

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 7th NOVEMBER 2006

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

QUESTIONS

1. Written Questions

1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF REMOVING LEACHATE FROM GREEN WASTE AND POTATO WASTE:

Question

As different Committees were responsible in the past for the management of the Island's green waste and composting, is the Minister able to determine from the States' accounting records the total amount that has been spent by the States on removing leachate from green waste/potato waste for each of the years since 1995 to date?

Answer

From 1995 until 2003 the composting and potato waste leachate was managed by the Agriculture and Fisheries Department.

The costs relating to Beauport have been requested within the States for many years. In 2004 a question from the then Deputy of St John was answered as follows –

The original cost estimate was for £150k, ongoing costs are approximately £20,000 per annum for tankering and £8,900 per annum for operation of the pumping station. Maintenance and remedial works continue on an 'as required' basis with recent civil works modifications totalling £11,500 in 2003.

Costs associated with the disposal of leachate from Crabbé have been investigated. To accomplish this Millennium [?], the previous financial system, has been interrogated. Leachate removal from Crabbé costs an average of £39,676 per annum over the period from 1995 until 2002.

Since moving the operation to La Collette leachate removal has been undertaken by a combination of external contactors and in-house staff. In addition it should be noted that the leachate has been discharged into the sewer system at the abattoir site to minimise the transportation costs. The amount of leachate produced is dependant on the weather and on how much leachate is added back into the compost to control the process.

Leachate removal from La Collette cost between £2,200 and £7,340 per annum over the period from 2003 until 2006.

1.2 DEPUTY R.G. LE HÉRISSEUR OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMITTEE OF INQUIRY INTO THE TENDER PROCESS AND AWARD OF THE BUS SERVICES CONTRACT:

Question

Would the Minister identify which of the recommendations, if any, of the Committee of Inquiry into Tender Process and Award of Bus Services Contract, as outlined in its final report R.C.58/2005, have been implemented and which, if any, remain to be implemented, with the reasons why?

Answer

To provide Members with clear answers to the ten recommendations resulting from the Committee of Inquiry into Tender Process and Award of Bus Service contracts, the recommendations R 1 – 10 are copied below in *italics* with the response from the Minister below each recommendation.

R1 Any project that involves the use of external consultants should have a proper monitoring programme, with a senior manager of the sponsoring Department made responsible for managing the relationship with the consultants and monitoring their activities. Such a manager should have adequate time and other resources to be able to perform his duties effectively.

Major projects within the department are controlled by a senior manager who is given specific responsibility for its overall management and delivery.

R2 Any project that relies on the enactment of legislation to grant the Committee (or, in future, the Minister) the necessary powers, and that is run in parallel with the operational part of the project, must be planned and monitored carefully to ensure that timetables are set with reference to the legislative process and that the two parts of the project do not lose synchronisation with one another.

The extremely short timescale in which the original bus contract legislation was produced was recognized as a constraint on the original contract. The Minister has obtained law drafting time for 2007 to allow any further changes to be made to the relevant legislation well in time for the 2009 deadline for the existing Connex contract.

R3 Careful consideration should be given as to what should be done in the event that the States do not enact the necessary legislation as drafted (or at all).

The position concerning the 2009 contract is somewhat different to that of 2002, in that there is legislation in place that allows the contract to operate. Clearly some refinement would assist in the ongoing development of the Island's public bus service. However, if the changes do not occur, it does not prevent the existing contract from being re-tendered.

R4 In the absence of "Transfer of Undertakings: Protection of Employment" Regulations such as are in force in the United Kingdom, in the event that a Committee or Minister has to give an undertaking as to future terms and conditions of employment it should be "on terms no less favourable than those in force on [the operative date]."

Since the Committee of Inquiry delivered its report, the States has approved the Employment Law (Jersey) 2005 which provides a framework for employers.

The recent tender process for the school and summer service considered the procedures and terms and conditions in place should the contract be awarded to a new operator as part of the evaluation process.

R5 Where the actions of third parties could materially affect an ongoing project, a suitable person from within the sponsoring Department should be assigned to monitor those

activities and report all developments to the person responsible for the overall management of the project.

In line with R1, this is considered to be an integral part of any project management procedure.

R6 E&PSC should take immediate action to determine whether the £186,000 payment in respect of the shift allowance and of appropriate sums for any services rationalised as a part of the compensation for the shift allowance subsequent to year 1 can be recovered, either from Connex or from any other person. The Committee should also seek advice on whether they should seek to negotiate appropriate adjustments to the contract price in respect of any on-going reduction in services.

The Environment and Public Services Committee referred this matter to the Law Officers Department for advice and their advice is still awaited.

R7 It is clear that E&PSC accepted liability for payment of the Shift Allowance for the first year of operation of the Bus Service Contract without the benefit of considered legal advice. We therefore recommend that no Committee, Minister or Department should accept a liability without taking proper legal advice.

This recommendation was accepted and in respect of the recent tender process for the school and summer service, the Law Officers Department were involved throughout.

R8 Departments should maintain readily accessible, accurate and validated records of all projects undertaken, and management should foster a culture of reliance on validated fact rather than received wisdom.

The previous Environment and Public Services Committee agreed that relevant records should be maintained of all projects and it considered that the department already complied with the recommendation.

*R9 Senior management within each Department of the States should ensure, so far as possible, that **all** relevant information is available to Committee Presidents or Ministers when Answers to Questions from States Members are being prepared.*

The Environment and Public Services Committee expressed doubts regarding the basis for this recommendation.

I am satisfied that senior managers in the department make available to me the necessary information when preparing answers to States Members questions.

R10 The Greffier of the States should put in place a procedure to ensure that, in the event of an Inquiry having to examine the records in his care, no alteration can be made to those records (even in such details as the numbering of pages) without the persons conducting the Inquiry being made aware of the proposed alteration and the reasons for it.

This is a matter for the States Greffe to comment on.

R.11 Whenever a sub-committee, steering group or similar subordinate body has been appointed by a Committee or other superior authority for specific purposes, separate and detailed minutes should be made and preserved of the proceedings of the subordinate body including the bases for its decisions and recommendations.

This recommendation was already fully implemented within the department.

1.3 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE USE OF MOBILE PHONES BY DRIVERS AND INCIDENCES OF SPEEDING AND DRINK DRIVING:

Question

- (a) Would the Minister inform members what policy, if any, the States of Jersey Police has on keeping records of drivers using mobile phones? If there is such a policy, when was it implemented?
- (b) Would the Minister inform members, how many incidents of speeding, drink driving and mobile phone use whilst driving have been recorded in the last three years by the States of Jersey Police?
- (c) Would the Minister inform members, what current and future campaigns there are, if any, to inform the general public and young people on the dangers of mobile phone use whilst driving?

Answer

- (a) Local records are kept of drivers reported for driving whilst using their mobile phones in the same way that records are kept for persons reported for any other offences.
- (b) For the years 2004, 2005 and 2006 (up to the 30th October) there have been the following recorded incidents of offences –

Speeding – 936, 1084 and 1461 respectively

Drink driving – 283, 240 and 196 respectively

Mobile phone use – 345, 254 and 300 respectively.

- (c) Preventing drivers using mobile phones whilst driving is, and has been, one of the States of Jersey Police's priorities in improving road safety. It will continue to be a priority for the Force.

There is currently a widely publicised 'Hands Off' campaign aimed at informing the public about the dangers of mobile phone use while driving. The current campaign was started by the Jersey Evening Post following coverage of a local resident whose sister was killed in the U.K. by a person who was thought to have been driving while using a mobile phone. I, as Minister, and the States of Jersey Police support the principle of this campaign. It is an excellent example of a community-led drive to change people's behaviour through peer pressure in a way that enforcement alone never could achieve. The eventual aim must be to entrench a habit of personal responsibility and restraint so that people simply no longer drive and use a mobile phone.

1.4 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE USE OF MOBILE PHONES BY DRIVERS OF VEHICLES OPERATED BY THE DEPARTMENT:

Question

Would the Minister inform members what policy is in place in relation to dangerous driving by drivers of vehicles operated by his Department and, in particular, what procedure, if any, is in place

in relation to the action that is to be taken against a driver found to be using a mobile phone whilst driving a vehicle operated by the Department?

Answer

Part 1:

If a member of T.T.S. staff is accused of the offence of ‘dangerous driving’ whilst in control of a States’ operated vehicle, the member of staff would be subject to discipline in line with the disciplinary procedures for the appropriate pay group. In normal circumstances the Department would await the outcome of the court case and if the employee was found guilty then it would proceed with the disciplinary procedure.

Part 2:

With regard to the holding of a mobile phone whilst driving; a departmental policy has been in place since March 1998 which states that –

‘all staff when called must pull over and stop the vehicle before answering the call’. It continues; “Users of mobile phones should ensure that they have ‘voice call back answer service’ programmed into their sets so that they know who has been trying to call them.”

If a particular member of staff is reported for holding a mobile phone whilst driving on States' business, the internal disciplinary procedure would again be applied and appropriate action taken.

1.5 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING MEASURES TAKEN TO TACKLE DISCRIMINATION:

Question

Would the Minister inform members, what initiatives, if any, his Department has taken to tackle discrimination (and particularly racial discrimination) within the last five years and what progress, if any, has been made in this period?

Answer

Schools and Colleges

In June 2002 the Department worked with P.S.H.E. teachers to produce a policy document entitled “PSHE Curriculum – Foundation Stage to Key Stage 4”.

Personal, Social (and) Health Education (P.S.H.E.), including Citizenship education, contributes to the school curriculum by helping to give pupils the knowledge, skills and understanding they need to become informed, active and responsible citizens.

Each of the key stages is split into four strands. Strand 4 is entitled “Developing effective and fulfilling relationships and respecting the differences between people”. It is this strand that particularly focuses on discrimination.

Examples:

Foundation Stage

Understand that people have different needs, views, cultures and beliefs that need to be treated with respect. Understand that they can expect others to treat their needs, views, cultures and beliefs with respect.

Key Stage 1

Pupils should be taught to identify and respect the differences and similarities between people.

Key Stage 2

Pupils should be taught –

- to realise the nature and consequences of racism, teasing, bullying and aggressive behaviour, and how to respond to them and ask for help;
- to recognise and challenge stereotypes;
- that differences and similarities between people arise from a number of factors, including cultural, ethnic, racial and religious diversity, gender and disability.

Key Stage 3

Pupils should be taught –

- the effects of stereotyping, prejudice, bullying, racism and discrimination arising from whatever source and how to challenge assertively;
- to understand some of the cultural norms in society, including the range of lifestyle and relationships;
- to be assertive in the face of negative pressure and recognise when others need help and how to support them.

Key Stage 4

Pupils should be taught:

- to understand the diversity of different ethnic groups, the power of prejudice and be aware of exploitation in relationships;
- to challenge offending behaviour, prejudice, bullying, racism and discrimination assertively and take the initiative in giving and receiving support;
- to work co-operatively with a range of people different to themselves.

This P.S.H.E. curriculum is used by heads of department and co-ordinators of P.S.H.E. across all of our primary and secondary schools.

In addition, and in support of the Department's comprehensive approach to tackling discrimination, schools also have policies on Anti-Bullying and Equal Opportunities. Breaches of either policy are dealt with under the school's disciplinary procedures.

The Youth Service

The Youth Service has equality and anti-discrimination as key elements that underscore its philosophy and purpose. Youth Workers aim to challenge young people's attitudes, behaviour and language and to raise their awareness of all types of discrimination including issues around race, sexuality, disability and gender. Examples of Projects that have been involved in promoting equality and challenging discrimination are –

- The Youth Inclusion Project that works in partnership with Autism Jersey and Jersey Mencap. There is now a full-time Youth Worker and a team of sessional and volunteer youth workers who are supporting young people with a range of disabilities to access Youth Service provision. The aim is to integrate young people with a disability to have the support to attend their local Youth Project. There are also some specialist Youth Clubs that has been developed for young people with Autism so that they can meet up with friends. Pupils from Hautlieu volunteer at these Youth Clubs and act as ‘buddies’.
- In the summer of 2005 a group of young people from Grands Vaux Youth Project went to Madeira for a week. The focus of this visit was to look at a different culture and to experience different food, music and language. A key theme of the Project was to challenge the young people’s stereotypes and perceptions, raising their awareness of global issues and anti-racism.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE AVAILABILITY OF INCOME SUPPORT TO THOSE IN THE SECOND AND THIRD INCOME QUINTILES:

Question

Following his statement, on 24th October 2006, during the debate on proposed exemptions to the new Goods and Services Tax that Income Support would not only cater for those in the bottom income quintile but might even extend to assist those in the second and third quintiles, would the Minister inform members –

- (a) what evidence he has in terms of numbers of recipients and income levels, based on current calculations, to support his statement?
- (b) whether he has yet considered the figures set out in Section 5 of the Interim Scrutiny Report on Goods and Services Tax (SR 6/2006 presented to the States on 18th October 2006) showing the impact on G.S.T. on different quintiles and, if so, whether he concurs with the Sub-Panel’s conclusions?
- (c) whether income support will require additional funding if it extends across the quintiles as indicated above?
- (d) why he chose to introduce this information on ‘quintile spread’ of income support in the debate and did not provide this information in prior discussions with the Income Support scrutiny Sub-Panel?

Answer

- (a) The precise number of recipients of Income Support and their spread across the income quintiles is unknown at the moment but my Department is currently collecting data which will provide the information to allow this to be determined.

The evidence on income levels is available from the Household Expenditure Survey, which sets out the income bands for the quintiles and it is these that I quoted. Beneficiaries of the existing benefit schemes can be found in the bottom three quintiles of this income distribution, and on this basis, Income Support, can conceivably, extend similarly.

- (b) I have not analysed the figures in section 5 of the interim Scrutiny Report fully, however I do concur with the Scrutiny Panel’s conclusion that “Clearly Income Support will be far more significant for low-income families than zero-rating.”

- (c) For the avoidance of doubt, the spread across the income distribution only occurs because of the differing circumstances and therefore different costs of different families. Not every household in the lower quintile will receive income support, but a large number will. Similarly only a small number of households in the third quintile are likely to qualify for Income Support. I am not sure whether this question concerns the whole cost of Income Support or the support given against the introduction of G.S.T.

In the case of the effects of G.S.T., I have the assurance of the Minister for Treasury and Resources that those on Income Support will be insulated from the effects of G.S.T. by funds being made available equivalent to those effects.

In the case of the Income Support system itself, given the inequities and disincentives of the existing benefits, it is clear that the system will allow those in greatest need to receive greater support.

- (d) The quintile spread was published in the Household Expenditure Survey and all I have simply done is equate the quintile boundaries to existing and likely potential beneficiary incomes. My statement was merely an effort to show how income support can provide support for households depending on household circumstances.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING SUPPORT FOR THE RETAIL SECTOR:

Question

- (a) On 24th October 2006, in answer to an oral question, the Minister stated that a dedicated post had been created within his Department to work on retail industry matters. Would the Minister inform members what targets, if any, have been set for the delivery of real and measurable assistance to the retail sector by this postholder?
- (b) Would the Minister inform members whether this post is an additional post and, if so, whether any post has been removed, or subsumed to create it?
- (c) In reference to the economic pressure on shops brought about by e-commerce, the Minister stated that *'the ebb and flow was no different to the past'*. Does the Minister have any evidence to back up this statement (for example the number of retail start-ups, closures or *désastres*) and, if so, will he provide this evidence to members?
- (d) Referring to high retail rental rates, the Minister introduced the phrase *'capitalisation of high margins in some retail sectors'*. Will the Minister explain to members what he meant by this and what concrete steps he can, or will, take to assist the retail sector suffering from high rents?

Answer

- (a) The retail sector (including wholesale) is one of the largest in the Jersey economy both in terms of employment and G.V.A. It employs over 7,000 people (16% of the total employed in the Island) and is the largest industry employer outside the finance sector. Wholesale and retail contribute over £200 million in G.V.A. annually (equivalent to 7% of the total economy) equating to over £30,000 G.V.A. per employee.

The retail sector is clearly an important component of Jersey's economy in its own right. In addition, it provides a vital support mechanism to Jersey's success as a finance centre and visitor destination.

In April 2006, a document entitled 'A Framework for Developing the Retail Sector' was approved by the Council of Ministers. The framework was based on research undertaken and consultation within the retail industry and outlined a progressive and incremental approach to be adopted by Economic Development towards the retail sector.

The primary role of the Retail Strategy Manager is to work with the sector in order to contribute to the overall delivery of the economic growth target of 2%, with low inflation, whilst ensuring that the growth within the sector is managed in an incremental manner, is sustainable and integrates future retail development (for example on the Waterfront) with the existing town core.

Specific targets are -

Ensuring correct policies are in place to maximise productivity within Jersey's retail sector to reach 2% real growth in G.V.A. These include –

- updating legislation on Sunday Trading following a full consultation process;
- addressing implementation issues facing the retail/wholesale sector regarding the introduction of G.S.T. to ensure adverse effects on trading are minimised;
- examining potential for tax free shopping opportunities on goods for export;
- investigating and managing the potentially negative impact of any new legislation on the retail sector. Two current examples of this are the effects of European food labelling legislation and the Proposition to ban the importation of fur products into the Island;
- developing relationships with existing retailers/wholesalers to ensure they have a direct and personal link to government to address issues that may present barriers to growth;
- working with W.E.B. to ensure that policies are in place for the successful integration of the existing town with any new retail developments on the Waterfront;
- working with the Harbours and Airport to facilitate any retail development as part of the implementation of the Retail Framework.

Research and evaluate the health of Jersey's retail sector from an economic perspective and identify and pursue areas which present opportunity for new business growth:

- evaluate and benchmark Jersey's retail environment and competitive position, identifying and pursuing sectors which focus on new business opportunities, both local start ups and inward investment;
- provide a 'first-stop-shop' for any new business or existing business wishing to expand or trade in Jersey for the first time to ensure that they are encouraged by States policies and procedures. Work in partnership with other Departments where necessary to facilitate business growth (e.g. Population Office, Planning and Environment Department);
- identify and research areas of retail leakage off-island and address these where possible, developing initiatives with local industry partners to stem losses;
- investigate and nurture export opportunities for local retail and wholesale businesses;
- develop and promote a 'brand identity' for St. Helier to encapsulate the town's character, incorporating the Victorian Markets and al fresco lifestyle, in order to revitalise the local public perception of St. Helier and to promote a strong identity for the town centre retail sector;

- as part of the forthcoming changes to Jersey.com, ensure that the local retail sector has a strong on-line presence, both for businesses wishing to trade with/in Jersey, and consumers investigating retail destinations;
- facilitate the retail sector's access to the Economic Development Enterprise and Business Development strategy to ensure that the sector receives all possible assistance, including educational initiatives, to create a positive image of a career in the retail sector for the Island's young population.

((b) The Retail Strategy Manager is a new rôle within the Department filled by transferring an officer from another part of the Department. It is not an additional post.

((c) My answer to an oral question that I answered was and remains a personal observation. However, as is clear from the other answers to this written question, the Economic Development is for the first time working extremely hard to understand the retail economy, moreover, make decisions based upon evidence. I am happy to discuss and share with the Scrutiny Panel all aspects of the Retail Strategy as they require.

((d) My own explanation for "the concept capitalisation of high margins" is that if there are high margins in certain retail businesses - these high margins sometimes tend to get capitalised in asset prices. This means that the actual premises from which the high margin business operates tends to increase the capital cost and hence rents.

I reiterate that we need to understand the retail economy in order to inform policy making, particularly where there may be doubt as to what isolated elements such as the level of rents may mean.

1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE ENTERPRISE AND BUSINESS DEVELOPMENT STRATEGY:

Question

- (a) Following the launch of the Enterprise and Business Development Strategy and its associated initiatives, including the Jersey Innovation Initiative, the Pilot Small Firms Loan Guarantee scheme and the Jersey Export Development Initiative, would the Minister inform members what financial resources are required for the overall strategy, broken down to show the amounts for each of the individual initiatives, and would he indicate what proportion of the sums required are –
- (i) new funding, and, if so, when and how these funds were agreed; or
 - (ii) redirected from existing funding elsewhere in the Department, stating how much has come from which areas?
- (b) Would the Minister indicate how the Strategy and its associated initiatives are to be delivered and how many, and which, staff will be involved? Would he state whether staff have been redeployed from the delivery of existing schemes, such as the Jersey Business Venture and, if so, from which schemes. Are any existing schemes to cease as a result of the new Strategy?
- (c) Will the Department need to assess which businesses are likely to succeed before allowing them to participate in these initiatives and, if so, is this an appropriate rôle for his Department?

Answer

- (a) The total financial resource shown in the approved States Strategic Plan required to deliver the recently launched Enterprise and Business Development Strategy is approximately £2.4 million. This is out of the allocated £16 million Economic Development budget which itself is undergoing a fundamental Zero-based budgeting approach. This sum has been allocated against the following existing and new initiatives:

Initiative	Cost	Initiative Status
Encourage Jersey university students to return to the Island through the Jersey Undergraduates Internship Scheme	£120,000	Existing scheme
Create employment opportunities with structured work related training paths with the Jersey Apprenticeship Scheme	£330,000	Existing scheme
Improve business practices and benchmark against quality standards	£70,000	Existing scheme
Complete the 2007 Employers Skills Gap analysis	£80,000	Existing scheme
Continue to invest in sector specific work related training programmes, eg. Health Care NVQ's, hospitality training, employment practices and health and safety.	£330,000	Existing schemes
Recognise excellence in both the community and business environments through the Jersey Enterprise Awards	£5000	Existing scheme
Continue to support the Jersey Business Venture	£85,000	Existing scheme
Improve access to business finance with the introduction of a Small firms Loan Guarantee Scheme, a business angels network and by establishing links to the British Venture Capital Association	£200,000	New initiatives
Encourage inward investment from high yield low foot print businesses	£100,000	New initiative
Open a first stop business centre	£225,000	New initiative
Encourage research investment into new technologies and innovative ideas through the Jersey Innovation Initiative	£120,000	New initiative

Encourage the growth in exports through the Jersey Export Development Initiative	£250,000	New initiative
Enhance the existing and develop new advisory service for would be entrepreneurs and new businesses	£200,000	New initiative
Introduce a business incubator to provide business with access to suitable start-ups premises	£75,000	New initiative
Work with Educations Sport and Culture to enhance existing and develop new Enterprise Education programmes.	£140,000	New initiative
Develop Business to Business opportunities so encourage clusters of business development opportunities	£70,000	New initiative
Total cost	£2,400,000	

The Economic Growth Plan that was approved by the States outlined the cost of delivering an Enterprise and Business Development Strategy. These new costs were subsequently refined and, as shown in the States Strategic Plan that was approved on 14 September 2006, the budget for delivering the Enterprise and Business Development Strategy was increased by approximately £1 million. Since then, the whole Department has been engaged in a rigorous business planning process to ensure that the entire cash limit is targeted towards delivering the approved States Strategies. The 2007 Business Plan is in the process of being finalised.

The existing 2006 budget of £1.4 million shown as allocated to the Training and Employment Partnership (T.E.P.) area of the Department is subsumed within the new total for Enterprise and Business Development, which will continue to have responsibility for the development of workforce skills as a key component of the Strategy. There will not be any adverse impact on the Department's commitment to workforce development.

