Holdings will decide what will become of it. How can he hold these mutually contradictory opinions at the same time?

Senator A.K.F. Green:

Because I am very clever, and the Deputy always twists my words. That is not what I said at all. What I said was that the Limes closure had nothing to do with recruitment of staff, contrary to what the Deputy just said that I said. What I said was that when the site is vacated it will go back to Property Holdings and then departments can bid for it. I was asked by Deputy Hilton whether I had had any discussions about the police station and I said I had not, and I thought it was quite ridiculous.

5.5 Deputy J.A. Hilton:

The Comptroller and Auditor General issued a report last week into the review at Community and Social Services and within that report there are 14 recommendations. Is the Minister able to tell Members whether those recommendations are going to be implemented in full and in what timescale please?

Senator A.K.F. Green:

First of all, I would say that I only received the report this morning. I know it came out on the 10th but I was away and returned to work this morning. I welcome the report. It recognises that we have made some improvement. It also criticises areas where we need to make further improvement, but I think it is a sound report. To specifically answer the Deputy's question about the 14 recommendations; to be honest I have yet to study them. I only got the report this morning.

5.6 Deputy R. Labey of St. Helier:

Would the Minister agree that it is important that an announcement like that of the closing of the Limes is very carefully handled and not bungled? Does he think it is acceptable that a member of his department apparently told relatives at a meeting last Tuesday that now was a good time to make the announcement because they could spend the Christmas holidays looking for beds for their relatives?

Senator A.K.F. Green:

I do not think that sort of comment is acceptable but often people quote things that I am supposed to have said that I have not said, or they have been taken out of context. But the Deputy is absolutely right: it does need to be handled very carefully and we went to great pains to ensure that the staff and the patients heard it from us and not in the media. Unfortunately, there was a leak and it was already being bandied around on the social media. I think we handled it as sensitively as we could have done. This is a very traumatic time for patients and their families and if people would just let us get on with meeting with the individuals, discussing the various issues, the desires, the wants of the families, and we can do that much better for the patients.

5.7 Deputy L.M.C. Doublet of St. Saviour:

Could the Minister please give an update on the recent awareness campaign on the overuse of antibiotics and will his department be taking any further action in this area, given the recent discovery of strains of bacteria which are completely resistant to all antibiotics?

Senator A.K.F. Green:

Funnily enough - it is not funny actually - I was listening to a programme in the early hours of the Saturday morning, on one of the science programmes, where they were talking about this new bacteria that is totally resistant to all known antibiotics. That is something, as a department, we take seriously. Guidelines are issued by the Chief Pharmacist and by the Medical Officer of Health and, of course, we will fall into line and follow. It is very difficult for us to lead, because we do not have the research facilities, but certainly follow best practice.

5.8 Deputy G.P. Southern:

Will the Minister inform Members: how many meetings and on what occasions has he had discussions with Treasury and Resources and Social Security Departments over the shape and form of the new health tax that he is proposing shortly?

Senator A.K.F. Green:

We have had very few meetings at the moment, because we have been concentrating on the other work that needs to be done and understanding the size of the work that needs to be delivered under P.82. Whether we can make savings also to reduce the cost to patients, therefore the charge would be different. But I can say that this will be a priority between the 3 of us in the new year.

5.8.1 Deputy G.P. Southern:

Is the phrase “very few” a substitute for the word “zero”?

Senator A.K.F. Green:

No, very few.

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

Could the Minister advise the Assembly if he has instructed his department to monitor the experiment being conducted in Wales whereby citizens may choose to opt out of organ donation but, if not, organ donations are automatically given?

Senator A.K.F. Green:

The quick answer to that is yes, I have, and I think we need to wait and see what is going on in Wales in terms of the opt-out system, as the Deputy mentions. But I have also asked my department to look at whether we can increase the number of donors - about 11 per cent in Jersey, 30 per cent in the U.K. - on a voluntary basis, whether we can run a campaign to increase those who volunteer while we are monitoring what is happening in Wales.

5.10 Deputy G.P. Southern:

In the absence of any form or content on the new health charge, can the Minister point to how he is going to do what he says in pages 60 to 62 of his Sustainable Primary Care Strategy for Jersey just released where he talks about payment for general practice, models of funding in pharmacy and models of funding in dentistry, in the absence of any shape or form to his health charge?

[15:30]

Senator A.K.F. Green:

I thank the Deputy for his question. He was one of the few Members that did attend the Primary Care Strategy and he knows full well the answer to the question he has asked, but I guess that is politics. The Primary Care Strategy sets a high-level framework which will allow clinicians to come forward with pilot schemes, such as working closer with pharmacists and G.P.s, G.P.s perhaps having practice nurses or, even better, community nurses. Once the pilot schemes have been scoped then we will put the funding against that and then we will know exactly what sort of benefits we will get from the integrated care and the costs and the savings.

5.11 Deputy L.M.C. Doublet:

Is the Minister considering any measures to tackle the rising problem of obesity in children?