- (b) The delivery of the Strategy and its associated initiatives will require the opening of a new Business Centre. Working alongside organisations such as the Jersey Business Venture, and with use of modern technology, this first-stop-shop will deal with all business enquires, deliver customers, needs and manage the portfolio of products and services described in the Strategy.

The staff employed within the Training and Employment Partnership have already started to deliver parts of the Strategy. The existing staff complement is 5.5 F.T.E. and the Chief Executive Officer is currently in discussion with the Chief Minister's Department to increase the Department's total head count by 4.5 F.T.E. in order to deliver the new Strategy fully. The cost of the additional staff has been factored into the overall delivery cost of the Strategy, as shown in the table above.

The delivery of the Strategy will not require the redeployment of any staff from existing schemes such as the Jersey Business Venture, nor will it result in any existing scheme having to cease.

- (c) All of the product set that forms the components of the Enterprise and Business Development Strategy are designed to comply with States Financial Directions for the award of grants. All products are subject to eligibility criteria and evaluation based upon business plans and/or detailed proposals. All products will be delivered by business advisors acting as account managers located in the new business contact centre to be developed at Jubilee Wharf following E.D.D. relocation in early 2007. In addition to existing staff, who will receive additional training in investment evaluation, a small number of new posts will be created to deliver greater business advice capacity within E.D.D. This service will complement the current Jersey Business Venture which is a grant funded private sector organisation. I am also keen to develop the J.B.V.'s important role in advice to small and medium sized businesses.

The objective of the Enterprise and Business Development Strategy is to assist businesses in the non-financial services sector in order to facilitate the diversification of the sectoral and tax base of Jersey's economy. In doing so, the strategy will increase the productivity and profitability of existing Jersey businesses, increase the export trade potential of Jersey's products and services and deliver increased business birth-rate. This type of economic development activity, with its requirement to assess the ability of "businesses to succeed", is the norm in international jurisdictions, both small and large. In the U.K. alone there are nine English Regional Development Agencies (R.D.A.s) reporting to the Office of the Deputy Prime Minister plus government economic development agencies in Scotland, Wales and Northern Ireland. Regional Government Economic Development Agencies in Europe number many hundreds and global organisations number in the thousands. An example of the activities of one of the English R.D.A.s can be found at <http://www.southwestrda.org.uk/>

Applications for all products in the Enterprise and Business Development Strategy will be subject to a thorough assessment. In the case of the Small Firm Loan Guarantee Scheme (S.F.L.G.S.), it is important to note that the Department is underwriting funding that will be provided by Jersey banks. The banks will use their existing risk management processes to evaluate the commercial viability of applications prior to seeking approval from the Department. Similar schemes, operated by the D.T.I. in the U.K. have proven to be very successful with failure rates of between 2 and 3%. Eligibility criteria for the S.F.L.G.S. are:

- The borrower must be registered under Part II of the Regulation of Undertaking and Development (Jersey) Law 1973.
- The licence must have been issued by the Regulation of Undertakings and Development Office, and the undertaking commenced, within the previous 5 years.
- The principal owner(s) of the undertaking must be resident and domiciled in Jersey.
- The guarantee is for a maximum of 75% of a business loan.
- The guarantee can be used as security for business loans of between £5,000 and £250,000.
- The loan must be repaid within a minimum of 2 and maximum of 10 years.
- The borrower can have more than one guarantee, but within the maximum £250,000.
- Annually, the borrower pays to the Government a 2% premium on the value of the outstanding loan.
- Interest rates and loan repayment periods are negotiated between the lender and the borrower and are not influenced by Government.
- A number of sector-specific restrictions will apply.

Evaluation of other forms of grant support delivered through products such as the Jersey Export Development Initiative (J.E.D.I.) and the Jersey Innovation Initiative (J.I.I.) will also be based on defined eligibility criteria and delivery of results.

Strategic objectives, product details and eligibility criteria for the J.E.D.I. product are:

- Advice and support to new and less experienced exporters.
- Information and contacts to help identify and research overseas markets.
- Links to global networks which will help identify new markets.
- Financial assistance to help develop Jersey's export trade will also be available. An eligible company or individual will be entitled to claim support up to a maximum of £10,000 based on the following formula:

50% of the total eligible costs for the first claim

40% of the total eligible costs for the second claim

30% of the total eligible costs for the third claim

20% of the total eligible costs for the fourth claim

10% of the total eligible costs for the fifth claim

Who is eligible?

- Any Jersey registered business, whose beneficial owner is a Jersey resident.
- Any would-be entrepreneur who has been resident in Jersey for 5 years.

Strategic objectives, product details and eligibility criteria for the J.I.I. are:

- Advice and guidance to new and less experienced inventors.
- Contacts who can advise on how to exploit ideas.
- Professional advice on how to protect an invention.

Financial assistance to help stimulate and develop innovation will also be available. In total, an eligible company, or individual, will be entitled to claim support up to a maximum of £5,000 based on the following formula:

50% of the total eligible costs for the first invention

25% of the total eligible costs for the second invention

15% of the total eligible costs for the third invention

10% of the total eligible costs for the fourth invention

Who is eligible?

- Any Jersey registered business whose beneficial owner is a Jersey resident.
- Any would-be entrepreneur, or inventor, who has been resident in Jersey for 5 years.

1.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE CREATION OF A POPULATION REGISTER:

Question 1

In his response to part (a) of a written question on 24th October 2006, the Chief Minister stated that ‘The Migration Advisory Group recently considered proposals for a population register... (following) meetings with the Data Protection Registrar’. Would the Minister inform members –

- (a) the extent to which any of the current proposals have changed from those agreed by the States in 2005 (P.25/2005 adopted as amended on 22nd June 2005)?
- (b) the extent to which the 11 points raised in the summary of issues submitted by the Data Protection Registrar and contained in Appendix 8 of the Shadow Scrutiny Report ‘Migration: monitoring and regulation’ (S.R.5/2005 presented to the States on 7th June 2005) have been met?
- (c) how many meetings the Migration Advisory Group has held since June 2005, and
- (d) how many meetings have been held with the Data Protection Commissioner?

Answer

- (a) The proposals being developed are consistent with those agreed in P.25/2005.
- (b) As noted in the written response to question 1240/5(3045) tabled on 20th October 2006, “The Data Protection Commissioner has been liaised with, and consulted, at each stage of the development of the proposals”. This consultation takes place with a view to ensuring that the proposals, as they develop, address each of the Eight Data Protection Principles. This is progressing appropriately and will continue to ensure that the principles are addressed, in liaison with the Data Protection Commissioner.
- (c) The Migration Advisory Group was constituted by the Council of Ministers on the 16th December 2005. Following the establishment of the Population Office, the first Migration Advisory Group Meeting took place on the 2nd March 2006. The following Migration Advisory Group Meeting took place on 12th May 2006, and the following on the 12th October 2006. The next meeting is planned for early December.
- (d) Meetings have taken place between officers and the Data Protection Commissioner on three separate occasions to discuss the Population Register. In addition, a range of email contact has taken place, as proposals have been developed. In the interests of addressing Data Protection concerns to the fullest extent these meetings will continue.

Question 2

In answer to paragraph (b) of the question, the Chief Minister stated that registration for the purposes of the ‘population register’ would be combined with Social Security registration and that it had been concluded that it would be sensible for the combined registration document or card to incorporate a method of establishing identity, as registration would govern access to employment and housing, and potentially a range of other public services. Would the Chief Minister state –

- (a) what involvement, if any, the Social Security Department has had to date in this process?
- (b) what methods of establishing identity are envisaged and who will have responsibility for ensuring the security of data?

- (c) what range of additional ‘other public services’ are currently envisaged and at what stage is it anticipated that these will be included?

Answer

- (a) The Social Security Department participated in the development of the Migration Policies, including the concept of a joint registration processes. Having decided the policy approach, discussions at this stage are of a technical nature, particularly in relation to Information Technology. Again, as noted in the written response to question 1240/5(3045) tabled on 20th October 2006, “The Population Office is working with officers from Information Services who are responsible for partnering a range of departments. These departments include Social Security.”
- (b) Establishing a person’s identity is one of the key elements of a successful and secure register. As noted by the Data Protection Commissioner in the ‘Formal Response to the Consultation Paper “Monitoring and Regulating Migration”’ –

“..the issues of identity fraud and theft must be addressed. To do this successfully, it must involve the verification of identity to a high level and minimise the opportunities for fraudulent assumption of an individual’s identity”.

While it would be inappropriate to set out a detailed procedure for verification of identity at this stage, we would look to other jurisdictions to adopt the most sensible and robust procedures, and note and agree with the advice of the Data Protection Commissioner.

In terms of the security of data, each department which used the database would have their own responsibilities, but Data Controller responsibilities would likely reside with the Chief Ministers’ Department.

- (c) Each department would have to make a specific case before access would be granted, including details of why they required access, and indeed, some assurance assessment over data security. Thereon, permission would be granted based on the merits of each case and as set out in the law. Having said that, it would be surprising, and unfortunate, if the core public services, such as Health, Education, and Social Security, did not use the Population Register to establish an accurate name and address. Timing will depend on the individual actions of Departments, and indeed, there is some merit to an incremental adoption by Departments.

Question 3

What measures are proposed to ensure that data about address and employer are kept up to date and how will de-registration be enabled when a person leaves the Island or dies, in order to meet the requirement that data held on residents be maintained accurately?

Answer

It is fair to say that maintaining the Population Register up-to-date is one of the greatest challenges. At the same time, it must be remembered that the States already expends significant effort aiming to maintain its current range of name and address databases. In this sense, the challenges will not be new, indeed, they will be lessened by focusing on a single database, and by the technological solutions afforded by a single database (such as being able to identify multiple addresses, conflicting details, and inactivity across a range of services which would strongly suggest having

exited the Island). Again, maintenance of the register is largely a question of detailed processes, and will be worked through as proposals develop.

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING NEW PENSIONS LEGISLATION:

Question

Notwithstanding the Minister's commitment to a wide-ranging review of pension provision as outlined in the States Strategic plan, item 2.1.2, to start in 2008 for implementation in 2010, as given in responses to previous questions, will the Minister consider separately, in advance of the above review, the introduction of legislation relating to pension schemes similar to the 1997 and 2004 U.K. Pension Acts to address, in particular –

- (a) the statutory right for trustees of company pension schemes to award cost of living increases;
- (b) the right of beneficiaries to elect representatives to the boards of trustees of pension schemes;
- (c) the introduction of a pensions regulator

and, if not, why not?

Answer

As Members are fully aware the Social Security Department is exceptionally busy developing the new Income Support Scheme for implementation in 2007, whilst at the same time administering existing benefits. This initiative represents a fundamental change to the social protection benefit schemes in the Island, the amount of work for which cannot be underestimated. In addition, amongst other initiatives, the Department is working towards the introduction of the next phases of the Employment Law and developing proposals for the Winter Fuel payment which it will also be asked to introduce next year.

The initiative which Deputy Southern is asking the Department to pursue is a significant proposal demanding resources in terms of funds and manpower which the Department does not have for 2007 unless it is to drop an initiative agreed by the States in the Business Plan 2007.

I have already committed to reviewing pension regulation within the wider review of pension reform once the Income Support Scheme is bedded-in and indeed the States have agreed that the Department do so in the Strategic Plan, as well as endorsing the timescale for delivery.

The correct time to amend the Department's initiatives for 2007 was in debating and agreeing the States Business Plan for that year.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE SOURCE OF ADDITIONAL FUNDING GIVEN TO THE BATTLE OF FLOWERS ASSOCIATION:

Question

Would the Minister inform members out of which sources of funding, within the 2006 Economic Development Departmental budget, the additional awards of £50,000 and £45,000 were made to the Battle of Flowers Association?

Answer

The £50,000 additional grant for the Jersey Battle of Flowers was sourced from an approved under-spend carried forward from 2005. This was approved by the Council of Ministers.

The further £45,000 was underwritten by the Tourism Development Fund. However it is likely that this will actually be funded by the 2006 departmental under-spend which arises as a result of the prudent financial management which is practiced throughout the department.

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE GRANTS TO SUPPORT EVENT-LED TOURISM:

Question

- (a) Further to his written answer on 24th October 2006 concerning funding for event-led tourism, would the Minister list for members the breakdown of which events have been, and will be, supported for each of the years 2005, 2006 and 2007 setting out the amount allocated for each event?
- (b) Would the Minister clarify what the difference is between 'grants' and 'events' in the overall figures which refer to a budget for 'grants and events'?
- (c) For each of the years above would the Minister specify from which budget each grant or event was, or will be, sourced, and state, in particular, what other areas of the Department's budget were reprioritised to provide the additional £145,000 funding for 2006 he referred to in his previous answer?
- (d) Would the Minister set out, for each of the above years, what sums have been allocated from the Tourism Development Fund (T.D.F.), and in what way, if any, the regulation and terms of use of funds from the T.D.F. funds differ from the use of other funds from the Department?
- (e) Would the Minister justify his statement made in answer to another written question on 24th October 2006 that the proposed allocation of funding for 'grants and events' for 2007 represents a 'greater emphasis on event-led components of the Jersey [tourism] offering' when that answer showed that the actual increase in funding from 2005 (actual) to 2007 (proposed) is only £31,500 (£607,500 in 2005 and £639,000 for 2007)?

Answer

- (a) The attached spreadsheet provides a comparison between the years of 2005 and 2006 for grants made to external organisations by the former Economic Development Committee in 2005 and by the Minister in 2006. Information for 2007 is not yet available as many of the grants are still being negotiated. I can however confirm that in line with the policy of supporting event-led tourism as a major pillar of the visitor economy, that there will be a significant investment in this area next year for which a zero based budget has been prepared.
- (b) In addition to the grants allocated to event organisers for the two years in question, the department has also managed a separate [Jersey Tourism] managed events budget each year.

- (c) For the avoidance of doubt, I assume that the £145,000 referred to in the question relates to:
- (a) £50,000 additional from the Battle of Flowers
 - (b) 45,000 additional support for the Battle of Flowers
 - (c) air display

Taking each of the figures in turn, the sources of funding are:

- (a) carry forward/brought forward from 2005.
 - (b) as answered in the above question. Initial indication that it could be available from the T.D.F. but depending on end of year figures, likely under spend through prudent accounting for 2006 within the overall budget
 - (c) see under spend from carry forward 2005 as agreed by the Council of Ministers.
- (d) From its inception in 2001 until the introduction of Ministerial Government the Tourism Development Fund was a Sub-Committee of the Economic Development Committee. It is now an Independent Panel, comprising four members, chaired by Mr. John King and carrying out essentially the same function as the Sub-Committee, i.e. review applications for funding for tourism related projects in line with the agreed criteria. Annual reports have been submitted to Members each year. In 2005 a total of £1,466,310 was committed for various projects and in 2006 £187,900 has been committed to date.
- (e) The question relates to comparative budgets for event-led tourism from 2005 to 2006 and 2007. The Deputy will be well aware of the F.S.R. cuts that were imposed on the former Economic Development Committee for budget year 2006. The Committee of the day made it clear that they would deliver F.S.R. savings by reducing the event-led tourism budget. I have made it clear that I did not support the cutting-back of event-led tourism budgets and have therefore worked with the department to find alternative ways of increasing the funding for event-led tourism. Event-led tourism is a vital component of our own ideas and strategies concerning the revitalisation of the tourism economy. Moreover the department is now working much more closely than in the past with the Education, Sport and Culture – specifically the Assistant Minister with responsibility for Culture and the new Cultural Co-ordinator to better co-ordinate cultural and tourism and the event-led programme.

EVENT	Date	2005	2006
Petanque	April	500	500
MG Owners Rally	April / May	2000	1500
Intl. Air Rally	May	500	500
Prehistoric Jersey	June		3000
Festival of Motoring	June	6000	4000
Tour des Ports	July	2000	2000
Canine Come Dancing	July		500

Battle of Flowers	August	95000	95000
Tudor Market	August		7000
Jersey Live Music Festival	September	5000	5000
Sailing Regatta	September	500	500
Intl. Air Display	September	50000	50000
National 9s Golf	September	4000	3000
Tennerfest	October / November	10000	10000
Round Island Challenge	October	1000	1000
PGA Golf	October	4500	1000
Sea Bass Fest	October	1500	1000
International Choir Festival	October		3000
World Bar Billiards	November	750	750
Casting Club	November	300	250
Arts Centre	Year Events	80000	50000
LTA Tennis Events	Jan & October		3000
Chess Festival	February	720	
Jersey Festival of Pool	February	750	
Nelson's Navy Exhibition	Year Round	7000	
Body and Soul	May	500	
RJA Country Fayre	May	6000	
La Fete Nouormande	May	5000	
Jersey Race Club	Year Round	3000	
Time Travellers	May	3000	
RJA Flower Shows	June & Aug	3000	
Rose & Flower Show	June	6000	
Classic Vehicle Show	July	350	
Jazz in the Park	July	2000	
Intl Football Tournament	August	5000	

Seaside Festival	August	5000	
La Ferme Open Farm	August	500	
Film Festival	August	8000	
Beach Iron Man	August	500	
Telling Tales	August	3000	
Arts Festival	September	10000	
Rolls Royce Weekend	September	1000	
CAMRA Real Ale	September	1000	
La Fais'sie d'cidre	October	3000	
Poultry Show	December	500	
Motorcycle and Light Car Club	Year Round	500	
Band of the Island of Jersey	Year Round	10000	
Howard Davis Park Bands	Year Round	2000	
Howard Davis Park Maintenance	Year Round	3500	
Amount Used		354370	242500
Total Grant Budget		356600	238500
Left to allocate	-	2230	-4000
Over budget by			4000

1.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSED STABILISATION FUND:

Question

Would the Minister state from where he anticipates sourcing the additional £40-£70 million to build-up the proposed Stabilisation Fund to the target level set out in P.133/2006 when the current financial forecasts show predicted revenue deficits in the coming years?

Answer

The guideline in the new fiscal framework is to build the Stabilisation Fund up to 15-20% of annual expenditure in the medium term. This can be achieved in a number of different ways.

Firstly, there may be a possibility to transfer money from the Consolidated Fund. The financial forecasts show that the Consolidated Fund will rise to £112m by 2009 and there may be scope to

transfer some of that money into the Stabilisation Fund depending on how the forecasts for 2010 onwards look nearer the time and advice from the new Fiscal Policy Panel.

Secondly, there is also the possibility that if the States sell certain investments in coming years that some of the proceeds could be transferred to the Stabilisation Fund.

Thirdly, where States revenue comes in higher than expected, for example as a result of a better than expected economic performance or one-off exceptional receipts as in 2006, then there will be the possibility of transferring those additional tax receipts into the Stabilisation Fund.

Finally, the new Fiscal Framework proposes that when the economy is performing strongly it will be necessary to adjust States revenue and expenditure so that the States runs a surplus and is able to transfer the funds into the Stabilisation Fund. This is something that the Fiscal Policy Panel will advise on in due course.

The current financial forecasts only project significant deficits for the years 2010 and 2011 and there is a high degree of uncertainty surrounding these figures. However, should it be clear nearer the time that such deficits are likely to arise and the economy is still performing strongly then the sensible economic approach will be to adjust States income and expenditure accordingly so that payments can be made into the Stabilisation Fund.

1.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE NEW SUMMER AND SCHOOL BUS CONTRACTS:

Question

- (a) Would the Minister provide to members the content of advice he received from the Jersey Competition Regulatory Authority regarding the tender process recently completed for the school bus and leisure services contracts, and the potential for a reduction in competition thereby produced?
- (b) In his answer to an oral question on 24th October 2006 the Minister stated that 'it was the opinion of my advisors - and indeed, myself - that the estimate submitted by Connex for the proposed summer service was indeed optimistic, which is why we did not base our calculations on those estimates'. Would the Minister supply members with a detailed account of the measures used by his Department to calculate the estimated revenues for the proposed summer service?

Answer

- (a) In January 2006, when the future operation of the school and leisure services were being considered, advice was sought from the Jersey Competition Regulatory Authority (J.C.R.A.). The process for the intervening period 2007-9 was discussed and the plans for the tender process outlined for both the school and summer services. While the J.C.R.A. were happy to provide guidance on the implications (if any) of the Competition (Law) 2005, they did not see their role as being that of regulator under the Motor Traffic (Jersey) Law 1935. The content of the advice from the J.C.R.A. did not extend to the potential reduction in competition. Discussions with the J.C.R.A. indicated that a tender process was considered to provide a sufficient competitive element.

- (b) During the tender process, both contractors were advised of the actual income for the Easylink service for 2005. The evaluation procedure identified that the projected income shown in the Connex tender for the summer service was optimistic. As a result, the financial evaluation of the Connex tender applied the actual 2005 and projected 2006 Easylink income, uplifted this figure as the Connex service will operate seven days per week as opposed to the Easylink six day service, then applied a range of sensitivities to this new projected income.

When the Minister considered both tenders, the income level proposed by Connex and the alternatives calculated by the department were available to demonstrate the difference in cost between the two tenders and the overall cost to the States of Jersey depending on the final income level achieved by Connex.

1.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE 'ZERO/10' TAX PROPOSALS:

Question

- (a) Would the Minister inform members whether he has sought advice on whether the latest changes to the 'Zero/10' proposals, made in the light of the scrutiny report, cause the measures to conflict with the E.U. Code of Conduct on Business Taxation in that under the deemed/actual distribution rules, a company could be seen as acting as agent for the beneficial owners and, if not, why not?
- (b) What progress, if any, has been made in assessing the 'Blampied proposal' to recoup tax on non-local companies as put forward as a replacement of the 'R.U.D.L.' charge by the Scrutiny Panel and, in particular, has he researched whether the proposals would be accountable against U.K. company profits tax and be acceptable under the E.U. Code of Conduct on Business Taxation?

Answer

- (a) Yes, I did receive advice before proposing the actual/deemed distribution rules, and I would not be proposing them if I did not believe they were acceptable.
- (b) The 'Blampied proposals' are not part of the 'Zero/10' proposals to be lodged shortly as there has been too little time to give them the careful and considered examination that they merit. However, they will be considered separately once the 'Zero/10' draft law has been debated by the States Assembly in January. If they are then thought to be a desirable route to proceed, they could be brought to the States for approval in the 2008 Budget in December next year, so there is still plenty of time to consider the question of whether such a tax charge would be creditable against U.K. tax and would accord with the E.U. Code of Conduct.

1.16 THE MINISTER FOR ECONOMIC DEVELOPMENT WILL TABLE AN ANSWER TO A QUESTION ASKED BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE DELAY OF FLYBE FLIGHT BE953 FROM LONDON GATWICK ON 28TH OCTOBER 2006:

Question

Would the Minister inform members what action, if any, he or either of his Assistant Ministers took on Saturday 28th October 2006 to request Flybe to delay the departure of flight BE953 from

Gatwick, what costs, if any, were incurred as a result of the delay and would he state who will be paying these costs?

Answer

At approximately 7.30 p.m. Saturday, 28th October, I received a telephone call from one of the director-promoters from the event which was being held at Fort Regent. He asked if Economic Development had any contacts at Flybe as one of the main line-up artists had been refused check-in due to the weight of some sound equipment which exceeded the Gatwick Airport item restriction of 32 kilos. I was advised that the passenger and an assistant had presented himself for check-in well in advance.

After contacting my Assistant Minister, in the space of the next five minutes, I spoke to the Operations Director of Flybe and drew his attention to the issue that had been explained to me. He said that he would contact Gatwick Airport and ascertain if anything could be done to ensure the passenger travelled.

The Operations Director at Flybe made an operational decision to allow the passenger and his equipment to fly and this resulted in the delay of the flight.

The flights landed at 21:43. The charge for the airport extension was £620 and covers all airport staff and operating costs. It is being billed and paid for by the promoters of the event.

I take this opportunity of recognising the fact that Flybe were prepared to make a decision which was designed to assist a local event, but also to apologise to the other passengers who were inconvenienced by the delayed flight.

1.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PROVISION OF 3-BEDROOM HOUSES:

Question

- (a) Following the recent publication of figures in the United Kingdom showing the significant fall in the number of 3-bedroom houses being built in the last ten years, and the large increase in the number of 1 and 2-bedroom flats being built, would the Minister inform members whether he has available the equivalent figures over the past decade for Jersey in –
- (i) the private sector, and
 - (ii) the States sector
- both for rental and purchase?
- (b) What steps, if any, is the Minister planning to take to ensure that sufficient family homes are built in Jersey in the future?
- (c) Would the Minister further inform members of the current projected figures his Department is working with for building in the above categories over the coming 5-year period?

Answer

- (a) Data relating to housing construction in Jersey is calculated in a different way and the figures are not directly comparable.

Total completions by Sector for the period are set out in Table 1.

There are available annual net figures for Category A home completions since 2002 (when the Island Plan was adopted), by size, as set out in Table 2.

Information on home completions since 2005, by Size and Type, is set out in Table 3. The Category B figures for this table are derived from application descriptions, which, in many cases, do not specify dwelling size and/or type.

- (b) The Island Plan is the main instrument for addressing housing requirements. It makes provision for the development of homes by providing the market with opportunities to undertake residential development through the use of enabling planning policies. In the case of land that is specifically identified for the purposes of meeting the particular areas of the Island's housing need in the Island Plan the Minister for Planning and Environment is able to exercise control over the type of accommodation provided. This is enabled through the use of development briefs. Outside of this mechanism, the nature of homes that are developed is largely market-led.

The Island Plan is shortly to be reviewed. It is anticipated that the supply required for new homes in the 'qualified sector' will come from a range of sources, including –

- land already rezoned for Category A homes;
- suitable sites among those listed in IP policies H3 and H4;
- other suitable sites to emerge from consultations with parishes;
- redevelopment / upgrading of outworn housing estates;
- opportunities at the Waterfront;
- opportunities presented by town regeneration;
- windfall developments elsewhere in the built-up area; and
- conversions and changes of use elsewhere.

The requirement figures and supply of new homes are monitored and up-dated through the *Housing Needs Survey* and *Planning for Homes*. The *Housing Needs Survey* is conducted by the States Statistics Unit on behalf of Planning and Environment and Housing departments. It enables projected requirements to be established for a range of alternative future scenarios, based on different housing qualification periods and varying migration levels. *Planning for Homes* is an annual review of housing land availability prepared jointly by the Housing and Planning Departments, in consultation with the Population Office, the Statistics Unit and several leading local estate agents.

The evidence from *Planning for Homes 2006*, to be released in a few weeks, suggests that projected requirements for 3-bedroom family homes for the 5-year period up to the end of 2009 are likely to be met by recent completions and outstanding commitments in the form of development permissions. There may be some shortfall in the supply of larger 4 and 5-bedroom family homes which will be addressed through a variety of measures. Most

particularly it is anticipated that these shortfalls could be addressed in part by the provision of sites for ‘sheltered / last time homes’. This will enable the increasing numbers of people above retirement age to downsize to accommodation which is more suited to their needs and, in doing so, release larger properties, potentially suitable for accommodating the needs of families, back onto the market.

The Minister for Planning and Environment is also working with the Minister for Housing in looking at ways to promote shared equity housing, to help many islanders realise their aspirations to own their own homes.

The Minister for Planning and Environment has also reviewed Supplementary Planning Guidance relating to the design of homes. Whilst this supplementary guidance covers many aspects of the design of homes and relates to all types of homes, it seeks to ensure that new homes are built to minimum standards that adequately meet the requirements of future residents – including families. The Minister is keen to adopt and publish the guidance to give effect to these new standards: the matter is presently the subject of review by the Environment Scrutiny Panel and the Minister is committed to working with the Panel to expedite progress. The Minister is committed to ensuring that all future homes are adequately sized, have adequate space about and are designed to appropriate lifetime standards.

- (c) The current projected requirement figures for homes of various tenures, types and sizes are based on those provided in the Statistics Unit report entitled: ‘Jersey Housing Requirements 2005-2009: Report on the 2004 Housing Needs Survey’.

Requirement figures will be included in the Planning for Homes 2006 report. These will allow for alternative future scenarios based on different housing qualification periods and varying migration levels.

Table 1: Net Annual Completions of Homes (qualified) by Sector, 1996 to end June 2006.

Completed Homes (net)					
Year	Purpose built First-time Buyer Homes	Purpose built Social Rented Homes	Purpose built Category A Completions	Other Demand Housing (Category B)	Total Completions
1996	15	70	85	224	309
1997	12	(137)	(125)	142	17
1998	-	51	51	186	237
1999	79	78	157	240	397
2000	-	60	60	312	372
2001	59	26	85	367	452
Sub-total	165	148	313	1471	1784
2002	22	300	392	493	885

2003	161	109	270	389	659
2004	52	(36)	16	343	359
2005	18	29	47	497	544
First half 2006	47	34	81	167	248
Sub-total	370	436	806	1889	2695
TOTAL	535	584	1119	3360	4479

Table 2: Net Annual Category A Housing Completions since 2002, by Size.

Year	Unit Size					Total
	1-bed	2-bed	3-bed	4-bed	5-bed	
SOCIAL RENTED						
2002	163	60	74	3		300
2003	32	59	12	3	3	109
2004	(1)	(12)	(23)			(36)
2005	14	9	6			29
First half 2006	39	20	(21)	(4)		34
Sub-total	247	136	48	2	3	436
FIRST-TIME BUYER						
2002		1	91			92
2003	33	92	26	10		161
2004			41	11		52
2005			14	4		18
First half 2006			47			47
Sub-total	33	93	219	25	-	370
CATEGORY A						

2002	163	61	165	3		392
2003	65	151	38	13	3	270
2004	(1)	(12)	18	11		16
2005	14	9	20	4		47
First half 2006	39	20	26	(4)		81
TOTAL	280	229	267	27	3	806

Table 3: Completions of Qualified Homes (Gross), by Type and Size, 2005 and first half 2006.

Type of Home	Size of Home						Total
	1-bed	2-bed	3-bed	4-bed	5-bed +	Unspecified Size	
Category B Completions							
Flats *1	253	56	2	-	-	119	430
Houses *2	8	19	53	43	2	115	240
Retirement Homes - Apartments - Cottages							
Unspecified Dwellings / Units	11	9	3			48	71
Sub-Total	272	84	58	43	2	282	741
Category A Completions							
Flats *1	71	43	9				123
Houses *2		1	80	4			85
Retirement Homes							

- Apartments							
- Cottages	9						9
Unspecified Dwellings / Units							
Sub-Total	80	44	89	4			217
TOTAL	352	128	147	47	2	282	958

* These are gross figures and take no account of the units lost in redevelopment / conversion schemes

*1 includes apartments, studios, bedsits and maisonettes

*2 includes bungalows and cottages

1.18 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING EDUCATION ON ROAD SAFETY ISSUES:

Question

Would the Minister inform Members what education (both formal and informal), if any, is currently given to young people about road safety issues (i.e. speeding, drinking and mobile phone use) and state how much time is given to this subject by each school and youth centre?

Answer

Schools and Colleges

The Department currently supports this in many ways through the teaching of P.S.H.E.. In particular, it supports the work of the Road Safety Officer in all of our schools, who offers the following initiatives:

- The Department financially supports the roadshow “Too Much Punch for Judy”, which is presented to all Year 11 students and focuses on drink and drug driving. This is followed up by a one hour session with the Road Safety Officer and follow-up work.
- All Year 8 students are given a 35 minute input on seat belt wearing via the programme “Prison me no way”.
- 3 schools participate in “On two wheels” which is aimed at students thinking of moped riding at the age of 16. This course lasts several weeks and covers all areas of road safety.
- A course on motorway driving for sixth formers going to university and thinking of driving whilst there.
- 50 minute drink/drug driving input to sixth formers who are driving.

1-3 hour lesson for Year 11 and upwards on hazard perception, which includes the issue of speed.

- 50 minute lesson on use of mobile phone whilst driving.

- 50 minute lesson on risk assessment.
- 50 minute lesson on pedestrian safety, plus occasional assembly work and 15 minute lesson for Years 7 and 8.
- 20 minute lesson for Year 7 students on the wearing of cycle helmets.
- 8 hour road cycle training courses for 10-15 year olds, plus proficiency courses for Year 6 students.

The Youth Service

Firstly, the Youth Service target age range is 12-18 years so many of the young people we work with are not old enough to be driving. However, the Service does provide informal education on issues impacting on young people's lives through various youth work programmes including the following which link to road safety –

- Raising awareness of alcohol and drug misuse; working in partnership with Health Promotion and Drug and Alcohol Services; using posters, leaflets, discussions; role play; collage, etc.
- The Street Based Youth Work Team have a specific role to play in engaging young people on the streets of St Helier and talking to them about issues around drugs and alcohol, helping them to make informed choices.
- Outreach workers have engaged with young people in the St. Brelade's Bay and other areas where they congregate in large groups, especially on such occasions as the end of term. This is a time when young people 'celebrate' and can involve them drinking to excess and put them at risk of road accidents etc.
- The Mobile Youth Project has been used to go out with detached or outreach workers to support Street Based Youth Work and is useful as a focal point for young people to go to if they have a problem. Again this project has information posters and leaflets on the subject which try to educate young people about the risks of alcohol and drugs.
- The On 2 Wheels project is possibly the most significant project which the Youth Service is involved with which has a direct impact on young people and road safety. This is an accredited training programme which targets 16/17 year olds who want to learn to ride a motor cycle. It has been run in schools, in La Moye Y.O.I. and as part of a summer activity programme. It has support from the Police, the Fire Service, Road Safety and other organisations.

1.19 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING A REPLACEMENT FOR THE 'MOVE-ON' CAFÉ:

Question

Would the Minister explain what progress, if any, has been made by his Department to replace the Move-on café in St Helier and inform members what other possibilities, if any, are being considered?

Answer

Over the last 18 months, the youth service has investigated a number of properties in the town area to replace the facilities provided by the 'Move-on' café. None have been found suitable either for financial or location reasons.

As a result, earlier this year the Youth Service identified the option of converting a lightship to use as a youth facility and, in August 2006, a formal Planning Group was formed to progress the feasibility of this option.

Shortly after this feasibility work began, it emerged that there was a possibility of the Youth Service remaining in its current location, though this is dependent upon commercially sensitive discussions between a number of parties. I hope that these discussions will be concluded very shortly.

The Youth Service has taken the view that there is merit in retaining the current facility for the medium term as it would allow the impact of other significant developments in the area to be assessed and is likely to result in a better solution in the future. If the Move-on café is to be retained in this way, the security of tenure offered by this arrangement means it will be possible to improve the facility through much-needed refurbishment.

In addition to the above, the East of Albert pre-feasibility study will be published on 10th November. If this pre-feasibility study is accepted and the East of Albert development moves forward, provision of facilities for youth will form part of the masterplan for this area.

To ensure that we continue to develop facilities in the town areas, the Youth Service has also been refurbishing part of what is generally known as the Sounds Project (La Motte Street Youth Project). A new Youth Café and the Print Room Lounge will be open to young people in the very near future.

1.20 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING MEASURES TAKEN TO TACKLE DISCRIMINATION:

Question

Would the Minister inform members, what work, if any, has been undertaken in conjunction with the Education, Sport and Culture Department in tackling discrimination in Jersey (and particularly racial discrimination) within the last five years? What future plans, if any, are there to work with the Education, Sport and Culture Department on the issue of racial discrimination?

Answer

A number of States initiatives have been followed over the last few years which have directly involved discussion about anti-discrimination legislation, and in some cases widespread consultation. In particular, the States adopted Employment Legislation (P.99/2000) which advocated that issues surrounding discrimination in the workplace should be dealt with through a separate all-encompassing discrimination law to be championed by the then Policy and Resources Committee. The matter is clearly a cross-departmental one, and therefore, with the change of the machinery of government this responsibility was transferred to the Chief Minister's Department.

Although the Chief Minister's Department provides the resources to support this initiative, I was asked by the Council of Ministers to promote the Law, having previously chaired the Race Relations Working Party, and been President of the Legislation Committee, which took to the States the proposal for the preparation of a Race Discrimination Law (Projet 32/2002).

The Education Sport and Culture Department has been at liberty to respond to the recent consultation on the Law, and there will be further opportunities for consultation on each of the sets of Regulations to the Law as the Law is rolled out to include other aspects of discrimination.

If the Race Regulations are adopted by the States, all States departments will have responsibilities under the Law. If acts of discrimination occur in educational establishments either the Minister for Education Sport and Culture (if the school is a provided school) or the proprietor of the school, in any other case, will be potentially liable if a case of racial discrimination is brought.

The Education Sport and Culture Department has, like all States departments, signed up to the Anti-Discrimination promise of the Community Relations Trust, which reads as follows –

1. We welcome and celebrate the rich and diverse nature of our island’s community. We promise to treat everyone with dignity and respect.
2. In support of this commitment we have put into practice effective measures designed to prevent discrimination or harassment on grounds of ethnic origin, nationality, gender, religion, sexual orientation, disability or age, both in our recruitment and during the course of employment.
3. We promise to draw on the talents, skills, experience, networks and different cultural perspectives of a diverse workforce.
4. We are committed to the creation of a working environment where people feel they are respected and valued.
5. We promise to treat all of our customers and the wider community with respect. No member of staff or member of the community will be knowingly discriminated against because of who they are or where they come from.
6. We invite our staff and our customers to hold us to these commitments.

The re-awarding of the Community Relations Trust anti-discrimination certificate will be dependent upon adherence to the principles set out above.

2. Oral Questions

2.1 Deputy R.G. Le Hérisier of St. Saviour of the Minister for Transport and Technical Services regarding the revenue risk associated with the leisure and school bus services contract with Connex:

Would the Minister clarify whether the leisure and school services contract, recently agreed with Connex, places the revenue risk upon the States or upon the contractor?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):

The revenue risk for the schools’ contract has always been with the States and will continue under the new contracts with Connex. The summer leisure service will place the full revenue risk on to the States, whereas under the previous arrangement with Easilink, Easilink held the overall risk, but agreed to pay a percentage of revenue received to the States.

2.1.1 Deputy R.G. Le Hérisier:

Would the Minister not agree that given the very unfortunate experience of what one might term the first contract that this was a very odd move to make and furthermore, the amount received from the previous operator was, in terms of the overall revenue, a fairly small sum? Would he not agree

that based on what appeared to be heavily over-optimistic figures, a fundamental mistake has been made?

Deputy G.W.J. de Faye:

No, I would not agree with that at all, Sir.

2.1.2 Deputy R.G. Le Hérissier:

Just for the point of clarification, can the Minister confirm that, for example, in the light that an improved Connex schedule service starts stalling and the numbers of people travelling on it are much below, as I said, an over-optimistic estimate, it is the public purse that will totally - totally - take up that risk?

Deputy G.W.J. de Faye:

I am assuming Deputy Le Hérissier is referring to the summer leisure service, as opposed to the school services contract. It is fair to say that if there was a dramatic collapse in tourism figures next year, for example, then the States would bear the risk and the loss of revenue. However, I can assure Members that we have, as a department, gone into the possibilities in some considerable detail and indeed have factored in a worse case scenario of a 50 per cent drop-off in revenue figures, and I am satisfied - despite that analysis - that the contracts have been properly allocated.

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

Would the Minister inform Members whether the rival bid contained no liability for the States of Jersey and took on total liability for running the leisure service; and in the case of a 50 per cent drop-off, how much money will this body - this department - be liable for?

Deputy G.W.J. de Faye:

I am not prepared to go into precise figures, because it is a matter of estimation, speculation, and this entire business is potentially subject to litigation. However, I can confirm - which I said in answer to the original question - that in the past, under the previous arrangement with Easilink, the contractor took on the overall risk, but agreed to pay a percentage of the revenue received to the States.

2.1.4 Deputy G.P. Southern:

I cannot believe that the Minister can in one breath say he has done a worst case scenario, which must result in some figures - some worst case figures - and then refuse to release them. Will the Minister release those figures?

Deputy G.W.J. de Faye:

Deputy Southern appears to be suffering from hearing difficulty, Sir. I just said to the House that at this stage, I am not prepared to release those figures.

2.1.5 Deputy R.G. Le Hérissier:

Would the Minister accept that a major mistake was made in creating such an open-ended contract, as with the first, and that it almost defies belief that he has sought a contract from a private operator - in this new era of privatisation and private sector involvement - and yet the public sector picks up the whole bill if it goes wrong?

Deputy G.W.J. de Faye:

I am no expert in belief or faith systems, so I am unable address the Deputy as I would wish to. However, I think it is worth reminding the House that it would be a mistake to analyse our public transport services on the basis of either risk or a profit and loss scenario. I think Members will have heard on several occasions that - in my personal opinion - the level of public service in terms of the particular transport that we provide to this Island is at a bare minimum, and if we wish to continue providing public service transport, and indeed, to improve it, the unavoidable and harsh reality is that the States must pick up the financial burden of doing so. That is a fact, if we wish to continue with public service transport of a proper order in this Island and there is no getting away from it.

2.2 Deputy G.C.L. Baudains of St. Clement of the Minister for Home Affairs regarding elements of the States of Jersey Police performance report:

With reference to answers given on 24th October 2006 to written questions concerning the States of Jersey Police performance report, would the Minister firstly advise whether under “customer focus” all crime victims are consulted, and what is the response rate; secondly, clarify the figures she gave in answer to (c) relating to alleged speeding on La Grande Route de la Côte, as the figures appear to be contradictory.

Senator W. Kinnard (The Minister for Home Affairs):

First, it is stated in the written response on 24th October that not all crime victims are consulted. Questionnaires are sent where a named individual was the victim of a crime, unless that person is aged under-18. The survey seeks the views of victims as individuals, and so it is not sent to firms or organisations. Home Office guidelines recommend that discretion is used to exclude other victims where, for example, a survey is likely to cause distress of victims such as domestic violence or sexual assault. The annual return rates average around 30 per cent, and that response rate is similar to that achieved by other police forces running similar postal surveys in the United Kingdom. Secondly, I would like to thank the Deputy for bringing an error to my attention. This is in respect of specific information he sought in response to a question not in relation to the performance report. The figures in the answer were provided in the genuine belief that the source data from T.T.S. (Technical and Transport Services) was for a period of 5 days, on both the east and westbound carriageways. The raw data related to 9 days on the westbound carriageway and 5 days on the eastbound, but the proportions given where the speeds at which drivers passed through the monitoring site remain relevant. I have, Sir, however, provided the Deputy with the new figures in a separate note today, copied to all States Members in their pigeonholes.

Deputy G.C.L. Baudains:

I would like to thank the Minister for her reply, Sir. I did find it difficult to understand how 1 per cent of 12,800 was 400. I now know.

2.3 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Education, Sport and Culture regarding the proximity of mobile telephone masts and base units to schools:

Would the Minister advise Members what consultation, if any, he has had with the Planning and Environment Department to ascertain the proximity of any telephone masts and base units to all schools in the Island?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

As yet, there has been no detailed consultation with the Planning and Environment Department with regard to the proximity of existing telephone masts and base units to all schools in the Island. I am informed my department has no knowledge of any masts in close proximity to any of our school premises. Adopting the precautionary principle, the current policy of my department regarding applications on E.S.C. (Education, Sport and Culture) sites is to refuse at present to consider the siting of masts on key operational or highly populated sites such as schools, colleges, youth centres, sports centres, and to consider requests for other sites, e.g. on more open space, on an individual basis and decide whether to allow planning application to be made, and any approval would be subject to a Ministerial decision by myself.

2.3.1 Deputy P.V.F. Le Claire of St. Helier:

The Minister said that he was not aware of any telephone masts that were on school sites, but there is, I believe, a telephone mast above a play-care centre at Fort Regent, which is extremely close to the nursery facilities there. Is the Minister willing to investigate the proximity of that mast and the potential impact it might be having on those school children?

Senator M.E. Vibert:

Yes, Sir.

2.3.2 Deputy D.W. Mezbourian:

A number of recent studies have recommended that masts should be no closer than 300 metres to schools, and indeed, I understand that proposed new French law will forbid installation at less than 100 metres from them; notwithstanding, of course, these recent disclosures, the 2002 Stewart report stated that no masts should be near schools. Will the Minister therefore give an undertaking to have consultation with the Health Minister on this issue and report the findings of that process to the House?

Senator M.E. Vibert:

The matter has been discussed at the Council of Ministers and I am willing to not only work with the Health Minister, but also the Planning and Environment Minister on these issues. May I say, I think there is a whole host of conflicting reports about mobile phone masts and other things, and I think what needs to happen is for the House to be better informed before certainly any scares are put about. I think that is very important that we should reassure the public that we are taking the issue seriously, but we should not - and I think that refers to all of us, Sir, the States' Members - quote works and other things without proper consideration and ensuring that that is correct. But I am afraid in the past there have been scare stories about various things that have proved to be totally unfounded.

Deputy D.W. Mezbourian:

I would like to thank the Minister for that response, Sir, and to state that I am sure his reply will give some comfort to members of the public who were listening today.

2.3.3 Deputy P.V.F. Le Claire:

Given the Minister's last response and given his response to my questions that he would be willing to look into the location of that telephone mast, would the Minister - as he has outlined - report back to the States with the details of any masts within the prerequisite distance - whatever that is - not only in relation to States' schools, but also to all schools and all nurseries, so that the States may be apprised and as well-informed as the Minister? As the Minister has pointed out, we need to be made sure of today.

Senator M.E. Vibert:

That is a very wide-ranging issue. What I think is the best thing to do is for the appropriate Ministers to work together to ensure that we are best informed - and the States are best informed - about the safety of such masts, the positioning of such masts; the whole issue. I think that my response should form part of that rather than individual issues such as trying to ascertain the exact distance of various masts and so on, before we know what the prerequisite distance is, et cetera. So, I will be looking at the issue very closely with my fellow Ministers, because I am sure all our concerns are to ensure the well-being and future safety of all the inhabitants of the Island.

2.3.4 Deputy P.V.F. Le Claire:

I appreciate the Minister telling us that we should be cautionary, Sir, but would the Minister - in a spirit of openness - be willing to circulate to Members the potential sites where these considerations need to be understood?

Senator M.E. Vibert:

I have no idea what the Member is talking about, Sir. Sorry, I do not know what he means by potential sites and where they are. We know where all our schools are, we know where all the approved nursery schools are, there is also a map of the phone sites in the Island, and we will be comparing the 2, but until we know what the appropriate distance is, I fail to see how we can take it any further.