Senator A.K.F. Green:

Just something that we are very concerned about and I am wondering if this is not code from the Deputy for: “have I considered the sugar tax?” No, it is not? Okay. It is something that we are concerned about and the department is always working on strategies and education, obviously

working with our colleagues to increase activity and sport, diet and working with families. I guess this will be part of the 1,001 Days helping families to lead healthy lives and to eat appropriately.

5.12 Deputy J.A. Hilton:

Currently there are several senior positions within the Children's Service filled by interim posts. Can the Minister tell Members how they are progressing with regard to finding permanent postings?

Senator A.K.F. Green:

I cannot think of the name but I am pleased to announce that we have at last appointed a Director of Children's Services who will be with us early next year. It is difficult, as the Deputy said, because you could go out and recruit and take the best of those that apply. That is not good enough; I want the best that is available to us. On occasion we have chosen not to make an appointment, even though there were some sound people that have applied, but I want the best for the needs in the change of the service. The things that we need to do requires someone with proven experience that can walk the walk, not just talk the talk.

5.13 Deputy S.M. Wickenden:

Could the Minister explain what his plans are from the C. and A.G.'s (Comptroller and Auditor General's) report saying that the lessons learnt in child care is not being followed on into adult care and what he intends to do about it?

Senator A.K.F. Green:

Maybe the Deputy was out of the Assembly when I said I only got the report this morning. While I welcome broadly its findings, I need to read it properly yet.

5.14 Deputy G.P. Southern:

In his consideration, internal or external, of the health charge as proposed, does the Minister envisage that certain groups in society will be exempt from that health charge such as under-5s or perhaps over-70s?

Senator A.K.F. Green:

The truth is, I do not know at the moment.

5.15 Deputy J.A. Hilton:

Can the Minister update Members on exactly what is happening to the Poplars Day Care Centre?

Senator A.K.F. Green:

Sorry, Sir, I did not catch the question?

The Bailiff:

Poplars Day Care Centre, what is happening to it?

Senator A.K.F. Green:

No, I am not aware of anything happening there. Does the Member mean the Willows?

Deputy J.A. Hilton:

No, I believe it is the Poplars.

Senator A.K.F. Green:

In which case I will have to get back to the Member.

6. Questions to Ministers without notice - The Minister for Economic Development

The Bailiff:

Any more questions for the Minister? Then that part of question time comes to an end. We now turn to the second question period for the Minister for Economic Development. Deputy Wickenden.

6.1 Deputy S.M. Wickenden:

I was wondering if the Minister could explain any update on the recent delegation to Wales for the licensing authority; the liquor licensing.

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

Is the Deputy referring to the E.D.D. (Economic Development Department) Parish delegation that visited? A delegation from E.D.D. which consisted of the Assistant Minister, the Constable of St. Brelade and the Constable of St. Helier, with officers, visited South Wales to visit licensing authorities there to see what they could learn and share. I am pleased to say the trip appeared to be successful. As Members will know, the Constable of St. Brelade is leading this piece of work and the biggest cause for celebration in the department was that he made it to where he was meant to be.

6.2 Deputy S.Y. Mézec:

Following the news that a movie is being made based on Jersey in the occupation, which is not being filmed in Jersey, could the Minister update the Assembly how progress is being made on enhancing Jersey's film industry?

Senator L.J. Farnham:

Yes, I have been following that project with interest. Like the Deputy, and I think many Members, while we welcome a film about Jersey, it is slightly disappointing that they are not taking advantage of our wonderful natural scenery and facilities over here. I have previously announced to Members that E.D.D. is in the process of establishing an Events Jersey model and that will, hopefully, consist of a film, a Jersey section. Basically Events Jersey and Film Jersey are aimed at providing first class, if you like, concierge services for potential film makers, so work is progressing on that.

6.3 Deputy J.M. Maçon:

Can the Minister advise what work is being done with the Minister for Social Security to bring in work-based pensions like they have done in the U.K. with private businesses?

Senator L.J. Farnham:

To the best of my knowledge, and you would have to check with the Minister for Social Security, there is no work going on at present in those areas. I am not saying it is not a good idea and, ultimately, I believe it is something we need to look at.

6.4 Deputy L.M.C. Doublet:

Could the Minister please update the Assembly on the Economic Growth Fund which was established during the M.T.F.P. (Medium Term Financial Plan) and when guidelines for the application process will be available, please?

Senator L.J. Farnham:

The Deputy is referring to the agreed amount of £20 million set aside over 4 years. A process has been put in place and an economic policy group has been formed that consists of the Chief

Minister, the Minister for Treasury and Resources, the Minister for Social Security, the Minister for Education, Sport and Culture and the Minister for Economic Development and the process, as I said, has just been completed. We are due to meet soon and I am sure that information on how to apply to that fund will be circulated as soon as it is agreed by that group.