2.4 Deputy G.P. Southern to the Minister for Education, Sport and Culture regarding progress in negotiations with teachers' representatives over pension arrangements and terms and conditions of employment:

Would the Minister inform Members what progress, if any, he has made in negotiations with the Island's teachers' representatives over pension arrangements for current teachers - and for new entrants to teaching - in Jersey concerning terms and conditions, for example, protected time, lunch duties, et cetera - and on pay - and would he state what measures he envisages in relation to these issues to ensure recruitment and retention rates into the future?

Senator M.E. Vibert:

First, I must inform Members my wife is a teacher. I think it is important that you realise that when I am answering questions of this nature. I believe Deputy Southern is in the same position with his wife as a teacher, but I do not believe there is a conflict of interest in answering these general questions. Members will recall that in July of this year, the States approved amendments to the Teachers' Superannuation Law, which - subject to Privy Council approval - will enable the Chief Minister, not myself, to make Orders regarding the administration of contributions to and benefits provided by the fund. Detailed Orders are being prepared for the Chief Minister, and as part of the ongoing consultation with the teachers' associations, copies of the draft Orders have been provided

for their comments. In respect of terms and conditions, a standing group comprising teachers' representatives, head teachers, and officers of my department has been established to review terms and conditions, taking account of what is known as a workforce reform in the U.K. A formal agreement was signed in March 2006, but work is continuing to ensure arrangements which support effective practice. On pay, a formal offer consistent with the States pay strategy has been put to the teachers' associations and we are awaiting a response. Such issues do, of course, constitute only part of this, which makes the Jersey Education Service an attractive environment for teachers. These include higher salaries than the U.K., excellent opportunities for advancement, high standards of achievements, appropriate-sized classes, trust in the profession, and excellent physical infrastructure. It is my intention that these characteristics are maintained to ensure that Jersey continues to be an attractive place to teach.

2.4.1 Deputy G.P. Southern:

What consideration has the Minister given to the serious concerns expressed by 6 teaching unions - united - that the changes to pensions in particular will result in Jersey teachers having far worse conditions than those in the U.K., where we largely recruit from, and the effect of this on retention and recruitment rates?

Senator M.E. Vibert:

I have given serious consideration to that. I regret that the 6 teachers' unions have come together at this stage when the Law was passed in July, when we had been consulting with the teachers' unions for over 4 years on this issue, and they had not responded in this way before. When the States Members, of course, discussed that Law they were fully informed of the issue. Teachers, new entrants to the profession, will be exactly the same in Jersey as any other member of the public service. Their pension arrangements will shadow the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) pension arrangements and I contend that this idea that they will have the worst pension arrangement in Europe is highly improbable, if not impossible, because they have considerably higher salaries to start with and their pensions will reflect the considerably higher salaries that they have to start. So I am taking the issue seriously. My department will be meeting with the unions to get to the bottom of their concerns, but really these concerns should have been expressed before the Law was passed, after 4 years of consultation, rather than in the few months since the Law has passed and the draft Orders have been circulated.

2.4.2 Deputy G.P. Southern:

Is the Minister prepared to consider delaying changes to pension conditions from January 2007 to September 2007, which will affect relatively few people, but to give time for proper negotiation over this issue, and not just consultation when one side of them is prepared to listen?

Senator M.E. Vibert:

I am afraid the problem was the teachers' unions did not respond in the whole of the time - the years - that we were discussing this. We have listened. I am prepared to consider delaying, but in fact, that question should be better addressed now to the Chief Minister, who will be the Minister making the Orders, as was decided in the legislation passed by the States. But I think the Chief Minister and myself - for me to advise him - would need very good reasons, because the States have decided that this should be the pension provision in the future. The unions had considerable time to consider it; they delayed and delayed; and now they want further delay. They will have to produce very good evidence and be able to persuade us that this delay is necessary.

2.5 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding steps to increase penalties for selling or providing alcohol to juveniles:

Following the announcement that the incidence of admission of underage drinkers to the Accident and Emergency Unit at the General Hospital has increased substantially in recent times, is the Minister taking any steps to increase the penalties for selling or providing alcohol to juveniles, and if not, why not?

Senator W. Kinnard (The Minister of Home Affairs):

Responsibility for the Licensing (Jersey) Law 1974, which covers the sale of alcohol to people under the age of 18 years, lies with the Minister of Economic Development. I am not therefore responsible for increasing the penalties for selling alcohol to juveniles. Under the Liquor (Restrictions on Consumption) (Jersey) Law 2005, the police have powers to ask anyone possessing alcohol which they believe is intended for young people to surrender the alcohol and to provide their name and address. The offence lies in failing to comply with the requests made by the police officer and attracts a maximum penalty of level 2 on the standard scale of £500. At present, I do not intend to increase the penalties levied under this Law, as it is a relatively new law designed to address the issue of young people drinking alcohol in public, rather than to criminalize them on grounds of possession.

2.5.1 Deputy of St. John:

The new campaign has just started, “Your Child - Your Responsibility” - for which I would like to congratulate all concerned on this initiative - but there have been instances, and I cannot of course refer to individual cases, of the police stopping parents, removing their children from crowds of young drinkers, and taking them home - I am sure for the best possible motives - but are we not in danger of giving the parents mixed messages? Does the Minister not agree?

Senator W. Kinnard:

I do not believe that we are giving parents mixed messages. Parenting is an incredibly difficult task. That is the first thing I would say. I do not wish to be drawn into an individual case, and it is clearly an individual case to which the Deputy is referring, and clearly an individual is always at liberty to make a complaint if they wish to do so. Clearly, there are individual issues in this particular case and I do not think this forum is the appropriate place to discuss them, but if the Deputy wishes me to discuss it with him outside of this most public forum, I would perhaps be able to discuss some elements of it.

2.5.2 Connétable M.J. Jackson of St. Brelade:

If I may briefly, Sir. On this matter I would be interested to know whether the Minister for Economic Development would consider reviewing the setting...

The Bailiff:

This is supposed to be a question to the Minister for Home Affairs.

Connétable M.J. Jackson:

It really links through her department, Sir, but I would like to know whether consideration could be given by either the Minister for Home Affairs or Economic Development to the retailing of alcohol through supermarkets. It seems to be a great part of the problem at the moment.

Senator W. Kinnard:

I am aware that in fact this issue is one that is looked at, and currently under the St. Helier strategy, there is a project group working with the licensing trade - including them - to look at aspects of the Licensing Law, including licensing hours and also the sale of alcohol through other outlets.

2.6 Connétable D.J. Murphy of Grouville of the Minister for Planning and Environment regarding policy on applications for the erection of mobile telephone masts in the Green and Countryside Zones:

Following the submission of applications for the erection of 2 mobile phone masts on agricultural fields in Grouville, would the Minister advise Members whether it is his policy to approve applications of this type in the green zone and countryside zone, and would he state what pressure, if any, he has received from the Jersey Competition Regulatory Authority or the Minister for Economic Development in relation to such applications?

Senator F.E. Cohen (The Minister for Planning and Environment):

Applications for telecommunications equipment are assessed on a number of Island Plan policies. The most relevant is NR.12. It states that the conditions under which telecommunications equipment applications will be determined. Each application submitted is assessed against the criteria of NR.12. Accordingly, I impose greater restrictions on the design of equipment in more sensitive areas. There will undoubtedly be an impact on the Countryside and Green Zones; thus I have made a decision to only allow wooden telegraph pole designs that minimise the impact and significantly lower emissions. The disadvantage is that they cannot be shared. The alternative would have been to allow lattice masts that could have been more easily shared. However, this would have required many huge lattice masts and I considered this an unacceptable impact. Only one-fifth of the Island's surface lies within the built-up area boundary, therefore by definition, Island-wide coverage necessitates placing installations in the countryside. I can confirm that neither I nor my officers have had any contact with the J.C.R.A. (Jersey Competition Regulatory Authority). Furthermore, the Minister for Economic Development has not brought any pressure whatsoever on me in relation to mobile phone applications.

2.6.1 The Connétable of Grouville:

Is the Minister aware that of the 33 applications which have referred to the Countryside Zone where there is a presumption against development, 30 have been approved? Is that a normal ratio? Secondly, there appear to be 38 applications on properties owned by the States, of which 34 have been approved. Is this a proper ratio as well? I would ask the Minister if he could answer those questions.

Senator F.E. Cohen:

I do not think I can comment on whether it is a proper ratio. What I can do is comment on the fact that if we are to have Island-wide coverage, this necessitates a number of masts to ensure that we do have effective Island-wide coverage. It was not my decision to allow the multiplicity of licences, but an effect of the multiplicity of licences is the large number of applications. I have already explained how I deal with the applications, and I am trying to minimise the impact, but as I previously stated, there need to be masts in the Countryside and Green Zones if we are to have Island-wide coverage.

2.6.2 Senator B.E. Shenton:

Can the Minister confirm that where masts are on States-owned land that the appropriate public liability insurance is in place?

Senator F.E. Cohen:

I am not aware of whether appropriate public liability insurance is in place, but I will certainly ask the question and relay it to Senator Shenton accordingly.

2.6.3 The Connétable of Grouville:

I am not at all happy about the answers to the questions. It seems that there is a presumption for development of these masts in the Countryside Zone and not against. The figures speak for themselves, Sir. I would like to ask the Minister if he has heard the expression, "Just say no"?

Senator F.E. Cohen:

The position is that each application is considered on its merits. However, that is within an envelope of requiring Island-wide coverage for mobile network operators. My objective is to minimise the impact, and I have done so by limiting applications to wooden telegraph poles. I simply am not able to say a blanket "no". I have to consider the applications on their merits.

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

Is the Minister aware of the visual impact on the signal station and the proposed S.S.I. (Site of Special Interest) of Fort Regent of the proliferation of masts that have appeared in recent years, as well as the potential with damage to the S.S.I. from their installation?

Senator F.E. Cohen:

I am aware of the number of masts that have been erected on the signal station. I am also aware that a number of these masts are not related to mobile telecommunications networks, but other radio operations. I am concerned about the impact on the signal station and I have already determined that I will be having a full investigation into the effects on the signal station.

2.6.5 Deputy C.F. Labey of Grouville:

Does the Planning Minister not accept that while the health issues are still unknown, because the mobile phones have not been with us that long, a precautionary measure to planning ought to be adopted, just like the French have done?

Senator F.E. Cohen:

Firstly, I am not quite sure what French measures the Deputy is referring to. Yesterday I was in contact with the French Agency for Environmental and Occupational Health Safety, and they have confirmed the French have not adopted any specific regulations relating to exclusion zones between mobile phone base stations and schools and residences. The current position is, as far as I am aware - and bear in mind I am not a scientist - that the I.C.N.I.R. (International Commission on Non-Ionising Radiation Protection) have set limits which are regarded worldwide as safe. I am assured that outputs from the Jersey wooden telegraph poles are no more than 1/50,000 of the I.C.N.I.R. allowed limits. I think we are taking a reasonably precautionary position, but I am not in a position obviously to be able to say that I can guarantee the safety of masts. What I can do is say that I am not aware of any dangers.

2.6.6 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that it is part of his role not to accept uncritically, for example, the presence of 4 potential operators with a potential for 200 masts, and that it is his role to analyse whether a more aesthetically pleasing and viable solution can be found, rather than this unbelievable proliferation on such a small land entity?

Senator F.E. Cohen:

As I have already explained, there were 2 alternatives: either a larger number of small masts, and I believe that the wooden replica telegraph poles, while not ideal, are the best I could come up with. The alternative to that was a large number of very ugly, very tall masts of the size of the masts at Les Platons, which I believe is 52 metres; or the one at Five Oaks, which I believe is 57 metres. There simply is not an opportunity to reduce the number of masts if we go the wooden telegraph pole route, because you cannot share them. The way they are designed is that the pole is hollow and a lot of the electronics is hidden inside the pole, so if you try and share them you end up with a proliferation of bits screwed on to the side of the wooden pole and it becomes extremely ugly. There really is not an alternative to the path that I have chosen, bearing in mind that I was faced with the position of 3, and potentially 4, licences having been awarded. I am trying to limit the impact, but I cannot limit that to zero.

2.6.7 Deputy J.B. Fox of St. Helier:

Both the Minister and I have seen more decorative versions in Africa of these types of poles that do have a significant improvement on that which is going up at the moment, by the way of palm trees, and I just wonder if the Minister might not consider a third option of seeing whether these might not improve the look of our countryside's inappropriate form? **[Laughter]**

Senator F.E. Cohen:

The Deputy and I have discussed the large artificial palm trees that proliferate in Zambia, which I have seen. I did look at this quite seriously. The problem is that Jersey, as you know, has many small valleys and it is simply not a case of sticking one or 2 artificial palm trees up - or any other more familiar tree - and expecting to cover the Island. **[Laughter]** You simply cannot do it. I have also been exploring the approach that I understand was taken by the Mayor of Barcelona, who was concerned with the number of masts that were appearing in Barcelona. He commissioned Norman Foster to design an iconic tower and told the operators to stick all their masts at the time, but I am told that that is not suitable for Jersey. The sort of numbers of very tall masts, whether they be lattice or palm trees, would be unacceptable. We are certainly talking of a minimum of 12, and we may be talking of up to 40.

2.6.8 The Connétable of Grouville:

In one of his previous answers, the Minister said he was obliged to provide Island-wide coverage for these operators. Does that obligation override the obligation of the Planning Laws?

Senator F.E. Cohen:

As I have already explained, the policy NR.12 - I think that is the correct number - includes the methodology of assessing these applications, and I am doing just that. I am applying the policy NR.12 in a proper way, I am trying to minimise the impact, but I am stuck with a very difficult job where there are currently 3 operators - with a fourth potentially in the wings - and if they are to have Island-wide coverage, which is the basis of their licences, there simply is no alternative to

masts in the countryside. There are 2 choices: how many operators do we have, number one; and the second choice is do we go for very tall lattice masts and have fewer, or do we go for a smaller number of wooden replica telegraph poles? I have chosen the latter and I think it is a reasonable choice.

2.7 Deputy G.P. Southern of the Minister of Economic Development regarding consultation with the fulfilment industry prior to formulation of policy:

Would the Minister inform Members what consultation he had with those involved in the fulfilment industry between November 2005 and February 2006 prior to formulating his policy on the industry?

Senator P.F.C. Ozouf (The Minister of Economic Development):

Extensive consultation took place with the fulfilment industry when producing the August 2005 Economic Development Committee policy. The policy of February 2006 was firmly based on the results of that consultation and updated the policy primarily in the light of legal advice in relation to the application of the Regulation of Undertaking powers. As the primary development was one of legal issues and implementation, I did not consider it appropriate to conduct another round of consultation, especially as consultation exercises had so recently been completed. I would also say that it would be important for me, I thought, to restate a policy which, in my view, had been stated by the previous Committee, but not properly implemented.

2.7.1 Deputy G.P. Southern:

Does that long answer amount to a no: there was no consultation between November 2005 and February 2006, despite a change in policy?

Senator P.F.C. Ozouf:

I restate the fact, the previous Committee engaged in extensive consultation, of which the Deputy is wearing his hat as the Chairman. The Economic Scrutiny Panel is well aware there was extensive consultation on the policy the previous Committee set out. That previous Committee policy was, in my view, not properly implemented. I did not consider there to be any need for any further consultation and there was not a general consultation. What there was is regular contact with the players in the industry.

2.7.2 Deputy G.P. Southern:

Will the Minister inform Members of the scale of the impact of this policy on the revenues of Offshore Solutions Limited - the fulfilment arm of Jersey Post - and what discussions have, or will, take place over the Trading Conditions Law O.S.L. (Offshore Solutions Limited) after Christmas and particularly after February 2007 when the final sunset clauses come into operation?

Senator P.F.C. Ozouf:

I need notice of the precise figures and I am not sure that I would be prepared in any event to release the figures of what is clearly a commercially sensitive area. O.S.L. is in direct competition with other players and while it was under my watch in the early part of this Assembly, this Assembly has now transferred the responsibilities of the Postal Committee to a separate limited company. That is now, as the shareholder responsibility, the responsibility of Treasury and Resources. What I can say to the Deputy and this Assembly is that there was extensive discussions

between Jersey Post and my own department in relation to the on-line retailing activity and I have to say that it was the decision of the previous E.D.C. (Economic Development Committee) which did conflict with that policy, which in my personal view has caused some of the issues that I have been having to deal with in the recent months.

2.7.3 Deputy P.V.F. Le Claire:

Would the Minister be prepared to circulate to States Members the numbers concerned in relation to employees that will be affected in the circumstances of the sunset clause of 2007, and also the implications of termination of these businesses if that is necessary from pressure from the U.K? What numbers of people are we looking at and will the Minister circulate the impact of those to States Members for their understanding?

Senator P.F.C. Ozouf:

I am happy to give Members more information. Some of it may well need to be kept in confidence, as there is commercial information and we do not intend to release the individual numbers of Regulation of Undertakings. In fact, it is a general stance that we do not issue a comment on individual Regulation of Undertakings matters, but there is one thing that I can assure Deputy Le Claire on and that is that the Scrutiny Panel seems to have highlighted one particular area of the fulfilment industry. The measures that I took and the decisions that I have taken throughout this year have been designed to protect and enhance the critical mass of on-line retailing in the Island, which employs about 650. If there has been a diminution in the number of certain activities, then that is the price worth paying in order to keep reputable, proper Jersey-based on-line retailing, and a fact that I would imagine this Assembly would have supported me in taking some difficult positions.

2.7.4 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that while admittedly he is between a rock and hard place on this issue, that the U.K. Government is not interested in whether sanctions apply to U.K. or Jersey-based companies; it is much more interested in the possible impact upon U.K. retailers?

Senator P.F.C. Ozouf:

I am to make a statement on this matter and perhaps it would be better if I asked, with the leave of the Assembly, to make the statement before questions without notice so that we can have a couple of opportunities to deal with this absolutely vital issue. I would say to the Deputy that I am aware of the U.K. pressure, as elucidated very clearly in *Hansard* last week, but that is the only factor of the basis of my decisions in the administration of Regulation of Undertakings. I believed the Island was being effectively used improperly by U.K. companies, using Jersey as a post box. That is not an acceptable position for well-regulated, highly reputed jurisdictions such as Jersey and I have taken action against that. I understand that the U.K. may look at the thing generally, but matters of L.V.C.R. (Low Value Consignment Relief) are matters for the U.K. Government. It is a matter for me and this Assembly to deal with the proper authorisation procedures of companies in Jersey, and that is what I have attempted to do.

2.7.5 Deputy G.P. Southern:

Since the Minister has said that responsibility for this area now lies with the Treasury Minister, rather than his own responsibility, is the Minister aware that postal rate rises to be imposed by Royal Mail are in effect a direct response to the large volumes of fulfilment packages going to the U.K.; that Royal Mail does the last mile while Jersey Post takes a profit? Will the Jersey

Competition Regulatory Authority give a response soon - or in what timescale - and are there any contingency plans, is he aware, if such rises are mitigated or not granted for measures to alleviate the situation that Jersey Post finds itself in?

Senator P.F.C. Ozouf:

First of all, I wish to just make it very clear, I have not passed the buck or anything else from myself to the Treasury Minister about Jersey Post. It is just it is the correct modalities of the new arrangement that I deal with the Regulator and the Treasury Minister deals with the Jersey Post Limited. There are 2 issues that Jersey Post Limited has to deal with. The first one is swingeing increases by Royal Mail in respect of mail delivered in the U.K., of which fulfilment may or may not be a part of, but the fact is Royal Mail is becoming more commercial, they are charging Jersey higher rates in order to deliver postal packets in the U.K., et cetera. The second issue is that the Jersey Post Limited has to deal with a new world of a regulator, and the Regulator is looking at an efficiency review. I would have thought that we have now a proper arrangement which separates the responsibilities of operator, Regulator and shareholder. Over the next few months, we will get some clarity out of Jersey Post and of the whole issue of Jersey postal stamp prices and the reasons why they are going up.

2.7.6 Deputy G.P. Southern:

The Minister must have read my interim report - the interim report of the Scrutiny Panel, of which I am Chair - earlier this year, which made it abundantly clear that O.S.L. was not making a profit, and following his change in policy, will not make a profit next year. Does he really think that O.S.L. can continue trading into the New Year?

Senator P.F.C. Ozouf:

I am confident about the future of on-line retailing in Jersey. Deputy Southern, Sir, attempts to highlight again in his Scrutiny Panel report press release and in his questioning 2 examples in isolation. I have to look at the overall issue of employment in the Island. I have to look at the overall sector, and it is the overall sector that I need to judge and base decisions upon. There are consequences for Jersey Post of the change in the fulfilment industry. I have made it quite clear that I would not have probably agreed with the previous E.D.C. in giving them additional licences at the time. I thought that conflicted with the policy. We are now having to deal with that and we are having to deal with a whole range of other issues, but I am confident that the new arrangements with Jersey Post being a limited company is the right body corporate in order to deal with those difficult issues.

2.8 Deputy S. Power of St. Brelade of the Chief Minister regarding rents paid by commercial lessees of Waterfront Enterprise Board Limited land at the Waterfront:

Would the Chief Minister inform Members whether the commercial lessees of the premises in the Waterfront leisure complex, constructed on land under the administration of the Waterfront Enterprise Board Limited - including the cinema, aqua splash, bar and nightclub complex - are all paying true and fair market rents?

Senator F.H. Walker (The Chief Minister):

The general arrangements for the lease of the land at the Waterfront leisure complex were agreed in 1999, when the States approved P.9299 and agreed that this land should be leased by the public to

C.T.P. Limited for a period of 150 years at a nominal rent of £93,000 per annum, together with a capital grant to C.T.P. of £10.9 million. The grant of £10.9 million was paid by the States to fund the development of the new leisure pool. In return, and in accordance with the terms of the lease as approved by the States, C.T.P. undertook to fund the total cost of the leisure complex development, including fitting out, which was then estimated at being in excess of £25 million. In December 2003, the States agreed that the lease of the land should be transferred from C.T.P. to Sun AXA, but the general terms of the lease remained the same as before. The rents charged by the head lessee, now Sun AXA, to its sub-lessees at the Waterfront leisure complex are commercial arrangements - commercial agreements - between those parties. The public is a party to these subleases only to provide security to the sub-lessees should the head lessee be removed, as detailed in the report accompanying P.58 2001, which was approved by the States in April 2001. The public has no direct financial interest in the terms of the subleases.

2.8.1 Deputy P.V.F. Le Claire:

Would the Chief Minister please inform Members as to where Sun AXA, the head lessee, is now based? In the future proposals under the tax arrangements, will they be paying taxes - local shareholders - if the arrangements come into force?

Senator F.H. Walker:

I do not think that is relevant to the question. Sun AXA, as is well known, are based in the U.K. and will be subject to exactly the same rules as other non-Jersey companies in the implementation of the tax package.

2.9 Deputy R.G. Le Hérissier of the Minister for Health and Social Services regarding accommodation for cancer patients, relatives and friends in Southampton:

Would the Minister identify why the use of Jury's Inn Hotel in Southampton for accommodating relatives and friends - and my mistake, I should have added patients - of cancer patients was agreed upon in preference to other alternatives?

Senator S. Syvret (The Minister for Health and Social Services):

There were a number of reasons that led to the decision to switch patient accommodation to Jury's Inn. Firstly, by some margin, the majority of comments made to me over the years concerning the Manor House have expressed a strong objection to having to share a room for many weeks with a complete stranger or even a succession of complete strangers. While patients have always expressed great satisfaction with the service provided by staff at the Manor House, its inability to provide privacy is regarded by many as an insurmountable failing. It is important to understand that the time required for patients to be in Southampton University Hospital for their episodes of treatment is comparatively short. Thus, with the great majority of their time in Southampton, often many weeks, patients lead independent lives. Secondly, while many patients have enjoyed the countryside location of the Manor House, many other patients have found it far too isolated. A view regularly expressed to me has been the wish to be able to walk at any time to facilities such as shopping centres, restaurants, theatres, museums, libraries and parks. This was not possible at the Manor House. While very clearly many patients have enjoyed the sense of camaraderie that has come with sharing the facilities at this countryside location, I would ask that people please respect the views of those who do not wish to dwell upon their illness and who instead wish to have ready access to the diversions offered by living in the town. At the Jury's Inn, all patients are guaranteed a modern room with private en suite facilities. Moreover, the contract we have struck guarantees

the right to have a loved one share the room with them at no cost for the accommodation. To a number of patients, this will be a profoundly important advantage. Thirdly, the fact remains that the Manor House is simply no longer large enough to accommodate the growing number of patients from the 3 Islands. I cannot overstate the significance of this. We absolutely must have at all times readily available dedicated accommodation for our patients. We simply cannot risk having to accommodate patients on an ad hoc basis at a variety of different buildings. I have a clear duty to make sure that the facilities cater for both current and future patients. The issue of changing location was considered very carefully by the senior oncology nurses of each of the 3 Islands. Some former patients were also members of the project group. This team came to the conclusion that Jury's Inn could replicate the services and facilities available at the Manor House. It will provide 2 entire floors for the sole use of patients, and included in this provision are self-catering facilities, a laundry and a private lounge where patients may gather, if they wish. Special dietary needs will be catered for, and Jury's Inn also has a number of rooms purpose-built to meet the needs of people with a disability. Finally, I am extremely pleased to be able to announce to the Assembly that Sheena Tippen, the sister in charge of patient welfare at the Manor House, is to become Jersey's very own liaison sister in Southampton, having the responsibility of ensuring that Jersey's cancer patients are treated and cared for to the highest possible standard. I am absolutely confident that this will be assured.

2.9.1 Deputy R.G. Le Hérisier:

It is good to see that considerable thought was given. Can the Minister however indicate whether, other than the new liaison sister, there are dedicated staff who will be working in that particular part of the hotel in order to mitigate the effect of living in a hotel-type environment?

Senator S. Syvret:

My understanding is that there will be a member of staff - liaison staff - available at the hotel at all times to support patients, should they require it.

2.9.2 Deputy P.V.F. Le Claire:

Will the Minister be travelling - or has he travelled - to visit the hotel to ascertain for himself his views that he has espoused, which give us comfort, to ensure that what he has been telling us this morning is the case? Has he visited and experienced the hotel himself?

Senator S. Syvret:

No, I have not yet visited the hotel, but I may well do so at some point in the future. I have visited the Manor House myself, and while a very nice location and extremely effectively run, it simply, I am afraid, no longer meets the needs of the 21st century.

2.9.3 Deputy A.E. Pryke of Trinity:

Could the Minister inform us if he had any face to face meetings with any of the patients or relatives regarding this issue?

Senator S. Syvret:

Yes. Over the years, I have had numerous letters, telephone calls and meetings with a variety of patients who have used these facilities in Southampton. In the past week, I have met with 2 patients who were expressing concerns about removing the patient accommodation from the Manor House to Jury's Inn.

2.9.4 Deputy S.C. Ferguson of St. Brelade:

Would the Minister like to comment on the financial implications? Is this revenue neutral, more expensive or better value for money?

Senator S. Syvret:

Yes, it happens that there is a small saving involved in this move. I think the amount is £60,000, but that was simply an incidental advantage. The driving force was simply that the Manor House was no longer large enough to accommodate the patient requirements of the 3 Islands.

2.9.5 Deputy R.G. Le Hérissier:

The Minister mentioned self-catering arrangements; again, a very good move. Could he indicate, Sir, whether people who may, for example, be in a state of some distress, if they do not use these facilities, will there be other dining provision made so that they can dine, for example, in ...

Senator S. Syvret:

Yes, patients will be able to dine in their own rooms in privacy if they wish, or indeed, use the general hotel restaurant with other guests at the hotel.

2.9.6 Deputy P.V.F. Le Claire:

Is the Minister aware whether or not there is a service level agreement between the States of Jersey and the hotel?

Senator S. Syvret:

Yes, there is in effect a contract between Jury's Inn and Southampton University Hospital Trust, who have led on this issue. In consultation with the 3 Islands, the contract has been struck. It is a service level agreement and it does lay down very clear, legally enforceable requirements as to the standard of the service to be provided.

2.10 The Connétable of St. Helier of the Minister for Education, Sport and Culture regarding strategy to increase the number of children accessing early years' education and care:

Would the Minister outline his timetable for achieving the commitment in the Strategic Plan (2.7.1) to bring forward a strategy to increase the number of children with access to affordable and equitable early years' education and care, and indicate his preferred implementation date for the new arrangements?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

The Council of Ministers has set up a cost-cutting departmental group looking at the whole issue of care and education for the 0 to 5 age range. That group will be reporting back before the end of this year. It encompasses the early years' education and care for the 3 to 5 year-olds, which was a subject of a report to this House. In that report, the implementation date was set at 2008. My personal preference would be as soon as possible, but I accept it is a complicated issue.

2.10.1 The Connétable of St. Helier:

Would the Minister be willing to consider using the existing budget he has for early years' education and care in States' nursery centres, to spread that across the many parents and guardians of children who do not have access to that free care? Does he believe this could be achieved some time next year?

Senator M.E. Vibert:

Yes, that is one of the options we are currently looking at: how we can make best use of the budget. In all our dealings on this, we have emphasised the importance of working with the non-States sector, because we recognise we cannot provide everything ourselves. We need to have a very good working relationship and support each other. So we will be looking at that and of course I will be looking at the timetable of when it can be achieved. I will be reporting back to the States once we have further information on this.

2.11 Senator B.E. Shenton of the Minister for Health and Social Services regarding possible health impacts arising from the proximity of residences to mobile telephone masts:

Despite his statement on 25th April 2006 that he believed that there was: "no risk or no significantly quantifiable risk" from mobile phone masts, has the Minister studied recent international research concerning the possible health impacts on persons living near to such masts, and will he undertake to work with ministerial colleagues to ensure that all masts in Jersey are moved at least 300 metres away from residential accommodation?

Senator S. Syvret (The Minister for Health and Social Services):

I have read some of the recent literature on the possibility of health risks to those living near mobile phones masts. However, as a brief examination of the material on the internet shows, the amount of available information is vast. Therefore, I could not claim to have read even a small part of the totality. Of course, I am willing to work with other Ministers in any detailed examination of the issues. I could not say at this time whether a distance of 300 metres is practicably achievable in Jersey, nor that if it is, such a stricture should apply only to residential accommodation. I believe the proposed 6-month moratorium which has been suggested would enable the issues to be investigated thoroughly. While I am not in a position to state that we will necessarily find health grounds for limiting the location of masts, I agree with the view that perhaps 200 masts in a small place like Jersey is excessive and undesirable. I am strongly of the view that the J.C.R.A. must intervene robustly to require and enforce equipment sharing.

2.11.1 Deputy P.V.F. Le Claire:

Given the complexity of the issues at hand, I wonder if the Minister would outline how he is going to determine where he will seek information to give him comfort in his analysis of the situation. Where will he go, who will he ask the questions of, given the broad breadth of information that is available?

Senator S. Syvret:

I like to do some research of my own on issues generally, but of course the major source of my advice will be the professionals that we employ to advise us on this issue. I imagine that they will look at the respectable literature. Some reports have been passed to me recently; one in particular, which visually appears to be a scientific report and purports to be a scientific report, but upon

examination, it is little more than a collection of New Age mysticism and snake oil quackery.
[Laughter]

2.11.2 Senator B.E. Shenton:

Will the Minister confirm that a precautionary approach is advisable and that he will be recommending a 6-month moratorium to his colleagues on the Council of Ministers?

Senator S. Syvret:

My inclination is to support the proposition that has been brought forward by Deputy Ryan to have a 6-month moratorium. Sorry, what was the second part of your question: that the precautionary principle is important? Yes, I do support in principle the precautionary principle. It is an important means of trying to limit public exposure to risks from a variety of activities, but there has to of course be a commonsense balance when taking these things into consideration. It is entirely possible that one might try and endeavour to eliminate every single risk we run in society from our day-to-day lives. Of course, that is not possible. Even if it were, the price for eliminating those risks can be severe to society.

2.11.3 Deputy P.J.D. Ryan of St. Helier:

Given that the J.C.R.A. is unable to intervene on issues to do with mast sharing unless a licensee requests it to become involved, does the Minister have any views or any suggestions as to how indeed the J.C.R.A. might be able to intervene?

Senator S. Syvret:

My understanding, Sir - and I will be corrected if I am wrong - is that the Minister for Economic Development does have the power to make certain requests of the J.C.R.A. on a public interest basis. I would have thought that that was the starting point.

2.11.4 The Connétable of Grouville:

Would the Minister agree with me that however hard he has searched and however hard I have searched on the internet and on various sources, nowhere have I found anybody who is willing to unequivocally say there is no harm in these emissions?

Senator S. Syvret:

That may well be the case, Sir, but the broad consensus of respectable scientific opinion - scientific research carried out using recognised methodologies - is that there is no demonstrable or quantifiable risk from these omissions.

2.11.5 Deputy G.P. Southern:

Does the Minister not agree that the sum total of what has happened over these masts is that the Council of Ministers has demonstrated a remarkable lack of joined-up thinking?

Senator S. Syvret:

I think it is probably fair to say that a number of Members of this Assembly perhaps ought to have given a little more thought and used a little more foresight at the outset of this whole issue in respect of licensing, other telecoms applicators and so on. I do not know really that that is a

problem that can be blamed upon the Council of Ministers, because I think you will find that the roots of this decision go back before the introduction of Ministerial government.

2.11.6 Deputy P.V.F. Le Claire:

Will the Minister acknowledge and agree with me that it is not possible, no matter which network you are in, in an Island with the topography that Jersey has, to obtain a signal in the Island's totality? Is it not prudent therefore to accept the fact it is not always going to be possible to receive a signal everywhere in the Island, and therefore the Island should settle for receiving signals in general areas, rather than putting up masts everywhere, for it would be cheaper to put masts on top of everybody's heads?

Senator S. Syvret:

As a matter of general principle, I believe it is the case that not everywhere in Jersey can detect a signal for the use of mobile phones. I do not necessarily believe that we should try and change that by making sure that they can reach everywhere. I do not believe though that the driving force at the moment is the absence of coverage in certain isolated areas. It is the competitive drive of the other potential telecom services providers. It is worth reminding people and pointing out to people that the exposure to these effects is likely to be far greater from using a mobile phone and having it held to your head than any exposure from the masts.

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

The Bailiff:

Now we come to questions to Ministers without notice. The first question period is of the Minister for Economic Development and I invite questions.

Deputy P.V.F. Le Claire:

I am sorry, Sir, the Economic Development Minister did offer to make his statement prior to the questioning. I wondered if it would not be helpful for us to hear his statement prior to the open questions?

The Bailiff:

I did consider that with the Minister, Deputy, but it seems to me that Standing Orders provide for Questions Without Notice to precede statements. Members will have the opportunity to question the Minister after he has made his statement, in any event. Members, in fact, have a double whammy. **[Laughter]** I saw Deputy Lewis.

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

As recommended by the Minister for Home Affairs, and with your permission, Sir, I would like to ask the Minister for Economic Affairs the same question. Following the announcement that the incidents of admission of underage drinkers to the Accident and Emergency Unit at the General Hospital has increased substantially in recent times, is the Minister taking any steps to increase the penalties for selling or providing alcohol to juveniles and if not, why not?

Senator P.F.C. Ozouf (The Minister for Economic Development):

This is a complex issue and it is something which I share responsibility, as I understand it, with the Trading Standards Department, and indeed, the police authority with the Minister for Home Affairs. What I can tell the Deputy is that I have been giving close attention to the funding arrangements for Trading Standards and have agreed in principle to agree to increase the funding arrangements for Trading Standards, which, in my view, has not been sufficiently resourced to deal with some of the important work that they have been doing. What I have done is exchange notes with the Minister over the last few minutes on this issue. I am happy to engage with colleagues from Trading Standards and the other relevant authorities and report back to the Deputy on what we can do. What I can say is we are increasing the resources available to Trading Standards.

3.2 Deputy G.P. Southern:

I shall ask the question that was not answered last time; not addressed last time at all. In what timescale can the J.C.R.A. act over potential price rises in postage on the Island, and in the event that permission for postage rises is not given or mitigated in some way, what contingency plans is he aware of in Jersey Post to cope with the subsequent loss in revenue?

Senator P.F.C. Ozouf:

The Deputy will know that the J.C.R.A. are now the Regulator of postal price and stamps. It is the Regulator immediately that any increases will be subject to, as I understand it, which was a law passed by this Assembly for the J.C.R.A. The matter of the consequences of the J.C.R.A. accepting or otherwise the financial consequences of a decision not to allow an increase in post will be an issue that will need to be discussed with the Treasury and Resources Minister. The J.C.R.A. also has to continue to make decisions which allow Jersey Post to fund its operation. That is in the Telecoms Law and it is in the Postal Law.

3.3 Deputy J.J. Huet of St. Helier:

Would the Minister confirm if the J.C.R.A. looks into all complaints it receives and what precautionary measures there are in place against vexatious complaints that have the potential of costing the taxpayer thousands of pounds?

Senator P.F.C. Ozouf:

I am not particularly necessarily aware - save with one particular example - of a vexatious potential complaint about the J.C.R.A. The J.C.R.A. is an independent organisation. It has been set up as an independent quasi-judicial authority, so I am not the one making the decisions and I do not necessarily know, and it is inappropriate for the Minister to know exactly what is available. I imagine that it is the standard rules of the Royal Court that deal with the issues of vexatious complainants, et cetera. If the Deputy would like - in the precincts of this Assembly - to draw my attention to any particular issues, I am happy to take them up to the extent that I am able to with the J.C.R.A. There is a third party right of appeal in the J.C.R.A. Law that anybody that is aggrieved by an abuse of dominant position can make a representation to them and they must act on it.

3.4 Senator B.E. Shenton:

The Minister will be aware that his accounting officer is responsible for, I quote: "Avoidance of waste and extravagance and must ensure the running of the department is efficient, effective and offers value for money." Did the accounting officer raise any concerns over the Battle of Flowers additional £45,000 payment, and if so, did he put these concerns in writing?

Senator P.F.C. Ozouf:

The issue of the exact arrangements of the decision-making, et cetera of the Battle of Flowers payment have been the subject of a Control and Auditor General review. Also the Chief Minister has asked, as I understand it, the Internal Audit Department to carry out a review of exactly who did what when. I have to say that I enjoy excellent communications with my Chief Officer and department. I have absolute confidence in their ability to advise me. At the end of the day, recommendations will be made to me and I will make a balanced decision based upon all the advice that I have. In relation to the Battle of Flowers, I have accepted all of the findings of the Control and Auditor General audit report. Moreover, I am delighted to hear that the Association has done so too.

3.5 Deputy C.H. Egré of St. Peter:

Now that we have been made aware that the incorporation of the airport is no longer on the current agenda, would the Minister advise this Assembly on the incorporation of the harbour and the timescale in which this might occur?

Senator P.F.C. Ozouf:

I have delegated the responsibility of both the airport and harbour matters to Deputy Maclean. We have engaged and are engaging together in a great deal of work in relation to both of those 2 trading areas. I can confirm that the issue of the airport - which is going to be a subject in the statement made by the Assistant Minister - is off the agenda. I am not prepared today to make any further comments in relation to harbours. Harbours is the subject of ongoing reviews - ongoing incorporation within the overall economic development plan - to ensure that everybody within E.D. (Economic Development) is singing off the same hymn sheet. I have really nothing further to add. There is no change in policy from that which the Deputy is already aware.

3.6 The Connétable of St. Brelade:

I refer back to the point brought up by Deputy Lewis regarding the sale of alcohol to the under-18s. My concern, Sir, is stimulated by our normal police meeting held last night, where members of the honorary police questioned the ability of under 18s to purchase alcohol in the supermarkets. The situation at present is that sometimes staff on the supermarket checkout are really pretty well unqualified when it comes to this. If the manager is not present, alcohol can whiz through these checkouts terribly easily. I question, Sir, whether we ought to consider whether this is an appropriate way to continue to sell alcohol and whether we should perhaps direct alcohol sales through the off-licence system, possibly by suggesting to supermarkets they have a properly supervised off-licence section within their shops. Clearly this present situation cannot continue, Sir, and I would like the Minister to address it for me.

Senator P.F.C. Ozouf:

The issue has been raised in this Assembly. I will undertake to work with the Minister for Home Affairs to review this issue and come forward with any recommendations changing from that review. I understand the concerns.

3.7 The Connétable of St. Helier:

Is the Minister aware that 2 consecutive editions of *Classic and Sportscar* for August and September 2006 have highlighted the Festival of Motoring held in Jersey, giving us tremendously good press? *This Island Race* is the title of the September edition, where it describes the Festival as one of the best-kept secrets in the Classic world. I am disappointed to see from written answers today that the grant to the Festival of Motoring appears to have dropped for the current year from

£6,000 in 2005 to £4,000 this year. Would the Minister agree with me that this is really a premier attraction for the Island, which needs his support and plenty of support for next year's Festival?

Senator P.F.C. Ozouf:

Indeed, I am aware of it. I had a load of correspondence dropped off by the organisers of the event yesterday. I am extremely pleased and I congratulate them on bringing excellent coverage to the Island. Indeed, we are getting some quite good press at the moment in relation to forts, follies and towers in relation to a whole number of issues; all, might I say, designed with this attempt to re-look at tourism and to revitalise the sector. The Constable is quite right to say that last year the previous Committee cut the grant. I am looking at the whole event-led tourism grant. I am looking at this event. I am happy to report back to the Assembly when conclusions have been made about this event. Clearly, it does attract tourists to the Island, which is a good thing.

3.7.1 The Connétable of St. Helier:

Obviously the organisers need to place advertisements to get the festival in June on the road, if you excuse the pun. I would just like to press the Minister when he hopes to make a decision about funding.

Senator P.F.C. Ozouf:

I received a package of information on the issue yesterday. I will make a decision with the appropriate modalities of proper advice by my accounting officer and department as soon as I possibly can in the next few days.

3.8 Deputy R.G. Le Hérissier:

We seem to receive confusing messages about the post office and its revenue over a series of question sessions. Could the Minister, Sir, outline what cross-subsidisation is occurring in the post office, because although he passes the buck - so to speak - to the J.C.R.A., the point is his fulfilment policy has a major impact on their revenues. Is there cross-subsidisation going on in the post office and are we in the slightly ironical position where the domestic mail user is having to subsidise the fulfilment industry?

Senator P.F.C. Ozouf:

This Assembly has set up a proper, organised, regulatory authority, which separates out the issue of regulator, shareholder and operator. For the first time, we are going to be able to get a proper and impartial assessment of Jersey Post. I was hopelessly conflicted as operator and regulator. I am absolutely happy and confident that the J.C.R.A.'s efficiency review is going to deal with all of these issues. I do not probably need to take this Assembly's time up on repeating my own views about cross-subsidisation, et cetera.

3.8.1 Deputy R.G. Le Hérissier:

With respect, Sir, the question has not been answered. Would the Minister identify whether his fulfilment policy is having an impact directly or otherwise on domestic postal rates?

Senator P.F.C. Ozouf:

The Deputy has asked this question in relation to the Jersey Post incorporation debate in relation to numerous issues. I think he has been told. I see the former President of the Postal Committee

getting probably as confused as I am about why he keeps on asking the question. The question is: "Is the fulfilment industry on-line retailing good for Jersey?" and it has been good for Jersey Post.

3.9 Senator L. Norman:

I wonder if the Minister could advise what progress he has made in the last 10 months in implementing the fisheries agreement made between the States of Jersey and the States of Guernsey in August 2004?

Senator P.F.C. Ozouf:

Fisheries is the domain currently officially of the Minister for Planning and Environment. There is an agreement with the Chief Minister that the formal responsibility of this passes to me. I have had numerous meetings with Guernsey. My last letter I think dated 23rd September - to the Guernsey authorities is awaiting a reply from them. I am awaiting effectively replies in an attempt to resolve the issue, which I hope to resolve in a manner which is acceptable to both Island jurisdictions. We have the prospect of the Fisherman's Association locally being at the Privy Council, and something which I would want to avoid if at all possible.

3.10 Deputy P.V.F. Le Claire:

The Minister has had a particularly difficult period recently and I do sympathise with him over flowers, flights and fulfilment. **[Laughter]** However, on the latter, I would like to ask the Minister quite seriously, in regards to the language that has been used in the United Kingdom recently by the Treasury Officer, Dawn Primarolo; does the Minister anticipate informing or educating the government in a more understanding light than they currently seem to have a grasp of the situation for Jersey? The language which has been used recently in the United Kingdom, with all due respect to the presence of His Excellency, does Jersey's reputation no good whatsoever. Although these issues may provide light entertainment for people who are interested in politics and issues of the day, the serious impact upon Jersey should this have an effect of affecting the W.C.C.s (Whole Chain Companies) will be significant. The unemployment of...

The Bailiff:

The point is?

Deputy P.V.F. Le Claire:

The point is, Sir, what steps is the Minister taking with the Chief Minister to put Jersey's position across, so that they seem to have a better understanding than they currently do?

The Bailiff:

Before the Minister answers that question, may I just say from the Chair that His Excellency is not a representative of the U.K. Government, and he would not be in the slightest bit embarrassed by this question.

Deputy P.V.F. Le Claire:

I am not feeling 100 per cent today, Sir. I do apologise if I said something untoward.

Senator P.F.C. Ozouf:

There will be an opportunity for 10 minutes questioning on the statement so I am going to be very brief, but I would say to Deputy Le Claire I am grateful for his worry about my own position. Can I say the E.D. is a lot easier than Environment and Public Services ever was over 2 years. It is an important issue and one which I am going to be discussing with the Chief Minister in the next few days, about how we can bring to the attention of the U.K. Government the actions that I have taken in order to protect and enhance the reputation of the Island. I am happy to answer further questions on the statement.

The Bailiff:

According to my watch we have 30 seconds left. Senator Perchard?

3.11 Senator J.L. Perchard:

I will be very quick. In an answer to a written question regarding the delayed Flybe flight on Saturday, 28th October, the Minister - who I know is keen to cut costs where he can - informs Members that the total cost of keeping the airport open and fully operational was a mere £620. Will he inform Members as to how this figure was arrived at?

Senator P.F.C. Ozouf:

This is the full cost of the cost of keeping staff, which is a full hour basis in relation to the staff that are necessary to keep the airport open. It is an absolute at the additional cost and it has been passed on to the promoters of the event at Fort Regent. I take this opportunity of recognising Flybe for the decision that they took - a finely balanced one and a difficult one - but also to apologise to the passengers, who I had no idea at the time were going to be inconvenienced to the extent that they were.

The Bailiff:

We now come to the second question period of the Chief Minister. I invite questions.