6.5 Deputy G.P. Southern:

Notwithstanding the report from C.I.C.R.A. (Channel Islands Competition Regulatory Authority) into gas prices recently, does the Minister not accept that the price of oil and, in particular, of propane, have fallen on world markets over the past year by something like between 40 and 60 per cent, in and of itself suggests that the gas company should be matching a reduction in gas price, which it did a year ago, for the coming year?

Senator L.J. Farnham:

The Deputy will have noticed that Senator Ozouf is going to be making a statement about this directly after I finish these questions and I hope that will afford Members, especially Deputy Southern, further opportunity to ask more detailed questions. But I will provide a short answer to his question and that is, much as I said to the Deputy's questions last time and the time before: Senator Ozouf and I and the Council of Ministers agree that we would not be afraid to use regulation when we feel markets are not working properly for the consumer. I do personally believe that gas tariffs should be lower, given the world conditions, the world pricing structure, but Senator Ozouf will address that in more detail after.

6.6 Deputy S.M. Wickenden:

I was wondering if the Minister could update us - it has been 6 months since the very successful Island Games - but how is tourism doing in Jersey at the moment?

Senator L.J. Farnham:

I am pleased to report that it has been a good year for tourism, a better year. There is still a long way to go. This is the start of a long journey. The last figures we had in September indicated an overall 3 per cent increase in staying leisure visitors and since then we have had the publication of the Visit Jersey strategy for moving forward. Also, last week there was a long and detailed presentation, a marketing review and a presentation of the marketing strategy to the industry which was very well received. I was particularly pleased with it and I believe it is a defining moment for tourism. As I said, there is a long way to go but we certainly got off on the right foot.

6.7 Connétable J.E. Le Maistre of Grouville:

The Minister mentioned Events Jersey, I wonder if he is able to tell us what format that will take and when it is likely to be up and running.

Senator L.J. Farnham:

We are putting out a paper for expressions of interest imminently, this week, I believe. It is hoping that the Events Jersey will be up and running early in the New Year. It is going to be working very closely with Visit Jersey and it is going to be done with as little administration as possible. As the Connétable may know, we have already explained the situation to Scrutiny. We are not proposing to set up a new purpose trust or anything like that to keep the administration and the costs down.

6.8 Deputy J.M. Maçon:

Given Guernsey's recent decision to liberalise their Sunday trading laws, is the Minister looking to do similar over here?

Senator L.J. Farnham:

The short answer to that is no, not at the present, but I am not ruling it out [**Approbation**] for the future. Some Members will know that Sunday trading was extended slightly this year and 2 extra Sundays have been allowed on the run-up to Christmas, so I would very much like to gauge the feedback from the retail sector as to if and how that worked.

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

The current Tourism Information Bureau that is located at the Weighbridge site, at the Liberty Wharf's end of the building, is it intending to remain there or is the lease coming up for renewal and is there discussion about possibly relocating that visitor centre?

Senator L.J. Farnham:

There are plans to be a lot more innovative with the way we disseminate information to visitors and I know Visit Jersey have a number of plans, including engaging with private sector organisations who provide tourist facilities to also double-up and provide information services. So it is hoped that there be a lot more access to information services across the Island. I am not sure of the date. I think it is September next year that the lease expires on the premises but I will double-check and get back to the Deputy.

6.10 Deputy G.P. Southern:

I note from the speech about to be given that while there is a date by which 23 recommendations on the Competition Law might be produced, there is no date by which we will see further data on the price of gas. Does he have any idea whether we will find out about what the price of gas is before January or some time before March when the cold weather is over?

Senator L.J. Farnham:

I think from previous answers to my questions and the vigour with which Senator Ozouf is attacking the subject, that information will be forthcoming. I am not going to say more on it than that, simply because this is Senator Ozouf's domain now and I think it is only right he addresses that, perhaps after his statement.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Assistant Chief Minister - statement regarding the Fuel Market Review

The Bailiff:

Well if there are no other questions. There is nothing under J; we come to K: Statements on a Matter of Official Responsibility. Senator Ozouf, you wish to make a statement on the Fuel Market Review?

7.1 Senator P.F.C. Ozouf (Assistant Chief Minister):

I apologise that there has been some last-minute changes to the statement following some representations from C.I.C.R.A.; so I make the statement. I would like to take this opportunity to update Members on my recent discussions with the Jersey Competition and Regulatory Authority concerning next steps on the Fuel Market Review. I am pleased to say that officials and I had a full and frank discussion with the board last week. I explained that there was a need to better explain their findings from the first stage of the Fuel Market Review. The initial analysis found on the basis of the information provided that there were no reasonable grounds to suspect that fuel markets in Jersey were not acting in the best interests of consumers. However, the J.C.R.A. (Jersey Competition and Regulatory Authority) has agreed to undertake further analysis to help States Members and consumers better understand the situation. The Council of Ministers and the J.C.R.A.

agree that fuel costs are an important part of Islanders' budgets and we all want to make sure consumers are getting the best outcomes.

[15:45]

Jersey is, of course, a small market and, as a community, more remote than some in the U.K. We may not always be able to expect the same fuel costs as elsewhere, but taxes and duties on certain fuels are considerably lower in Jersey than in the U.K., so we need to look at the prices before these are applied. It is a very high priority for the Council of Ministers to ensure that competition and, if necessary, regulation, work to deliver the best results for Islanders. We should not be afraid to use regulation where markets are clearly not working in consumer interests and where there are no alternative remedies. Such a step should not be taken lightly, though, as it will entail costs and that could ultimately be borne by consumers. We need to move beyond simple price comparisons that often do not compare equivalent prices or reflect the characteristics of the local marketplace. Given the concerns among Members, which I understand, about the situation in the gas market, I have asked the J.C.R.A. to consider this market first and provide further analysis on retail prices and how they compare over time in Jersey, relative to an appropriate benchmark, such as equivalent prices in the U.K. or elsewhere and how they have varied relative to wholesale prices. The rates of return and gross margins achieved in the sector that were calculated on the basis of accounting information provided are sensitive to changes in assumptions, such as the value of assets based and further analysis of operating costs. I express the hope that under the current arrangements the J.C.R.A. will agree this approach and will be applied to other aspects of the fuel market covered in the first-stage review, including petrol and heating oil. My officers are working with the J.C.R.A. to agree a terms of reference and timetable for this additional analysis and I will update Members as soon as they have been finalised. It is also worth noting the parallel work also underway on improving our competition framework. The influential independent review by Oxera has been well received by all stakeholders, including the J.C.R.A. The review took into account the context within which the J.C.R.A. operates and focused on securing better outcomes for local consumers and the Jersey economy. The review was clear in the terms of how we can strengthen all aspects of our competition framework. Professor Sir John Vickers who acted as an adviser to Oxera on this review said that it was just as important for markets in small island economies to work well as it was for markets in larger economies. He added that to achieve this it is necessary to recognise that competition policy is not just the task of the competition authority but also of Government. He observed that while it is hard to conduct competition and regulatory policy well and that there are particular challenges in small jurisdictions, the economic benefits can be substantial. The Oxera report identified that while there are benefits in maintaining the current competition framework, there is a perception that the J.C.R.A. is not as effective as it should be. Themes emerging from stakeholders include the need for better communication from the J.C.R.A., better co-ordination on policy between Government and the J.C.R.A. and a pragmatic approach to competition and regulatory activity. I intend to see that all 23 of the recommendations are implemented, either by changes in legislation, implementation by the J.C.R.A. itself or, where appropriate, more involvement from government. The Government must ensure that while maintaining the J.C.R.A.'s appropriate operational independence, the J.C.R.A. is in the best position to perform the very important role with which it has been entrusted. Having been delegated the ministerial portfolio for competition, I am determined to ensure that our laws, policies and arrangements are the best that they can be. This will allow our markets to continue to work in the interests of consumers and the Island as a whole. Effective competition and regulatory policy, combined with low barriers to entry and greater innovation, is critical to supporting jobs and growth and keeping inflation low. Work is already underway in implementing Oxera's 23 recommendations and I intend to respond in detail to each one. Officials are working with the J.C.R.A. to publish an action plan by the end of January 2016, which will explain how each one of the recommendations will be addressed. I hope that

States Members recognise that by undertaking further analysis of the fuel market and by implementing Oxera's recommendations, we will be in a position to properly understand the situation in our fuel markets and whether consumers are getting a fair deal. We will also be taking all necessary steps to ensure that our competition and regulatory framework is as strong as it can be and that consumers' wider interests are protected. An up-to-date and robust competition framework is essential to help us address concerns about the costs of living in Jersey and to ensure that markets work efficiently and effectively in supporting productivity-led economic growth. That is why the Council of Ministers place such a high priority on this work and I am determined to drive it forward. **[Approbation]**

The Bailiff:

We now have questions for up to 15 minutes. Deputy Southern.

7.1.1 Deputy G.P. Southern:

As I noted before, still we have an action plan by the end of January on competition but we do not have an action plan on gas prices. It took 8 months to get the very shallow report we saw recently at the first stage of the report, when will we see action on gas prices?

Senator P.F.C. Ozouf:

I will answer it in 3 different ways. I do not want to raise expectations to Deputy Southern but I do absolutely have enormous sympathy and he is well-intentioned in his approach to this issue. The difficulty that we both have, if I may say, is evidence, and it is the evidence to act that there is a problem. Now the issue of timetable I am discussing and discussed ... I use the words "full and frank" in this statement. I had a full and frank conversation with the J.C.R.A. last week about the fact that while I have seen a more detailed report on the fuel market stage one, they have only published a summary. I have made it clear in my statement that there is further information that I think can be released into the public domain to give consumers confidence, but I have also, upon advice from officials, said that there should be further work. I intend to finalise that further work and hopefully get it agreed by the J.C.R.A. within a very short period of time so that clarity can be brought to bear. But I will finally say that there is a real issue about probably needing to accept that in some fuel markets prices are going to be higher, and we cannot use effectively an accusation that they have been abusing their dominant position. There may be other issues which, once we have the evidence, we will need to be dealing with in terms of dealing with fuel costs in Jersey.