4. Questions to Ministers without notice - The Chief Minister

4.1 Deputy K.C. Lewis:

The U.K. Home Secretary has announced that the U.K. will be implementing a quota system when Romania and Bulgaria join the E.U. (European Union). In Jersey, I am aware there are considerable legal and constitutional problems because of protocol 3 to the Treaty of Accession with the European Union, and that Jersey is unlikely to follow the U.K. in restricting the working rights of Romanians and Bulgarians. Will the Chief Minister undertake to keep this under close review?

Senator F.H. Walker (The Chief Minister):

This matter is, I can assure the Deputy - and through him, the House - already under very close review. I would also remind the Deputy that the situation in Jersey is somewhat different, in that we do control the number of job licences available to non-local people. We do have our own means of dealing with any prospective increase in immigration, but the matter is under very close review on a permanent basis at this point.

4.2 Senator B.E. Shenton:

The Code of Conduct for Ministers, which was presented on 10th February, was largely copied and pasted from the U.K. Code of Conduct. However, the U.K. Code of Conduct includes that the government publishes an annual list of all travel overseas by Ministers, together with the total cost of Ministerial travel overseas. Will, at the end of these 12-month periods, the Chief Minister publish all travel and entertaining expenses by Ministers?

Senator F.H. Walker:

Yes, we will, and I suspect the Senator will be desperately disappointed at how meagre it is.
[Laughter]

4.3 Deputy D.W. Mezbourian:

The Chief Minister will be aware of the recent publication of the *Stern Report*. I wonder whether the Chief Minister will be prepared to advise the House whether he has yet had any consultation about the report with the Planning and Environment Minister, and if this has not yet taken place, when it will do so?

Senator F.H. Walker:

No consultation has yet taken place. I am aware of the report and I can assure the Deputy that consultation will be taking place, but it has not yet done so.

4.4 Deputy P.V.F. Le Claire:

I would like to ask the Chief Minister if he shares my concerns about the language that has recently been used by Dawn Primarolo in the United Kingdom and what steps the Minister will be taking, if any, to communicate our position in a more understandable way to the British Government - in particular, to the Prime Minister - as Jersey does have an internationally recognisable role within affairs such as British-Irish Council. Why are we communicating inadequately, it would seem, to people who are not at the helm?

Senator F.H. Walker:

I think there were 2 particularly notable things about the Paymaster General's statement to the House. Firstly, and I would agree therefore with the thrust behind the Senator's question, it does seem pretty clear that the measures taken in Jersey to regulate - if that is the right word - the fulfilment industry are not necessary fully understood in the Paymaster General's office, and we do have a further communication task to undertake, I would agree. I think the second notable aspect of her comment was that she, despite outlining the measures that the U.K. Government "could take", conspicuously fell back from suggesting they "would take."

4.5 Deputy G.P. Southern:

Does the Minister, since he has had the buck passed to him, accept that the changes to teachers' pensions run completely counter to changes that have been made in England, Wales, Scotland, Northern Ireland and the Isle of Man, and that they have a serious effect upon Jersey's ability to recruit and retain teachers? Will he agree to postpone the implementation of such changes from January 2007 to September 2007 as requested by the 6 teachers' unions?

Senator F.H. Walker:

The Minister for Education, Sport and Culture has already answered effectively this question, but I do accept that I have a role to play. The position is, as I understand it, that the unions - certainly on

a national basis - have not hitherto expressed any great concern, or indeed, interest in the changes to the teachers' pension scheme. Now, at the 11th hour, as it were, that concern has been expressed, and I understand they are looking for a delay. I think the matter now sits with the unions, and if they can make an utterly compelling case for delay, which so far has not been made, then I and the Minister for Education, Sport and Culture will give serious consideration to that request.

4.6 Deputy of Grouville:

Would the Chief Minister confirm if he is going to put the issue of phone companies and their masts on the Council of Ministers' agenda so that a joined-up approach to the publicly unacceptable situation with the siting of these phone masts can be looked at thoroughly?

Senator F.H. Walker:

The matter has already been on the Council of Ministers' agenda.

4.7 Deputy R.G. Le Hérissier:

In order not to repeat the phone mast situation, would the Chief Minister not agree that the request by the Housing Minister for 400 sites for sheltered housing has to be looked at? Worthy though this request is, it has to be looked at much more critically, and certainly one of the solutions that should be far, far in the distance is providing green field sites. Would he not agree that this is something the Chief Minister and the Council should be looking at, and that it should be a much more coherent plan to this whole issue of provision for the elderly?

Senator F.H. Walker:

I believe the Housing Minister and Housing Department are doing an absolutely superb job in putting together their policies for the future. We will shortly have a property plan, which covers the housing aspects of States property, which will be coming to the House in the not too distant future. That will be followed in the New Year by a full review of the social housing provision in Jersey. I do not share the Deputy's view that there is no joined-up policy or joined-up thinking here. Exactly the reverse, I believe there is a great deal of joined-up policy, and certainly the relationship and the co-operation that exists between the Planning Minister and the Housing Minister is excellent.

4.7.1 Deputy R.G. Le Hérissier:

I wonder if I can ask a supplementary? Would the Chief Minister then acknowledge that it was scaremongering to suggest that green fields would need to be used in the quantities cited by the Housing Minister, and that he will be applying a much more rigorous analysis, rather than just panicking and saying we need 400 sites?

Senator F.H. Walker:

The Housing Minister himself has every intention of applying an extremely rigorous analysis. Yes, of course, I and my colleagues on the Council of Ministers will ensure that that is the case.

4.8 Deputy G.P. Southern:

In a written answer to a question tabled today on the Population Register and identity cards, the Chief Minister has stated that the issues of identity fraud and theft must be addressed. To do this successfully, it must involve verification of identity to a high level and that he would look to other jurisdictions to adopt the most robust procedures. Is he aware that if he looks to the U.K., he will find very expensive procedures? No matter that they are robust, there will be a cost to the

production of identity cards which are robust in this Island. Is he aware of what these costs may be?

Senator F.H. Walker:

First of all, the quote the Deputy has recorded from my answer came from the Data Protection Registrar. Secondly, all the answer said - and I confirm what it said - is that we are looking at measures taken elsewhere, not just the U.K. Of course, before any proposals are brought forward - which will have to be approved by this House - then the full cost will be identified and will be made clear in the report and proposition.

4.8.1 Deputy G.P. Southern:

May I have a supplementary, Sir? Does he accept that in order to be robust, there will be a cost and this cost may well be substantial?

Senator F.H. Walker:

There may well be a cost, but that will be a matter for the House at the end of the day whether or not the House decides to accept that cost. The fact is at the moment, the Population Office is working to the instructions of this House in preparing the new migration policy.

4.9 Senator J.L. Perchard:

How will the Chief Minister react to the remarks made by his Health Minister at the last sitting of the States, when he said: "Not allowing exemptions on G.S.T. (Goods and Services Tax) was a morally bankrupt decision by those who do not understand poverty, from the luxury of their gin palaces?"

Senator F.H. Walker:

I think I reacted at the time. The Health Minister confirmed that he was not necessarily talking about me. **[Laughter]** I think all of us on the Council of Ministers - or most of us, not all of us - most of us certainly have children and/or grandchildren and it is their future that we are interested in. The Health Minister and I have had discussions about his speech; entirely amicable, entirely positive discussions. I am pleased to say that as far as the Council of Ministers is concerned, we continue with business as usual.

4.10 Deputy P.V.F. Le Claire:

In relation to the establishment of a new property company that will take over from W.E.B. (Waterfront Enterprise Board Limited), during the appointment of the recent Chairman, we were given an absolute guarantee - in fact, a pledge - that the issue was primary in the eyes of the Chief Minister. The Chief Minister set a target date for that proposition to come to the States with the detail, setting-up and structure of that company as September of this year. In a recent answer to a question by Deputy Martin, it was pointed out that the issue would be raised again on the Council of Ministers' meeting on 2nd November. Would the Chief Minister please inform Members as to what is happening with the progress in relation to this new company that will be absolving W.E.B?

Senator F.H. Walker:

I have to report, I am sad to say, a lack of progress in this respect. It was indeed, as the Deputy has correctly identified, on the Council of Ministers' agenda for the meeting last Thursday. No decision was taken, because both the Attorney General, who raised concerns about certain aspects

of the proposition - I think, from memory, the memorandum and articles of the company - and other Ministers, who raised similar concerns or concerns about other aspects of the proposal. Those concerns were noted. They were not able to be addressed at the meeting. My department and the Property Holdings Office has strict instructions now to come back to the Council of Ministers, hopefully with a proposition that is fully acceptable in the shortest possible timescale. But I do regret the delay in bringing forward this important proposal.

4.11 Deputy G.P. Southern:

In the light of the Assistant Minister for Social Security's apparent ignorance of what consultation had been taking place between his department and the Chief Officer's, is the Chief Minister content that sufficient consultation has been held with Social Security in order to build-up a joint database as is projected for the Population Register?

Senator F.H. Walker:

Yes, Sir.

4.12 Deputy of Grouville:

Mine was a supplementary on my last question, but you did not look this way again. **[Laughter]**

The Bailiff:

I look at you as often as I can, Deputy Labey. **[Laughter]**

Deputy of Grouville:

It is not very often when I am trying to ask a question. Would the Chief Minister like to share with the Assembly the conclusions of the discussion of the phone mast issue on the Council of Ministers' agenda? Thank you.

Senator F.H. Walker:

There was no direct conclusion. It is now legally a matter for the Planning Minister, who is dealing with the issue within his powers and to the best of his ability. It is a tough issue for him to deal with, but it is he who finally has to take a decision of whether consent is granted or not. The Council of Ministers can discuss. The Council of Ministers cannot - nor should it be able to - direct the Planning Minister.

4.13 Deputy J. Gallichan of St. Mary

This morning, as I was woken in the very, very early hours by a chronologically confused cockerel, I thought of the Chief Minister, Sir, and I wondered if I should ask him, has he had any more thoughts about perhaps realigning our time zone, as was discussed earlier in the year? Thank you.

Senator F.H. Walker:

I have had no more personal thoughts, but I can assure the Deputy - because I raised it myself a couple of weeks ago - the matter is being worked on and a proposal will be coming through shortly, hopefully in time or long before we might think of changing the clocks next summer.

4.14 Deputy D.W. Mezbourian:

In answer to a question from me in February of this year, the Chief Minister undertook to have discussions with the Treasury Minister on the question of ethical investments. Following that question, the States Treasurer was interviewed on B.B.C. Radio Jersey and made a commitment to review our approach to ethical investments, and indeed, to produce a policy for consideration. Will the Chief Minister please advise the House at what stage the policy has reached?

Senator F.H. Walker:

I cannot this morning, but I will undertake to do so as soon as possible.

The Bailiff:

That, I am afraid, completes the second question period.

5. Visitor in the public gallery - Mr. Dennis Marshall, Secretary General of the C.P.A.

The Bailiff:

May I take a few moments of Members' time to recognise the presence in the public gallery of Mr. Dennis Marshall, the Secretary General of the Commonwealth Parliamentary Association, who is paying a valedictory visit to Jersey? He is to be entertained by the Executive Committee of the Jersey branch this evening. I am sure that all Members would wish to join in wishing him a long and happy retirement, in thanking him for his considerable services to the C.P.A. (Commonwealth Parliamentary Association) and in expressing the hope that he will enjoy this visit to Jersey.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5.1 Senator P.F.C. Ozouf (The Minister for Economic Development) regarding the Fulfilment Industry:

The Bailiff:

Now, there are no matters under J. Under K, Statements on a Matter of Official Responsibility, the Minister for Economic Development will make a statement regarding the fulfilment industry.

5.1.1 Senator P.F.C. Ozouf:

In the last week, there has been a flurry of comments made on the fulfilment industry in Jersey, with varying degrees of accuracy. I want to inform Members of the situation from Economic Development's perspective and attempt to ensure that Members have accurate and correct information at their disposal. At the outset, it is worth summarising exactly what the current policy on the fulfilment industry is, recognising that it has arisen out of decisions taken by me as Economic Development Minister, but also by the previous Economic Development Committee. In a nutshell, the current policy is to allow on-line retailing as a whole to expand in the Island, while at the same time only granting time-limited licences to U.K. companies that simply use Jersey as a post box and divert their business in C.D.s (Compact Disks) and D.V.D.s (Digital Video Disks) through the Island. By February 2007, these firms will no longer be granted a licence to operate through Jersey. It is worth me explaining why the policy focuses on curtailing the particular activity where U.K. retailers simply divert their business through the Island. There are, Sir, effectively 3 reasons: (1) this activity is damaging to the Island's reputation; (2) such activity is increasing the probability that the U.K. will act to change L.V.C.R., to the extent that all our fulfilment on-line retailing businesses will be undermined; (3) the economic contribution of such

activity is very low in terms of the value added per person. I think it is worth me explaining these 3 reasons in even more detail, as I believe it is important to Members to fully appreciate why I believe that the current policy is the right one and the only response and is in the Island's best interests. On the first point, where U.K. businesses are simply allowed to use the Island as a means of exploiting L.V.C.R. and avoiding V.A.T. (Value Added Tax) in the U.K., it does not portray the Island in the best light. We must endeavour to continue to ensure that the Island is seen internationally to conduct itself in a manner that has the highest integrity. Not do so undermines the future prospects of all businesses and particularly those operating internationally in the Island. On the second point, the greater volume of C.D.s and D.V.D.s that are shipped from Jersey to the U.K., the more likely it is the U.K. will have to act to stem the loss of V.A.T. Where the increase in volumes is due to U.K. companies diverting their current business through the Island, the need for the U.K. Government to act will only increase. Let me, Sir, be quite clear. If the U.K. does act, then it will dramatically affect the fortunes of nearly all our on-line retailing and fulfilment businesses in the Island. Finally, the economic contribution of those which we call 3.P.S. (Third Party Service), companies that provide logistics or distribution services to other retailers, is very low. At £24,000 per F.T.E. (Full Time Equivalent) it equates to that, I am afraid, of agriculture in terms of economic contribution. W.C.C.s (Whole Chain Companies), companies that physically buy and sell goods to final customers on the other hand have a very high F.T.E. of just over £100,000, the highest in the Island outside the finance industry. Irrespective of any international concerns, the low economic contribution of 3.P.S. in itself would influence the way I apply Regulation of Undertakings and licences to such businesses. As Members I hope can plainly see, there is clear justification for implementing the current policy, and that in so doing, the Island's best interests, both in terms of managing our economic resources and in maintaining our high international reputation. Sir, I do want to take this opportunity to address a number of inaccuracies that have been put forward to justify criticisms of the policy. Firstly, there has been scaremongering, suggesting that the current policy is costing jobs to the industry. The Scrutiny Panel Chairman has highlighted concern of one particular 3.P.S. which has been affected by the policy implementation. With respect to the Chairman, that is only one example and it would be wrong for Members to gain the impression that this is representative of the whole on-line retailing sector. Sir, I would like to give Members some facts. Since the introduction of the policy of February 2006, W.C.C.s and 3.P.S.s have continued to apply for staff. New applications for on-line retailing undertakings have also continued to be made and approved. Excluding the time-limited licences granted to Jersey registered companies with U.K. principles operating in the C.D./D.V.D. market and whose licence expires in February 2007, a number of successful Regulation of Undertakings decisions have been made in this area. There have been a number of new businesses, all with locally qualified principals, who have been granted licences for the engagement of more staff. A number of W.C.C.s and 3.P.S.s have also been granted additional locally qualified staff. I believe that the current policies, for the reasons outlined, provide greater security for the 650 people that are currently employed in this sector as a whole. Secondly, it has been asserted that the policy is based on incomplete data. The fact of the matter is that it is based on a thorough, objective and independent assessment of the fulfilment industry conducted by the States of Jersey Statistics Unit. There can be little doubt that the policy has been based on sound evidence with the appropriate attention to detail which this Assembly would expect. Thirdly, there has been a suggestion that the February 2006 policy has been an overreaction compared to that of the previous policy. There is in reality only a minor difference between the 2. The initial E.D.C. policy froze U.K. volumes and associated 3.P.S. businesses at very low levels. The February 2006 policy which I announced tightened this approach by granting only time-limited consents to U.K. companies that use Jersey as a post box and divert their businesses in C.D.s and D.V.D.s through the Island. It required companies which did not have a licence to get one. It also restated a policy which I believe had not been strictly adhered to by the previous Economic Development Committee. I felt strongly that this tightening was necessary if the policy was to meet the objectives I have outlined. The previous E.D.C. policy was designed in such a manner that U.K. businesses would be unable to expand their

businesses through Jersey from what were very low volumes, and this would mean that they would stop diverting business through Jersey. This would clearly have impacted on a number of 3.P.S.s, even without the tightening of the policy. Accusations have also been made that this is an over-reaction to U.K. pressure, and at the same time, it makes the Island appear weak internationally. Members will have seen the *Hansard* coverage of the recent early day motion in the debate in the U.K. Parliament on this issue, which I circulated to Members last week. It is clear from statements made by the U.K. Paymaster General that neither of the accusations made by Scrutiny and others, to which I am referring particularly to the I.O.D. (Institute of Directors) can be correct. It is apparent that the threat of action by the U.K. to change L.V.C.R. to the detriment of the Island is both clear and present, and that if Jersey had failed to act in a manner it has in the current fulfilment policy, the threat would have been much greater. Secondly, the policy does not make Jersey appear weak internationally. The Paymaster General has made it clear that she would have liked sterner action by Jersey. The current policy gets the balance right between acting to address international concerns, but at the same time maintaining a policy which is supportive of genuine Jersey on-line retailing businesses that do not assist U.K. companies to avoid U.K. V.A.T. There is a minimal economic cost to the policy, and at the same time, it reduces the probability that the rug will be pulled from underneath the whole of our on-line retailing industry. I would point out that despite a number of issues raised by the Economic Affairs Scrutiny Panel, some of which seem to be based on a complete misunderstanding of the situation, the Panel was unable to recommend any change to the fulfilment policy, or in fact, a better way for the policy to be implemented. I take this as further evidence that the current policy is both appropriate and clearly in the Island's best interests. Finally, I can assure Members that I will continue to keep the matter of on-line retailing under constant review. The Chief Minister and I will continue to engage with Her Majesty's Government in the United Kingdom to explain the actions we have taken locally and keep us informed of their position.

The Bailiff:

Members have 10 minutes to question the Minister.

5.1.2 Deputy G.P. Southern:

While it is not appropriate to go into the debate now and to deal with the repeated assertions, denials and justifications, the refusal to examine evidence in that statement, I am relieved to see that in paragraph 24 what was described as "nonsense" has now become complete misunderstanding on my part. But I would like to refer to paragraph 21 where the Minister says: "It is apparent the threat of action is both clear and present" and whether the Minister considers that that ties-in with the actual words of the Paymaster General when she says, and I use 2 quotes, if I may, Sir: "In deciding which option to use, the government will need to consider not only the impact on small U.K. retailers, but the knock-on affect on other stakeholders and larger suppliers" and goes on to say: "I am sympathetic to the position of small U.K. music retailers and it must be recognised that the competitive pressures on them are not solely or even perhaps mainly related to the V.A.T. relief enjoyed by offshore retailers, because I do not make decisions as a Treasury Minister on the basis of only a section of the economy. As important as that section of the economy is, I need to take decisions on the basis of competitive issues that U.K. consumers are getting cheaper D.V.D.s." Does the Minister agree with the Chief Minister's analysis that these words suggest that no action is being considered at this moment?

Senator P.F.C. Ozouf:

I do not think that the Chief Minister said that. I think that we are absolutely as one in the clear and present danger of the situation, which is why we must engage with the Paymaster General and Treasury officials in the U.K. to explain what they have done. I would be honest to say to

Members I was disappointed that Jersey and Guernsey were grouped together, because clearly we have the Regulation of Undertakings, which does allow me to shut this down. With this Assembly's authority, I effectively can curtail the activity, which was bringing the Island into disrepute in my opinion. I must work with the Chief Minister to ensure that the Paymaster General is fully informed of the actions that we have taken. I will say one other thing in relation to what Deputy Southern said, in relation to our comments made in the media. There was a clear disconnect between the press release he issued, criticising me, and the report, some of which I agree with.

5.1.3 Deputy G.C.L. Baudains:

With regard to the pressure, which is allegedly applied by the U.K. in regard to this matter, is the Minister aware whether the pressure is being applied equitably? I am reminded of the comments made previously, by the then President of the Postal Committee, that there were a considerable number of other countries exporting D.V.D.s into Great Britain in the similar fashion to ourselves. Are these other countries being treated in a similar fashion to ourselves, or are we being singled-out?

Senator P.F.C. Ozouf:

I would say 2 things to the Deputy on that issue. I will make decisions as Economic Development Minister in the best interests of Jersey, and which are designed to protect the Island in terms of its integrity in commercial matters. That is what is set out in the R.U.D.L. (Regulation of Undertakings and Development Law) Law. Now, separately from that - and those are domestic decisions that I will make - that is why, effectively, one job in a 3.P.S. is completely at much less economically remunerative to a W.C.C. So, there are domestic issues. As far as the international issue is concerned, this Assembly will fight for, not only in this area, but in all areas, in terms of a level playing field in terms of taxation. We would be extremely unhappy with a situation where we would be singled out for a measure that would not have been put on to another jurisdiction. It is the level playing field argument, combined with an approach which we can hold ourselves up as a well-run, properly organised, well-regulated sector, which I think comes together with the overall policy approach.

5.1.4 Senator J.L. Perchard:

At the outset, could I just say that I do support the Minister's policy with regards to the fulfilment industry, and draw his attention to paragraph 23, and ask for him to advise me: when he says that the current policy gets the balance right between acting to address international concerns but, at the same time, maintaining a policy that is supportive of genuine Jersey on-line retailing businesses that do not assist U.K. companies to avoid tax, could the Minister confirm that there is nothing that he can do to prevent a U.K. company that wishes to avoid paying value-added tax from purchasing a Jersey... what did he call them: "a genuine Jersey on-line business"?

Senator P.F.C. Ozouf:

I am afraid that I can confirm to the Senator that there is. Just as the Regulation of Undertakings and Development Law was perhaps going out of fashion in terms of its power... The Regulation of Undertaking does give us, for example - which is the subject of particular criticism by the Scrutiny Panel Chairman - the issue of ownership, whereas a condition can be put on a Reg. of Uns. licence that prevents it being sold without the permission of E.D. That is the subject of one of the problems that the Economic Affairs Scrutiny Panel Chairman has: it is that they are unhappy with the fact that I have prevented a Jersey-owned business - with the use of the condition under Reg. of Uns. - from being transferred to a U.K. entity. So, the Reg. of Uns. has come to our rescue in protecting

the Island's reputation and integrity, and is a very powerful tool that we have to do it, and I am using it.

5.1.5 The Connétable of St. Brelade:

The Paymaster General referred to a net tax loss to the U.K. Government of some £80 million. My perception of the *Hansard* report, and also the National Audit reports of 25th May, was that the government were concerned about this figure increasing and there were suggestions put forward by some Members of the U.K. Parliament that it could be £200 million by 2010. I would be interested to know what the Minister's views on that would be?