7.1.2 Deputy C.F. Labey of Grouville:

Does the chair and board of the J.C.R.A. enjoy the Assistant Minister's full confidence?

Senator P.F.C. Ozouf:

Thank you for that question. I have full confidence in the work that the J.C.R.A. has carried out in recent years. I want to have full confidence in the J.C.R.A. I had a very good discussion with them. I was delighted that they accepted all of the Oxera recommendations and I will continue to have full confidence in the board and arrangements at C.I.C.R.A. if and when all the Oxera recommendations are put in place. I said in the email to States Members that I think it is worth saying that we are relatively late as a jurisdiction in putting in place competition and regulatory legislation and so we are behind the curve. We must catch up and I intend to do that with the work that they have, and I expressed the hope that C.I.C.R.A. will charge and effectively work with Government - Government has work to do - in implementing these changes so that I can give the assurance to consumers that they have an authority with the necessary powers backed by government to do the work that they want.

7.1.3 Deputy K.C. Lewis:

Back to gas. Members may be aware that as of 1st January a new gas banding system will take effect where gas users will see an increase in the amount of standing charge they pay, but a decrease in the cost per unit. So, even if the gas is completely switched off, some people will be paying £425 to £445 a year; that is just for being connected to the gas. With stories of gas dropping 40 per cent on the U.K. market, an awful lot of people, not seeing that reflected locally, are very concerned about the cost of fuel. Does the Assistant Minister not agree?

Senator P.F.C. Ozouf:

I am told by C.I.C.R.A. that the price changes that were put forward were certainly reviewed by C.I.C.R.A. I have not seen the detailed analysis of that and I am told that they are revenue neutral but I understand the point that the Deputy is making. A number of consumers have contacted me where they just do not simply understand that. Now, I have to say also in Jersey Gas's defence, they offered a briefing to States Members. I was not in the Island myself, but I know that no Member turned up to the briefings either for the explanation by Jersey Gas, so I think it goes both ways. I will certainly be giving them the opportunity of explaining it and I will be pressing further to make sure that the actual work is done to analyse the changes that have been made.

7.1.4 Deputy A.D. Lewis:

Does the Assistant Minister believe that C.I.C.R.A. are adequately resourced to take all of this work as their remit grows across the Channel Islands? Do they have adequate resources to undertake this work to your satisfaction?

Senator P.F.C. Ozouf:

I think the Oxera report, which I am sure the Deputy has read, makes it very clear, as Professor Sir John Vickers said, that competition and regulatory framework is not just the issue for C.I.C.R.A. It is like almost saying that they are entirely responsible. What Government needs is an appropriate framework within which C.I.C.R.A. can regulate or take decisions and there needs to be a more active dialogue, I think, between moving now ahead. Again, answering the Deputy of Grouville's question, I am not criticising C.I.C.R.A., but I am recognising the world has changed; the world of regulation and competition has changed and Government has an important role to serve and put in place proper policy frameworks for that and that is made very clear. So, yes, we are going to need some more resources but those resources also need to be applied in a prioritised way and they do, of course, say that across the Channel Islands that is more efficient. We have got work to do and more resources are there to be found, but the economic benefits to consumers in the Island generally are there to be had, so it is money well worth spending.

7.1.5 Deputy S.M. Wickenden:

I was wondering if the Assistant Minister has heard of a rumour that Jersey Gas is up for sale and, if he knows about it, whether he can confirm it or put it to bed.

Senator P.F.C. Ozouf:

That is, I think, knowledge that is well known in the marketplace. I have heard that from a number of sources and I think it is very clear that one is very clear about what the framework for gas regulation or otherwise should be. I think Jersey Gas has changed hands a number of times. It is currently owned by an Australian utility fund and I think that any prospective buyers need to be very clear about the framework to which the energy policy and any future regulatory decisions are made. I think that needs to be made clear, because buying something where you do not know what is going to happen, in terms of the regulatory framework, is perhaps an uncertain world.

7.1.6 Connétable L. Norman of St. Clement:

I was going to ask the same question as Deputy Wickenden, so it is obviously quite a widespread rumour. But does the fact that the company is up for sale have any impact on anything the Assistant Minister has said in his statement?

Senator P.F.C. Ozouf:

No, it is important to clarify that. No, it does not, but of course we are looking at markets that have had different owners and different ownership structures. Of course, the fuel farm has had a change in structure in terms of there being a reduction in competition of users; that has been relevant and, of course, a narrowing of competition in any market when you have got less suppliers is always an issue which commands obviously something that would need to be looked at. Also, I think that the whole reason why Deputy Southern is asking about energy costs is: what can we do with low-income families who are seeing high fuel costs? Well, we need to work out whether the market is working well and if we cannot do anything about certain aspects of it, then we need to have other policy interventions. But I would remind Members that we have spent hundreds of thousands of pounds insulating pensioner homes and providing also a winter fuel allowance which does, to some extent - to some great extent - reduce pensioner households' fuel costs. But I understand the issue of gas which is obviously a particular cohort of town residents that perhaps cannot put oil-fired central heating; they do not have the option to change. We need to give them consumer advocacy so they have options.

7.1.7 Deputy G.P. Southern:

Does the Assistant Minister's confidence in the board extend to their capacities to hedge the wholesale price that they pay and to use the futures market properly to produce low costs?

Senator P.F.C. Ozouf:

I think the Deputy, with respect, is confusing the boards.

[16:00]

I think the Deputy of Grouville asked me whether or not I have confidence in the board of C.I.C.R.A. I think the good Deputy is asking me whether I have got confidence in the board of Jersey Gas. I have not got a clue but it is not my decision really to have confidence or otherwise. What I want is detailed analysis on the gas market available to States Members and consumers so that we can make decisions. I want an expert authority given the proper powers with the proper Government support, the proper legislation, in order to make proper adjudicated decisions and if there were issues that we, as the policymakers of the Island, can take those facts and deal with them as appropriate.

PUBLIC BUSINESS

The Bailiff:

If there are no further questions that brings that item to an end. We now come to Public Business. The first item is the request from the Chief Minister that the States consider P.151 today. Chief Minister, do you want to say anything about that?

Senator I.J. Gorst:

If I may, Sir, yes. Could I start by apologising to the Assembly and putting them in the position that we find ourselves in today. Hopefully, Members have had time to read the report and see that there was unfortunately an administrative oversight which meant that the States are not in a position to be able to consider an appointment for this extremely important position in a timely manner. I can only say that it was an administrative oversight: the Commissioner being independent of the

States and no recording system in the States flagging the fact that this needed to be undertaken. The Commissioner did kindly notify officers in my department earlier in the year but even that would have been too short a time to have undertaken the necessary work. The only consolation I can find in this sad state of affairs is that the same oversight was undertaken with our friends and colleagues just over the water and they have proposed a mirroring extension to the one that I will be proposing today, if Members allow for the debate to be undertaken. I do think it is important that we have a person in this position for the short period of time that I am suggesting, because it is important that we continue to show equivalence with E.U. (European Union) legislation and having a competent person in post throughout this period.

The Bailiff:

Is that seconded? **[Seconded]** Deputy Wickenden? This is only on whether or not we debate it today. Do Members agree that we should debate P.151 today? All those in favour, kindly show? Those against? So we do.

8. Data Protection Commissioner and vice-Data Protection Commissioner: renewal of appointments (P.151/2015)

The Bailiff:

Very well, 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 renew the appointment of Mrs. Emma Martins as Data Protection Commissioner for Jersey, and to appoint Mr. Paul Vane as vice-Data Protection Commissioner, in accordance with the requirements of the Data Protection (Jersey) Law 2005 on the terms set out in the Report of the Chief Minister.

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

I have just explained slightly how we arrived at the position today and this is a proposition which rectifies that oversight in that it proposes an extension to the position to 5 years from the appointment of the individual to the pan-Channel Island position, as I say, from the 4 year to the 5 year, and that is why Guernsey found themselves in the same position. The short extension to that 5-year period will allow our Appointments Commission to liaise with Guernsey and go through an appointment process to comply with the data protection legislation in the renewal of an appointment into the future. As I have said, this is an incredibly important position. I feel that the current incumbent has worked extremely diligently. Her work has been upheld by the decisions of the court on a number of occasions and I am extremely grateful for all the work that she does on behalf of, we could say, the public, but also on behalf of this Assembly in fulfilling this important role as well as the role in regard to Freedom of Information that she also undertakes. I said earlier that this is an extremely important role and it is going to become even more important as the E.U. changes its approach to data protection and we need to find a way through that and show that we continue to be equivalent. It is also a difficult role because we ask the Data Protection Commissioner to be independent of Government - and that is absolutely right - but they also need to have a process of feeding into Government, particularly for budgetary purposes and oversight purposes. This period of time will also be used to think about how that can be improved into the future. I hope that Members will recognise the great work that Mrs. Martins has been doing and they will support this short extension. Thank you.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? Deputy Higgins.