Senator P.F.C. Ozouf:

I am fully aware of the suggestions, quite extraordinary suggestions. This small Federation of Small Business organisation is - and it is worth agreeing with some of the other comments that have been made - there are small U.K. retailers who are struggling in the face of a new world, from moving from "bricks to clicks" and also the whole issue of supermarkets and their buying power and all the rest of it. They are using, effectively, problems on the High Street, which are coming from all sorts of different areas: fulfilment, supermarkets, on-line retailing. They are using some extraordinary figures. I am, indeed, aware that we do not agree with some of the assertions made upon the figures made by this organisation. Indeed, we do not even agree with some of the figures that the U.K. has made, but I am cognisant of the fact that, in the event that Jersey-based companies would be effectively losing the U.K. in their terms, losing revenue, that the U.K. may seek to act against Jersey. But it would need to be done on a level playing field argument because Jersey is not the only jurisdiction from which activities could be taken. The world is moving into a globalized market and 747s are coming from Dubai, India, China. Effectively, the world is changing very quickly in terms of globalisation.

5.1.6 Deputy J.B. Fox:

The question I want to ask the Minister is: have we had any direct talks with the U.K. Paymaster General? My concern is that they make a ruling, or they make an exception up to £18, and then they expect the rest of the world to not export goods into their bracket, having got the exception. My concern is that the genuine Jersey companies have got every entitlement, and every right, to send a product and have the advantages of businesses that, in effect, is in full legal terms, a permitted thing to do. This Island looks as though it has publicly been suffering because it seems to be the one that is taking steps...

The Bailiff:

Deputy, you must not make a speech, you must ask a question.

Deputy J.B. Fox:

Sorry. The question, really, of the Minister is about: are we having direct communication with the Paymaster General to invite her to publicly recognise that the States of Jersey are taking their part in being responsible? Thank you, Sir.

Senator P.F.C. Ozouf:

I can confirm that there have been conversations with the U.K. Treasury and officials locally. I do not believe that the Chief Minister and I have met with our counterparts in the U.K. directly on the matter, but this Assembly can be assured that, through the proper official responsibilities of the 2

departments, that there has been regular contact. There has been an exchange of numerous letters, and I shared some of that correspondence with the Scrutiny Panel, so that they were absolutely clear of the attention that was raised. There was one letter that the Paymaster General did write to us. I agree with Deputy Fox in his conclusion in his, I think, remarks, that effectively it is the U.K. Government that set L.V.C.R. and that is a matter not for this Assembly but for the Parliament over the water.

5.1.7 Deputy G.P. Southern:

In the light of the statement made by the Minister, does the Minister welcome the opportunity, which I will discuss with my Panel tomorrow, to bring my recommendations to the House for full debate?

Senator P.F.C. Ozouf:

The Chairman of the Scrutiny Panel is entitled to do what he wishes. However, I note the report that his committee made did not have any new recommendations about a new approach. It had a number of comments about an e-commerce R: I am happy to consider that. In relation to the appeals process, clearly there was a misunderstanding about that. If he looks at the website, we have consolidated all the information about the appeals process of Reg. of Uns.; and, for the avoidance of anybody's doubt, there is a clear process of appeals through Reg. of Uns. dealing with some of the issues that Senator Perchard raised. I am happy to meet with the Scrutiny Panel if they have any advice for me in relation to dealing with what is a very difficult issue, of which there is a delicate balancing act that we must play. But I am confident that we have had good information and we have made sound decisions; and, frankly, the spectacle of last week being told on Monday that we have overreacted, and then reading the *Hansard* report saying we have not done enough, well it, effectively, I think, confirms that I am stuck between a rock and a hard place.

The Bailiff:

We come next to a statement to be made by the President of the Chairmen's Committee.

5.2 Deputy R.C. Duhamel of St. Saviour (President of the Chairmen's Committee) regarding the withdrawal of the Code of Practice for Scrutiny Panels and Public Accounts Committee (P.101/2006)

Members will have received a detailed letter setting out some of the background analysis behind the decision to withdraw P.101/2006. I do not propose to repeat the contents of the letter here now. Suffice it to say, that the issues are complex and fundamental to the governance of the Island and, as such, will need to be fully addressed by all Members of the States of Jersey. As a first step, a preliminary meeting was held yesterday with the Chief Minister and the Chairman of the Privileges and Procedures Committee to discuss the way forward. In the interim, the Scrutiny Panels and the Public Accounts Committee will follow the terms of the proposed code of practice as far as possible, except for access to legal advice. The code of practice will be brought forward for debate at the earliest opportunity once these important issues have been resolved.

5.2.1 Senator M.E. Vibert:

I have been concerned for some time that Scrutiny Panels in the Public Accounts Committee have been operating, for nearly a year now, without a code of practice. Can I ask: has consideration been given to bringing the proposed code of practice - except for the access legal advice - forward, so that at least Scrutiny would have a code of practice covering all other areas? Also, why, in the

statement that the proposed code of practice is not going to be followed in full but only as far as possible, except for access to legal advice, is this caveat being included?

Deputy R.C. Duhamel:

Consideration has been given to coming forward to this House with a revised code of practice with the legal advice left out. That consideration of that way forward will be undertaken at the next Chairmen's Committee Panel meeting again. It was felt at the time that - because legal advice was of such importance to the consideration and the workings of the Chairmen's Committee, and indeed the other Scrutiny Panels - that a complete code was the way forward. This was the basis on which negotiations have been maintained from January with the Council of Ministers, of which the Minister for Education is a member. We have also considered whether or not an interim way forward might be to release the code in an RC form, as an interim measure. But, as I say, it will be further considered at the next Chairmen's Committee meeting. The second point has escaped my memory, sorry, Sir.

Senator M.E. Vibert:

The second point, Sir, was that why it was felt needed to have the caveat: The proposed code would be followed as far as possible, except for access legal file advice. Why would it not be followed in full, except for access to legal advice?

Deputy R.C. Duhamel:

I think that is just a terminology, and a phrasing, and it is down to the English. When it was written that way, it is obviously the intention to follow it to the letter, as far as possible, but with the exception for access to legal advice. Clearly, it cannot be followed fully because there is an exception to the legal advice part. That is the nature with which that sentence was written. It does not intend to mean that the Chairmen's Committee, and indeed the Scrutiny Panels, will make exemptions on an ad-hoc basis. Clearly, that would be unsatisfactory and indeed it was the intention of the Chairman's Committee, and all the Scrutiny Panel Chairs, to propose the code of practice, which has gone through substantial discussions and been put forward in an agreed form to all.

The Bailiff:

Then we come next to a statement to be made by the Assistant Minister for Economic Development.

5.3 Deputy A.J.H. Maclean of St. Helier (Assistant Minister for Economic Development) regarding the future strategy for Jersey Airport

Members will find on their desks a document titled: "Future Directions 2006-2011". This document represents a broad future strategy that will form the basis for the long-term sustainable future for Jersey Airport. It is the result of months of work by management and staff, in the form of the Future Directions Working Group, and external aviation consultants. It has been a fully inclusive and informed process, including the relevant unions. It has been a highly critical review, concentrating on what the airport does, how it does it, and, most importantly, justifying why. I have joined several discussions with the Future Directions Working Group, a group that was formed at the suggestion of the Airport Director, and drawn from representatives of each department of the organisation. These discussions have been invaluable in understanding staff concerns and identifying opportunities. This group has made an important contribution to this strategy document. The aviation world has been changing rapidly in recent years, driven by the

explosive growth of low-cost airlines. It is clear that the airport, its operation, and, significantly, its strategic role within the broader Island economy, needs a radical overhaul. The business is heavily reliant on just one income source, which is a high-risk strategy in itself. Aeronautical charges account for 80 per cent of income, at a time when the airline industry is forcing competing airports to reduce charges to maintain and attract their business. The latest capital investment forecast for 2025 totals £101 million. Parts of this program, however, need to be accelerated for optimum safety and to meet changing compliance requirements. This will require a capital investment over the next 3 years of £58 million. With a forecast trading fund of £26 million by the end of 2006, loans will be required to finance most of this essential capital expenditure. Combined with these inescapable facts, the airport has a high operating cost in comparison to most other airports. We are not in a position to continue as we are. Independent financial analysis clearly indicates that if we do so, it would lead to the airport's insolvency by 2009. This is a harsh reality and the remedies will not be easy, especially for the very loyal and dedicated staff at the airport. The facts are: we need to reduce our operating expenses. This will involve reducing staff numbers. We need to increase passenger traffic by a minimum of one per cent per annum, which equates to 15,000 per annum in numerical terms. We need to rebalance our revenue streams by increasing commercial revenues while reducing market-sensitive aeronautical charges. We need to master plan the airport estate - the land surrounding the airport - to identify commercial development opportunities such as potentially lucrative hangarage. To put into clear perspective, we need to reduce costs by between £1.6 million and £2 million over the next 5 years. These are principally operational and staff cost efficiencies. I must stress that staff reductions will be achieved through a combination of natural wastage, voluntary redundancy, voluntary early redundancy, and redeployment. This will be a voluntary process that will follow standard States H.R. policy. But this strategy is not just about cost reduction, it is a co-ordinated package of measures. New revenue streams and revenue generation are as equally important as cost reductions, because fixed costs are finite. The vitally important area of revenue generation, in the context of Jersey Airport, is all about challenging traditional thinking and developing a pro-active, fully focussed, commercial mind-set. The current organisation has evolved over time, and has many characteristics typical of a public sector organisation with technical and operational focus. The organisation is structured by function and not by revenue or value generation. A new organisational structure is being introduced to address these issues and drive customer-focussed efficiency. The strategy includes modest, prudent but achievable passenger growth targets of one per cent per annum. This will be achieved by working in partnership with airlines, tourism, the Economic Development Department, and industry. The strategy represents a significant departure from the past, and will include a range of innovative incentives to airlines to encourage them to maintain existing routes and to introduce new ones. Incentives will be largely performance-related, rewarding airlines for the delivery of additional passengers over agreed minimum or benchmarked levels. New route development incentives will be flexible and include reduced aeronautical charges, marketing support, payments for the delivery of inbound passengers that offer definable economic benefit to the visitor economy. This new and flexible approach is a radical change for Jersey Airport, and recognises that it is no longer operating in isolation but is an integral part of the Economic Development Department. Moreover, it has a vital role to play in the social and economic success of the Island. In addition to maintaining existing routes and new route development, especially into Europe, we will be actively developing commercial revenues. This will include a significantly enlarged airside retail offering. It is essential that part of this retail offering include arrivals duty free. One significant conclusion, however, that has come out of this review to date is that the airport is not fit to be considered, at this time, for incorporation. I have therefore stated to staff that incorporation is not on the agenda during this political cycle. This strategy statement provides the framework for the future direction of Jersey Airport. It will evolve, and is very much a work-in-progress document. There is a great deal more to be done to reach the implementation and delivery. It has been a challenging and difficult period for all staff at the airport. The prospect of change is never easy. But I have been very impressed by the way in which the majority have embraced this very necessary process; in

particular, the professional and dedicated way that they go about their jobs. I am confident that Jersey Airport will have a strong and successful future as a fully integrated contributor to the future economic success of the Island. Thank you, Sir.

5.3.2 Deputy C.J. Scott Warren of St. Saviour:

While I welcome, in the Assistant Minister's speech, the proposed new route development incentives, does the Assistant Minister agree that, at present, we are worse off than at the end of the last century regarding air links that have been lost in the last 2 years to nearby destinations in France, and that this is completely at odds with this lack of provision with growing economic links with France?

Deputy A.J.H. Maclean:

Yes, I do; I fully agree with the Deputy. We are worse off in terms of our communication links and I think that is a reason why, in my presentation, I made a comment about flexibility. To date, incentives that have been offered by the airport, first of all, have not been flexible in any shape or form. They have been strictly limited. On that basis we have not been able to engage fully in the way in which we needed to do to secure and maintain the routes that we had at that particular time, or certainly in recent years. That is a policy change. We are now going to be engaging fully with our partners, the airlines. Also, the major and significant change since the advent of Ministerial government is the fact that the airport is now part of Economic Development. We are operating in a far more joined-up and co-ordinated fashion, and on that basis, a great deal more flexibility is available. So, I think, looking to the future, we should have a degree of optimism in terms of developing or sustaining our existing routes, and, indeed, developing new routes, especially targeted towards Europe, which we believe is a market that has a significant amount of potential.

5.3.3 Deputy K.C. Lewis:

The Assistant Minister says there will be a reduction in staff. These will principally be operational and staff cost efficiencies. How does the Assistant Minister view this, considering we have new security arrangements coming in? He also states that the airport has a high operating cost in comparison to most of its competitors. Could he outline most of these costs, please? Higher costs?

Deputy A.J.H. Maclean:

Yes, staff: security is clearly an issue and already there is included in the budget an additional £300,000 to take care of additional security restrictions that need to be implemented by the airport. It is an area, which is unfortunately likely to grow as we move into the future. Security is a significant issue. We have to make sure that we are fulfilling our obligations with regard to security, so that is a cost implication that we have to take on-board, and it will be increasing. As far as staff losses are concerned, we are looking at a saving - over a period of the 5 years - of something to the region of £1.6 million. That ties-in with the high operating costs that the Deputy asked about, and the high operating costs are largely staff-related. We have a number of areas where we are looking, and during the course of the evolution of this particular strategy document, we will be pinning down the savings that we will be implementing.

5.3.4 Deputy of St. John:

Does the Assistant Minister have the full support of the Planning Department to push forward aspects of his plans? Also, has the Experian Report on retailing been carefully considered in the department's deliberation for the providing of more income from retailing operations at the airport?

Deputy A.J.H. Maclean:

I would certainly hope, looking towards the Planning Minister who is nodding vigorously... **[Laughter]** but indeed, we do have his full support in the in-principle discussions that have occurred to date. Clearly, there is a great deal more work to be done. There is a master-planning project to be undertaken, but I think, moving sensibly forward, there is a tremendous amount of potential in that particular area. As far as the Experian Report on retailing, yes, that has been taken into consideration. There is a degree of work to be done yet on the retail side. I think it is clear, and Members will appreciate, that the airport at the moment has just one duty-free small offering on the airside, and a significant amount of retail on landside. This is completely and utterly at odds with airports around the U.K. and, indeed, around the world. The average dwell-time on the airside retail is 7 minutes at Jersey Airport. It is quite extraordinary that we manage to generate the amount of revenue we do from our duty-free with only 7 minutes average dwell-time. There is a great deal of work to be done. The barriers are due to be removed and brought back towards the information desk. This area that would be airside is a significant area and we are optimistic that it will, in fact, produce retail revenues in excess of £1 million, and that, indeed, arrivals duty-free, which we do not have at the moment, will add an additional £600,000 in revenue. Thank you.

5.3.5 Deputy G.P. Southern:

A three-fold question, if I may, starting with the simplest one. "I have therefore stated to staff that incorporation is not on the agenda during this political cycle": is he talking about strategic plan political cycle? Is he talking about 2 years to a new election? Secondly, I note that staff cost efficiencies are largely focussed upon and yet it seems to me from my impression, certainly over half term weekend, that we were working with massive queues on registration and on security, working with minimum teams as it was, these savings may be extremely difficult to achieve. There are massive delays, often with planes being delayed at the airport. Thirdly, I notice that you have been largely working through working groups; this has effectively taken the unions out of the loop and they do not feel as if they are included in the discussions and consultation. Will he assure Members that the unions will be included in the loop properly, and properly and formally consulted at every stage?

Deputy A.J.H. Maclean:

Yes, I will take those 3 questions. The political cycle: the easy question, as Deputy Southern put it. The political cycle that I was referring to was the current cycle of this political House, taking us up until the end of 2009. The question of incorporation will be looked at again after that period, which will be, I suspect, early 2009. He is absolutely right, question number 2, concerning staff costs in one respect; although there is a degree of confusion here. The delays that occur through security, we have had a tremendous increase in requirements for security. The level of security is severe at the moment. The level of checks which Members and members of the public will be well aware of, are very much more stringent now than they were. We are in a position where we have increased the budget by £300,000. When the redefining of the retail offering occurs, then the security gate will be moved back, the idea will be to increase one of the extra security gates, which will hopefully speed up the process a great deal. There is, obviously, a need for increased security in terms of numbers of personnel. That is a contract arrangement with G4S. It is nothing to do with the staff themselves. It is not a facility - security - that we operate in-house. As far as working groups are concerned: yes, a great deal of work has gone on with regard to the working groups. It is the first time, I would suspect, at the airport that staff have been fully involved in decisions that have been taken. It is a significant step forward. It is a fully inclusive process. I have been involved myself on a number of occasions, talking to staff about the strategy and what indeed is proposed. We have listened very closely to their concerns, quite rightly so. The heart of any organisation is the staff, and it is very important that their views are taken on board, and that has

certainly happened. The composition of the working groups has, in fact, included representation from the unions. There are union members from different departments throughout the airport, so I am satisfied that that has been taken into consideration. The Deputy may not be aware that Nick Corbel, of the General Workers Union, has been consulted with regard to these proposals, and indeed, he was at a meeting that we had yesterday with the Forward Directions working group, and made a small contribution at that meeting. So, I can certainly assure Members that the unions have already been included, and will continue to be included in decisions as we move forward. Thank you.

Deputy G.P. Southern:

A point of clarification: the Assistant Minister mentioned the end of 2009. The election cycle ends in 2008, the Strategic Plan ends in 2011, not 2009. Will he clarify?

Deputy A.J.H. Maclean:

I would be delighted to clarify. I think the Deputy misheard what I said. I said: "2008 is when the elections are, and in fact it would be early 2009 before I suspect that the issue of incorporation may well be looked at again."

5.3.6 Deputy P.N. Troy of St. Brelade:

In the statement, the Assistant Minister referred to this as a "strategy document" in the second paragraph. He refers to it as a "document" in the first paragraph, titled: "Future Directions", but all it is, Sir, is a PowerPoint presentation with about 20 boxes on it. This is not a report on the airport, it is just a summary of a report, Sir, and I think it is not what States Members should be receiving. This is totally inadequate for our purposes. We need to see the background information from which all of these conclusions are drawn, Sir, and I would like to ask the Assistant Minister if that could be circulated to States Members?

Deputy A.J.H. Maclean:

In fact, Sir, this document, as I stated right at the beginning, is a broad strategy. It is a foundation and a base from which we are going to work forwards. It is, in fact, work-in-progress, as I said during my presentation. There is indeed a great deal more work and consultation to occur, in terms of the implementation and delivery of the strategies. One of the input documents, that I suspect the Deputy might be referring to, is the one that was produced by the consultants, Vector, who the airport have been working with. They are aviation consultants. They are experts in this particular field. They have looked at a large area of the airport's functioning and operations and produced a report, accordingly. A précis of that particular document I would be more than happy to make available to Members, and, in fact, it is being made available to staff. Some of the staff have been working with it in any event, but it will be circulated more widely. The detailed document of the Vector report, I am afraid, is not available in its entirety because there are areas of it that contain commercial information, which is of a significantly sensitive nature, and I am sure that the Deputy and Members would appreciate that.

The Bailiff:

That, I am afraid, completes question time arising from statements.

Senator S. Syvret:

Could I, just as an observation, make the point that I am beginning to detect some elements of filibustering and time-wasting in the way some of the answers are given by Ministers and Assistant Ministers. I do think there is, perhaps, a need to require answers to be a little briefer and more focussed on the questions made. Otherwise, many valid questions put by Members do not get the opportunity to be heard.

The Bailiff:

Senator, that is a very fair point. Standing Orders require Ministers to answer each of the questions concisely and I express the hope that all Ministers will follow that injunction in future.

PUBLIC BUSINESS

6. Provision of Pedestrian Crossings (P.60.2006)

The Bailiff:

Now we come to Public Business, and the first item of Public Business is P.60/2006 - Provisions of Pedestrian Crossings, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Transport and Technical Services to provide unlit pedestrian crossings - Jersey crossings - at (a) the junction of Burrard Street and Halkett Place as shown on drawing number 206 of leaf 05A and (b) the junction of Mulcaster Street, Wharf Street and the Weighbridge as show on drawing number 2006 of leaf 05B.

6.1 The Connétable of St. Helier:

It is perhaps a bit of a shock to Members to come down from the lofty heights of talking about the fulfilment industry and airport strategy to the provision of a couple of Jersey crossings in town. As I say in my report, I regret that I feel it is necessary to use the time of the Assembly in this way, but it is something, as I have explained in my report, that I felt compelled to do. I did hear... I was not listening myself, but I did hear that one of the local media had said: "This was an exercise in points scoring" this morning and, if that was said, I must oppose it in the strongest possible terms. Anyone who knows me and my family, and knows the reasons why I initially entered the States, will know that I would certainly not be asking for pedestrian crossings to be installed in St. Helier to try to score a point against my good friend, the Minister for Transport and Technical Services. What I should probably also add before I get under way is that, at the end of the report - I think it is the penultimate paragraph - I express dark thoughts about the future of the relationship between the Minster and the Parish of St. Helier. This proposition was written quite a long time ago now, when there was quite a lot of flack flying about, not least because of the imposition of a composting site on the Parish by the States. These matters are happily well on the way to being resolved, and I hope the Minister will share a degree of optimism with me that, in many aspects, we are now working very closely. Of course, it has been seen most recently in the joint working of our 2 road gangs on the improvements that have been going on in St. Helier. So, this is not in any way point-scoring. This is a genuine belief that the needs of pedestrians, which are supported by successive strategic documents of the States, are not properly being met at the moment. I have received some feedback from some States Members who believe - because I am now chairing an urban task force with the full support of the Council of Ministers, because we are now waiting for a master plan being prepared again, funded by the Council of Ministers, and I am very grateful for that, with a lot of work being done on transport strategy, and so on, retail movement and so on - that I should be

waiting for the outcome of the master plan before bringing this kind of proposition forward. That is a cue for a little bit of foot stamping from the Senatorial benches. Yes, I just thought I would let them do that. Now, one reason why I have decided to press ahead with this proposition is because I am not that confident that, when we do receive the master plan, the particular dangers that I have highlighted in my report will be addressed by it. I do not, for one thing, think that it may get down to the level of detail that I have done here. Also, early indications are that the transport section of the master plan is looking at a new west/east route, along the very road that one of the crossings I am looking for is situated. That is Burrard Street. Now, it may be that is a draft suggestion and it is not going to see the light of day, but certainly if you were looking for a way to cut St. Helier in half, you could not do it better than increasing the traffic along Burrard Street. The northern part of St. Helier, including the town park - which we have pledged to develop - would very effectively be cut off. Members will know, I am sure, that there are currently no pedestrian facilities anywhere along Burrard Street between Bath Street and New Street, and that anyone wishing to move between those 2 parts of town, whether they are residents or visitors or people going shopping in that northern part of St. Helier, have to brave a much faster flow of traffic that has been now created as a result of traffic changes in and around St. Helier. I think most of us are very pleased with the new route that has been developed down Devonshire Place, it does not mean vehicles have to come down New Street, certainly New Street residents are having a much quieter time of it now than they used to but, clearly, that has led to an increase in traffic along this part of the road because of the changes in Union Street. As I say in my report: "Anyone who has spent any time in the café on the corner of Burrard Street and Halkett Place will see people waiting to try to cross the road". Not only is the traffic often quite high-volume, but the speeds also are such to deter people from crossing. If I may quote one paragraph from my report, on the second page: "To the lay person, it beggars belief that anybody should doubt that a town's library and bus station should not be readily accessible by pedestrians, especially the most vulnerable road users - the young and the elderly - who may also be said to be the most frequent users of these facilities. Now, I am aware, of course, that in respect of the Mulcaster Street situation, the bus station is moving in about a year's time to the Island site and it may be that, if that were to happen, then someone would come along and say: "Well, we do not need a crossing any more because the bus station has gone." Of course, the owners of the Royal Yacht Hotel, who are currently investing millions of pounds in their extension and, indeed, the Museums Service and other people who want to attract custom across the Mulcaster Street junction might well disagree and say that that junction - the crossing - should remain there. But certainly I believe, for the time being, the existence of a library across a busy road, the existence of a bus station across a busy road, really do require this kind of pedestrian facility and I cannot see any good reason for turning them down. Now, what the Technical Services Department have said to us is that, in respect of Burrard Street, they would prefer a pelican crossing when it can be afforded. I must say - I do not know if any Members have taken up my challenge to visit the location since the last meeting - the idea of putting a pelican crossing outside the café and on the other side outside the Maison de Normandie really does seem, as I say in my report, a sledgehammer to crack a nut. A pelican crossing, for those who do not know the difference, requires push-button signals on poles: that requires junction boxes. It requires the investment of about £25,000. Do they work? Well, I am going to quote once more from my report: "Pelican crossings were installed in positions such as the Burrard Street/Halkett Place junction, lead to frustration on the part of all users. Pedestrians, having pressed the button, find it unacceptable to wait the length of time deemed acceptable by traffic engineers and will try to cross the road in advance of the pedestrian phase, leaving busy motorists fuming to see the traffic lights turning red when there are no pedestrians wishing to cross the road." How often has that happened to us all, whether as pedestrians or motorists? I continue: "The next pedestrian wishing to cross the road has to wait the requisite delay before the pedestrian phase is activated, does not see why they should and so crosses early, and so on. To install a pelican crossing at either of these 2 junctions would be to use a sledgehammer to crack a nut. Not only would the equipment be aesthetically damaging to the area, but the facilities would rarely be used. What pedestrians want is for vehicular traffic to

slow down as they approach these 2 junctions, so the pedestrians arriving there are able to cross conveniently and quickly, thus minimising the delay to drivers which is created by pedestrian crossings.” They are, of course, as well, extremely expensive. Jersey crossings require a lick of white paint and should Members be concerned about the need to have lighting on the crossings, I must say I am a great fan of the crossings that have been installed on the way to the Waterfront swimming pool with the in-ground repeater lights. I do not know what they are called, when they are not accompanied by bollards, **[Interruption]** but I have already indicated to the Minister that if it helps, I believe that the Parish would be willing to contribute the funding for the in-ground repeater lights on both of these locations to make them more acceptable and to make them more easy to see by motorists, particularly if the lighting is poor. So, Sir, to sum up: I believe that my proposal falls within existing policies of the States. I believe it is a common-sense low-cost solution to a problem, which undoubtedly exists. I do not believe there are any valid objections on safety grounds and I would remind Members that driver behaviour is not a science, it is psychology; and crossings, such as the ones I am recommending, Sir, can be seen working all over the developed world. I move the proposition.