8.1.1 Deputy M.R. Higgins:

The Chief Minister will not like what I am going to say. **[Interruption]** For a change, yes. I have just heard him obviously extolling the virtues of the current incumbent in the office. However, for over 3 years I have been dealing with people who have had data protection complaints, which they have taken into the Commissioner's office and got nowhere. I am saying nowhere. For example, complaints against the police, many of them dealing with subject access requests which have gone on for over a year and they are supposed to be answered within 40 days. Problems with planning, where defamatory material is on file and no prosecutions have taken place. I also happen to think there is another case, which I am giving evidence to the Care Inquiry about, where the Data Protection Commissioner has totally failed in dealing with the police force. Now, information from the U.K. Information Commissioner is such they would have prosecuted had it been the U.K. Our law is no different, except for the fact it has got Jersey and it says "Law" instead of an "Act", than the U.K. one, so I do not have the degree of confidence that the Chief Minister has in this individual. I honestly believe that she is far too close to the States of Jersey Police in the sense that her 2 officers: the deputy, who we are asking to agree to, is a former policeman and her latest recruit is another former policeman who, in his time with the police force, spent all his time refusing the subject access requests of many of the people I am talking about. He is now in position and he is now going back to the police asking them to release the files or documents that he, himself, refused to give them. It is an absolute nonsense. The police force should have been sued by now for their failure to comply with the law. So, that is just one example and, as I say, planning have got their problems as well. I have absolutely no confidence in the Data Protection Commissioner based on the cases that I have been helping people with. Therefore, there is no way that I can support an extension to her contract.

8.1.2 Deputy S.M. Wickenden:

I will say the opposite. I have only heard nothing but praise for the Data Protection Commissioner and I will be supporting this, but my question is more about the oversight on here. This is another example where process has been missed or not followed correctly on an appointment. I was going to ask the Chief Minister if he would be willing to bring the States Employment Board together as a panel to answer questions of States Members, so we can ask questions about the processes that are undertaken by the States Employment Board where they may not have happened. So that would be my request to the Chief Minister.

8.1.3 Deputy J.M. Maçon:

Yes, just briefly; again, it is slightly on a process basis. The Chief Minister says: "Well, unfortunately, we have had to bring this forward because there has been an administrative error." Unfortunately, what he did not say is: "We have done this in order to prevent this happening in the future." Can I just ask whether lessons have been learnt and what has been put in place so that this does not occur again, not only for this position, but for any others? Other than that, I will be supporting the proposition.

8.1.4 Senator P.F.C. Ozouf:

Again, just to rise in support of the proposition by the Chief Minister. I cannot comment on the cases that another Member raises, but I do not think he is qualified, as I am not, as a lawyer to know whether or not something is right or wrong. So I think it is interesting that a Member seeks to be an expert when they do not have any legal qualifications, et cetera, and so I think is rather unfair, if I may say, to suggest otherwise. Just because somebody does not like what one is being told **[Interruption]** ... I am not giving way. Just because one does not like the answer that one is given sometimes does not mean to say that one should criticise it. There were some elements of what Deputy Higgins had to say, which I thought was unfortunate. My own experience with the

Data Protection Commissioner is nothing short of absolute helpfulness. I have had a couple of cases where I have had to deal with people who have got issues and I have sent them to her, or they have been sent to the office, and they have received, I thought, from what I have heard, extremely speedy, efficient and helpful advice. Moreover, if I may say, wearing the digital responsibilities, the role of the Data Protection Commissioner in advising Government on how best to deal with opportunities for Jersey as a data-holding jurisdiction is extremely important. I have been extremely impressed by the candour and the assistance that she has given me and some of my officers in relation to that and I would warmly endorse the Chief Minister's recommendation. She has a very difficult job to do in a very difficult circumstance, as many, many people who are in a very aggrieved situation. It is not an easy job and I think that we should compliment her and give her our full support for a job which is, in some cases, an extremely challenging one. Some of the most vociferous comments made by anybody I know have been directed towards her and I think that is a matter of regret. **[Approbation]**

Deputy M.R. Higgins:

A point of clarification. The previous speaker mentioned the lack of a law qualification. Could he tell us what law qualification the Data Protection Commissioner has, because to the best of my knowledge she does not have one either. Will you tell us what her qualifications are?

Senator P.F.C. Ozouf:

I do not think it is question time. Presumably the Data Protection Commissioner acts upon advice, and in every case I have seen that. I know she gets advice; I do not know where Deputy Higgins gets his advice.

The Bailiff:

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

8.1.5 Senator I.J. Gorst:

Could I take the process points first? I think that the States Employment Board accepted that there needed to be and needs to be a new process. I think it is quite clear that the reason that it fell between stools, as it were, on this occasion is because the Data Protection Commissioner is independent of the States, and yet the States is expected to bring forward appointments and reappointments. That will be rectified with a better recording process and that recording process will be joined, of course, with Guernsey as well, because the recruitment at the extension of this short period of time will need to be in future undertaken together, so hopefully we have got a double-improved process in place. It was fortuitous that when this oversight was brought to the attention of the States Employment Board a number of days ago, I cannot recall exactly, that the chairman of the Appointments Commission was also in attendance upon the States Employment Board and it was the chairman of the Appointments Commission that proposed this process that I now lay before the Assembly for approval. It is the chairman of the Appointments Commission that will also consult with Guernsey on a suitable process to be undertaken during this short extension period. Of course, States Employment Board would be happy informally to meet with States Members, but I do not think there would be much use in that without the attendance of the chairman of the Appointments Commission, but we can certainly arrange that with no problem at all. In fact, it might be quite helpful for Members, who have got questions about process in this regard. That is the process. I am not surprised at all by Deputy Higgins' comments. In fact, I would have been surprised if he had not stood up and made them. He has made them on several occasions.

[16:15]

Yet again today on this States sitting we see him asking questions, calling into question the integrity, as I see it, of the Data Protection Commissioner, asking questions around information, which is already in the public domain and has been in the public domain for years, and he could quite simply have found that information in the public domain. I do not share his view. Of course, I do not have all the details of the particular cases that he purports to mention in the Assembly, without any recourse for other Members either to be able to stand up and give chapter and verse on those cases, nor the individual concerned, and I do not think it is fair for any Member to comment in that regard. The Data Protection Commissioner herself does not in this Assembly have a right of reply and I think we need to be aware of that before we cast slurs on others that are serving the community in the way that the Data Protection Commissioner has done. **[Approbation]** It is a very difficult job to undertake, particularly in a small community, and I am extremely grateful for the work that she does. I hope with the exception of Deputy Higgins that every other Member votes to support this short reappointment of the existing Data Protection Commissioner.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to renew the appointments of Mrs. Martins as Data Protection Commissioner and Mr. Vane as vice-Data Protection Commissioner. I ask the Greffier to open the voting.

POUR: 39		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Deputy M.R. Higgins (H)		
Senator P.F.C. Ozouf		Deputy S.Y. Mézec (H)		
Senator A.J.H. Maclean		Deputy T.A. McDonald (S)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy 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 R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

9. Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 201- (P.146/2015)

The Bailiff:

We come to P.146/2015, the Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations lodged by the Minister for Treasury and Resources. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 201-. The States, in pursuance of Article 1(2) of the Currency Notes (Jersey) Law 1959, have made the following Regulations.

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

If I may, I have asked my Assistant Minister, the Constable of St. Peter, to be rapporteur for this item.

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

In bringing the proposition, I would just like to give Members an overview. The States of Jersey has been issuing its own bank notes since July 1963. Jersey currency is released into circulation through the banks in the Island, who purchase the notes in exchange for sterling. The retail banks issue this currency to their customers, who draw the cash from their accounts. The retail banks return Jersey notes in excess of that required and receive the sterling face value in exchange. Jersey currency in circulation is, therefore, determined purely by public demand, as Jersey currency is exchanged one-for-one for sterling. The Treasury has no power to increase the total value of currency in circulation and hence the reason for bringing this proposition to Members today. As of 30th November this year, there was £84.2 million of Jersey notes in circulation. This value, however, rises rapidly in the run-up to Christmas, as demand for currency increases. Current projections from the banks see the level of currency in circulation peak at just over an estimated £98.7 million before falling rapidly back in January after the Christmas activities. In 2004, the peak currency was £95.1 million. What we are proposing here today is to amend the law to increase the maximum value of Treasury notes that we can issue of Jersey notes from £100 million to £125 million to ensure that we can meet the demands of the people of Jersey. I make the proposition.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Do you propose the regulations *en bloc*, Minister? I am sorry, before we get to that, Deputy ...

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

No.

The Bailiff:

It is funny, I anticipated that. Do you propose them *en bloc*?

9.2 The Connétable of St. Peter:

Yes, Sir.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? Senator Ozouf.

9.2.1 Senator P.F.C. Ozouf:

Just for the avoidance of doubt, the last time a proposition was brought like this there were rumours about the fact that the then Treasury were engaging in quantitative easing. Could the Minister explain that these Articles taken together do not amount to backdoor quantitative easing in any physical or numerical or block chain or otherwise form?

The Connétable of St. Peter:

I can certainly do that and maybe it just may help Members ...

The Bailiff:

Minister, if you could just wait to see if anyone has any comments about the actual regulations. No. Minister? **[Laughter]**

9.2.2 The Connétable of St. Peter:

I am too keen, that is the problem. Yes, I can say this is nothing to do with quantitative easing. Quantitative easing is a measure where a debt is bought and it puts more money into the economy. We are not doing that. We are selling our Jersey pound note to the banks for sterling and the benefit to the Jersey economy is that sterling is then put on investment and makes a return annually. Somewhere between £2 million and £4 million per year comes back into Treasury for these notes. Equally, the advantage for the retail banks in Jersey is they do not have to pay extortionate amounts for armoured cars and personnel to carry millions of pounds on the ferry so as we can go and spend them in the economy. Finally, this is a good news story. It just shows there is more activity using currency in our local shops in Jersey, which runs against the trend that we see with credit cards and debit cards. So it is a good news story as well as making money for Treasury. **[Approbation]**

The Bailiff:

All Members in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading, Minister?

The Connétable of St. Peter:

Yes, thank you.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those Members in favour of adopting them in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading. That brings the business for this afternoon to an end.

Senator P.F. Routier:

I propose the adjournment?

The Bailiff:

The adjournment is proposed and we will resume with the Draft Budget Statement tomorrow at 9.30 a.m.

ADJOURNMENT

[16:22]