The Bailiff:

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

6.2 Deputy J.J. Huet:

I would like to explain to this Assembly how adopting the proposition of the Connétable of St. Helier is the wrong thing to do in a number of ways. Sir, I also feel that by bringing this Projet to the Assembly simply because the Constable did not get the answer he wanted from my Minister, he obviously thinks - and dare I say wasting Members’ valuable time on a minor matter - that he will get it approved by another route. Members must decide for themselves whether this is an appropriate use of States’ time. However, Sir, with respect to any Member’s right to bring forward any proposition, I shall address the issues involved. Paragraph (a) requests that the department install a Jersey crossing in Burrard Street near ‘Bean Around the World.’ This is a crossing without lights and signals, as the Connétable explained. In general, Sir, the department does not consider that there is a major problem at this junction. Despite it being a well-used crossing point - because I go past there, Sir - courteous and, on an average, polite drivers tend to allow pedestrians to cross across that slow-moving route. However, as the Minister’s comments reflect, the previous Committee considered this request, on a number of occasions, and they agreed to provide a kerb to help the pedestrians cross the road. That work has only just been recently completed, so I would ask Members to please allow the department time to assess the impact before insisting that a crossing is required. If it is proved that something else is required, an appropriate crossing - which is quite likely to be a lit one, unlike a Jersey crossing - will be provided. In fact, Sir, when the recent works were done, the opportunity was taken to provide ducts underneath, to allow electrical supply to be installed if a lit crossing is considered, and this the department quite wisely did at the same time, and this avoids, as we all well know, digging up the road once again. I ask the Assembly to please allow Transport and Technical Services to assess the need over an extended period of time, so please do not pre-empt the department’s advice as to the kind of crossing that is required. We need to assess it. Paragraph (b) requests that a Jersey crossing is based in Mulcaster Street. Once again, the previous Committee has acknowledged the need for a crossing here to help the pedestrians to get in and out of the Weighbridge area, whether that be a bus station or an open space with *al fresco* or so forth now planned, but the department has yet to identify funding. The crossing recommended by the department is a pelican crossing - controlled by the pedestrian - similar to that at the bottom of Pier Road, which we feel works well. In fact, a kerb out has already been constructed and that has had a great effect on improving the overall safety. The Connétable’s solution of a Jersey crossing would reduce this safety. It is fine in broad daylight, Sir, no problems.

Black and white stripes can be seen with no problem by the motorist, but in the dark and damp conditions this type of crossing simply does not stand out visually. Moreover, the speed of traffic in Mulcaster Street is significantly faster than that in the other areas where such crossings have been placed - and to bring it to your attention, Sir - such as Broad Street and Beresford Street but they have got additional traffic calming methods which are raised platforms and different coloured surfaces. A Jersey-style crossing is not the right solution for Mulcaster Street. From a budgetary point of view, the department, as the Connétable says, no longer has specific funds for such improvements. As and when funds become available, a controlled crossing may be installed, but I would ask Members to let the department implement what it believes to be the best solution. We do employ trained and skilled engineers in this department to work out what is the best thing. Are the States saying that they really want the Connétable and his Parish Roads Committee, who are enthusiastic but they are amateurs, they are not trained engineers... Are we going to ask them to lead traffic management decisions? Why do we bother to recruit experts? Sir, may I mention, looking at the Projet as a whole. The Connétable is assuming that these facilities that he is asking the House to approve are much more important and have a higher priority than those being requested elsewhere in the Island. The reality is that St. Helier has benefited, and is benefiting, from considerable financial support from the taxpayer, not only from the urban renewal capital funds but also now the funding of a strategic review of the whole of the town area. If this projet is approved, other Deputies and Constables, across the Island, wanting improvements on traffic facilities in their Parishes will have to wait, as resources will be diverted to do these works in St. Helier. I accept that the resources required are not substantial but the principle still holds: that the Connétable is assuming that his requests are more important than many of the other Members'. Sir, I am aware that there are requests, awaiting assessments and analysis, from nearly all our Parishes and some of these have been with the department for a long period awaiting resources. Why should the Connétable of St. Helier leap-frog these other requests? My Minister at the moment is currently setting up a new procedure for small road works - like the crossings that we are debating - and that is to be prioritised in consultation with the Comité des Connétables and maybe on 6-monthly, or an annual basis, but with them. Sir, this does seem to me to be the fairest and best way forward. Let my Minister put a mechanism in place and let the Connétable of St. Helier's road crossings requests take their priority against all of the others. Sir, to sum it up: a crossing in Burrard Street might happen if the current improvements do not have the desired effects but I would ask, please do not tie our hands to doing this. It might not be required and even if it is, it might not be a Jersey crossing. The crossing in Mulcaster Street will be the wrong thing to do to improve pedestrian safety. Let the department identify funding to do the right thing. Sir, finally, I would ask the Members in the Assembly to consider just how much of their time do they want to spend on this level of debate. Make no mistake, if Members support the Connétable of St. Helier today, they can look forward to a stream of minor propositions, all effectively appeals against a Ministerial decision and they will come from Senators, Connétables and Deputies from all around the Island. I can just see it coming. I urge Members to reject both elements of this proposition and allow our department to get on with the job properly and correctly. Thank you very much, Sir.

6.3 Deputy G.C.L. Baudains:

I have no doubt that this proposition is well-intentioned and I am sure that pedestrians would appreciate pedestrian crossings in these particular areas, Sir, but, really, I believe it is not being looked at in the round. We all know that the longer one holds up traffic the greater pollution is created, so what one should be looking for is the most efficient form of pedestrian crossing, Sir. Now, the Constable spoke of a pelican crossing being a sledgehammer to crack a nut and, rightly, he drew our attention to the misuse of traffic light crossings where people do, in fact, press the button when there are no vehicles coming, walk across and then subsequently vehicles coming down the road have to wait at the red traffic light for nobody to cross the road. That hardly benefits anybody; but there are greater problems, in my view, with the Jersey crossing, Sir, because, in fact,

had the Constable proposed traffic light crossings, I may well have supported them or certainly the Burrard Street one. One only has to observe the crossing by the markets at the end of Beresford Street, Sir, to see that Jersey crossings are inefficient. A pedestrian crosses and then another one, and then another one, and you have a car sitting there waiting for a minute maybe, maybe longer, creating unnecessary fumes and pollution for a disproportionate amount of pedestrians to cross. It seems to me that a traffic light situation allows a number of pedestrians to cross the road, then the traffic to flow, and then a number... It is inefficient for vehicles to be waiting while 2 or 3 people cross the road in a fairly long period of time, so I would not be in favour of the particular type of crossing which is being proposed, particularly, Sir, for the one proposed at Wharf Street. I do not support that because of the close proximity of the crossing by the Town Church. It does seem to me that if you have the extra delays caused by a Jersey crossing, in conjunction with a traffic light crossing - oh, it must be less than 100 yards up the road - there is a potential for causing gridlock in that area, so, regrettably, Sir, I will not be supporting this proposition.

6.4 Deputy J.B. Fox:

When I first saw the proposition, I smiled. As a Deputy, probably one of the most frequent requests you get is for speeding traffic, dangerous corners, et cetera, and remembering that the Constable - in his previous position as President of Public Services - would stand at the junction with a group of residents with the appropriate Deputy promising that the junction would be solved instantly and his senior engineer would say: "You have not got a hope in hell, we have got 22, we have got 35" - or whatever the number was - "to be done." I notice, in this case, with the comments made by T.T.S., that in fact there are 60 on the waiting list and one has to accept that Members of this House are not 53 qualified engineers and they do not know what others are on the waiting list, anyway, to know if this is an urgent one or not. I understand and sympathise with the 2 proposals that the Constable is asking for; and the request does not put a time limit, it just asks for a unit - a Jersey unit - to be provided, so that could fall into the list. I do not particularly like the Jersey crossings as often, in twilight or in bad inclement weather, they are dangerous. But I do like the thought of the ones that give access to the Waterfront, with the orange lights, and I would certainly - as a ratepayer of St. Helier - not object to such lighting; and the Constable may wish to volunteer to remove this proposition with the agreement that, in fact, he supplies the paint and the crossings to go in these 2 crossing areas to bring it forward. So I think, Sir, that the only time in my life that I am going to push an "A" button it will probably be today because I agree with him but I also agree with the department, but for differing reasons, and therefore I cannot push the "P" and I cannot push the "C". Thank you, Sir.

6.5 Deputy C.J. Scott Warren:

As a past member of the Public Services Committee and a fellow campaigner with the Connétable of St. Helier for more pedestrian crossings and road improvements, I understand fully why the Constable feels so strongly about these 2 locations that he has been driven to bring this issue to the States. I was also initiated, while on the Public Services Committee, into the strange realisation that pedestrian crossings can kill. I have reluctantly come to accept this fact, albeit seeming a contradiction in terms. Members may know that the much-requested pedestrian crossing earmarked for Longueville Road in 2003 has now become a proposed pedestrian refuge for this very same reason. Resources were always a problem on the Public Services Committee and I fully appreciate that this remains the case today. However, how much does an accident cost? Due to concern expressed to me, at the most senior Parish level, about the cost implications of the Longueville Road pedestrian refuge, I have obtained the U.K. figures available for measuring savings to be accrued from preventing accidents: June 2002. The average cost per injury accident, including an allowance for damage on accidents, is £69,480 in built-up areas and £111,790 in non-built-up areas of the U.K. The figures for built-up roads are applicable to us with speed limits on roads, other

than motorways, of 40 miles per hour or less. Fatal accidents in the U.K. cost £1,357,240. Serious accidents cost £159,880. Slight accidents cost £15,850, and I repeat that the average cost of per injury accident is £69,480. This is relevant to this debate and to understanding that it is well worth spending money to ensure maximum pedestrian safety, firstly, because all people matter - men, women and children - and also because the cost of a pedestrian facility will be far less than the cost of an accident. Turning to Burrard Street: I am pleased to read the Minister for Transport and Technical Services' comments on P.60, that this will either be a zebra crossing, with appropriate lighting, or a pelican crossing - that is a crossing with controlled or fixed lights - and I trust that a crossing will be considered beneficial. I am a bit concerned about that, having heard the Assistant Minister's comments. I was also pleased to read that a pelican crossing at Mulcaster Street has already been approved and is awaiting a funding stream. Again, if this type of crossing is really deemed necessary, I very much hope that a funding stream will be quickly found and that suitably deemed pedestrian improvements - albeit that they may not be the requested Jersey crossings - will be installed at these 2 locations. So to sum up, Sir, I share the aims of the Connétable to improve safety for pedestrians and to get more crossings in St. Helier. I am sure that the majority of States Members also share the aim to provide safe pedestrian crossing facilities in St. Helier, in the urban Parishes, and wherever else they are deemed likely to prevent accidents. Thank you, Sir.

6.6 Connétable K.P. Vibert of St. Ouen:

While I fully realise that the Connétable of St. Helier has the right to bring this proposition and, also, I recognise that he and his Roads Committee are probably best placed to identify where crossings are needed, I am afraid that, like Deputy Power of St. Brelades's proposition at the last meeting regarding trying to circumvent a planning decision, this proposition is equally flawed in trying to circumvent the way that T. and T.S. and the Minister operate. I think that all my fellow Connétables could probably say that we can identify somewhere in our Parish which equally needs a pedestrian crossing. In fact, I have an issue in St. Ouen where one was promised to us and has not materialised and I think, at the end of the day, that if I am to assure the safety of parishioners using that crossing, it may be that I might have to take it to a Parish Assembly and get the Parish to install it. So, as much as I would like to support this proposition of the Connétable of St. Helier, because I think it is brought with very much the right intentions, I am afraid I cannot do so, Sir.

6.7 Connétable T.J. du Feu of St. Peter:

This is perhaps a rather strange follow-up to the plight of St. Ouen but I part from his views, I am afraid, completely. I was not very impressed with the comment of the Assistant Minister, who suggested that all Roads Committee Members are sheer amateurs against professionals. I would like to remind the Assistant Minister that, indeed, one in our particular number of St. Peter has got among the highest ranking of road qualifications that exist and are available, and if she doubts my word, I am happy to provide her with the proof.

Deputy J.J. Huet:

Sir, I would not dream of doubting the Connétables and I would certainly never injure anybody and I am pleased that he has got a very good engineer. Maybe that is why he does not get too many problems in his Parish. **[Laughter]**

Connétable of St. Peter:

I would stress at the same time that - coupled with the expertise which we do possess - we have made some very simple improvement proposals. We have engaged in discussion with traffic officers and, indeed, with the Minister himself, only for our proposal to be refused. In effect, our proposal - which we believe is perfectly reasonable - will not be achieved in St. Peter: but, anyway,

we are here to consider the St. Helier proposals. I give notice, and absolutely no apology at all... because I quite believe the opening remarks of the Assistant Minister. We should not be discussing these matters on the floor of this Chamber. They should be dealt with swiftly and efficiently without taking up time. I am afraid - and I have not spoken to the Connétable of St. Helier, but I am sure - the reason why he has felt minded that he has to bring this forward is that he is not getting perhaps the co-operation that he might have expected from the department. I think that it is quite sad to hear that, because the previous Committee had a particular view; automatically it has to succeed and follow on to the next Committee. Well, I thought that people going into the new Ministerial system were supposed to hold very much an individual view and a refreshed opinion on the subjects, and there was certainly no exception in matters like this. But, with regard to the St. Helier proposal, it is not perhaps the absolutely perfect solution - I would not suggest that it is - but I believe that it is a reasonable solution because if you are going to put, as the proposal suggests, the Jersey crossing, it is not going to cost anything like the work requirement which a more sophisticated crossing will do. It will serve as a very good assistance and help to people of all ages and, in many cases I am sure, some that are not too clear and particularly good on their feet; and also, most importantly, the people who rely on mobility assistance. I think it is quite sad that we should have to spend time on this. But I am going to be supporting the Connétable of St. Helier, in this particular move, and give notice that, in the New Year, I hope that the festive time that we are approaching, Sir, will make one or two reflect in the department that some of our proposals are not unreasonable because I will be wasting the time again of this Assembly in the New Year with our St. Peter's proposals. But in the meantime, we are here to discuss St. Helier and I fully support St. Helier.

6.8 Deputy G.W.J. de Faye:

I am very pleased to hear that the Connétable of St. Helier has picked up that there is a thawing in relations between myself, my department, and the father of the Parish. I am sure this is down to my ability to be able to apologise on behalf of previous Environment and Planning Committees and I suspect that the Connétable is beginning to assess the error of his ways. **[Laughter]** The Connétable's report does imply that the Transport and Technical Services Department has done not very much in respect of road and pedestrian improvements in St. Helier. I really have to counter that potential implication because I am sure Members will know for themselves the significant urban improvements that have been undertaken in Broad Street and Charring Cross, York Street and Bath Street, as well as the new traffic management scheme in Devonshire Place and Union Street, all of which aim to make the town a safe place for pedestrians and, indeed, motorists. To look at the 2 particular areas in question: Burrard Street, I am sure Members will know, has only a matter of months ago had the pavement and kerbside built out in the direction of the 'Bean Around the World' premises. Now, why is this done? This is done so that people wishing to cross the road have a shorter distance to travel and, therefore, can do it more quickly and more safely. It also puts them out in front and in view of the oncoming drivers. We have heard a number of Members indicate that, in fact, drivers are courteous, conscientious and polite, particularly when the traffic is slow-moving. At difficult peak periods drivers stop and let pedestrians across. I think it is just worth reflecting for a moment about the accident record. Deputy Scott Warren made some extremely valuable points on the costs associated with accident injury and she had the figures. This is, of course, in terms of time taken up - ambulances, loss of work and so on - and that is how these figures are calculated but, yes, a potential injury accident to a pedestrian as a result of a collision with a vehicle costs £70,000 in effect and even more: over £110,000 in rural areas. But Members should really consider is either Burrard Street or Mulcaster Street what you would describe as an "accident black spot"? Because it is incumbent upon myself, and the department, to assess where the priorities lie. I can assure Members that we have a very large map of the Island where, for many years, minor injury and serious injury accidents are meticulously recorded. The department has a very clear idea of where the accident black spots are in Jersey, and the biggest area of

difficulty is, in fact, not in town, at all. It is Beaumont Hill where we have the highest figure for accidents relating to a particular road. So, yes, of course, there is a financial knock-on effect from accidents where they happen but the question is: where are the major areas of difficulty? I suggest to Members that they try and cast their minds back and remember any particular incidents they recall in Burrard Street, on this particular junction, or in Mulcaster Street. You will find that in terms of recorded injury and accident, these are not areas of major concern. They are, of course, areas of concern, as is any road, and if I had a pound for every time someone approached me and said: "Well, you realise this is an accident waiting to happen" I would substantially enhance my States Member's salary. Of course, cars are dangerous vehicles and, as long as you have cars going down roadways with the ability for people to accidentally walk in front of them, there is an accident waiting to happen. But the real question is priorities; and not just priorities but also the type of approach. Now, the department is currently assessing the Burrard Street situation which has a built-out kerb and, as my Assistant Minister made clear, the conduits have been put in place should we wish to progress to the next sensible situation which would be a pelican crossing. Now, the Connétable of St. Helier indicated that this would be "a sledgehammer to catch a nut" and, indeed, it can be irritating for motorists when mischievous young people like to press a button just to watch the traffic stop. You know, it is like pressing the front door bell and running away. There is always going to be one tempted to try that approach. But the question about why a pelican crossing, is determined on the basis that it is much safer. It is much safer because the lights change and go to red and the traffic comes to a stop, and then there is a time period for pedestrians to cross and audible signals for people who may have difficulty seeing; they can hear when the crossing way is safe to cross. Now, that is not a feature of a Jersey crossing and that is one of the reasons why the Jersey crossings, in fact, present a higher level of hazard than a pelican crossing, where traffic lights are installed and the traffic is physically stopped in the street to allow people to cross safely. Now, as my Assistant Minister has indicated, that is currently under consideration, but at this point in time the department does not feel it is a priority in order to put into the current round of small roadworkings. I turn to Mulcaster Street, which I will not dwell on for long because the previous Committee has agreed this. In response to the Constable of St. Peter who, I think, made a very perspicacious point and said: "Well, you know, I thought the idea of having Ministerial government was that we could have a fresh approach, new ideas." Well, I am again - rather like my colleague, the Minister for Economic Development - caught between a rock and a hard place. Because to what extent should I honour promises made by previous Committees which, frankly, if they were contracts, you would be expected to honour and there is a whole other series of policy commitments we are expected to honour. Perhaps do I just ignore that and start from a blank sheet of paper? It would probably be a very refreshing approach but, on the other hand, it does seem that both the Connétable of St. Helier and the Connétable of St. Peter do not particularly like my refreshing new approach, so I am rather caught out on both sides. Indeed, I do have a problem with my list of over 60 requests for roadworks around the Island, that is that some of them were put forward by Members of the States who are no longer with us. Does that mean that what may have been potentially quite a bright idea for a pedestrian or road improvement, of some sort, should simply be ditched? Not necessarily. So the list still exists and I am very pleased to say that the department is now making some very serious headway with the Comité des Connétables to allow the Connétables themselves to review our list of roadworks and attach some serious priorities to it. I regret to say, that that will mean that the Connétable of St. Helier will be obliged... and both these schemes - Burrard Street and Mulcaster Street - are on the list that will go to the Comité des Connétables. But I think the Constable of St. Helier will find himself obliged to justify his ground pretty seriously because he will be one vote against 11 there, and he will be having to explain why he does not want to pay any of his rates money on roads improvements and it takes me to the key point: this is a funding issue. We are not here debating about why the Minister does not want to do this. The Minister would be delighted to install a pelican crossing. I would be delighted to put in another pelican crossing at Mulcaster Street. I do not have the funding and there are other things that have been determined by my departmental officers to be more important and, therefore, I

simply put to the House that we are looking here at a question of prioritising. My Assistant Minister was quite right in saying that the effect of supporting this particular proposition would not only be opening this House up to all sorts of other appeals from various quarters for what is: essentially, some pretty serious micro-management. I wonder whether Members really want to spend this amount of time micro-managing issues within departments; from department to department. But it boils down to: how should we approach these processes sensibly?

The Bailiff:

Minister, I am sorry to interrupt you but it is...

Deputy G.W.J. de Faye:

Sorry, is it lunch, Sir?

The Bailiff:

It is lunchtime [**Laughter**] and I would not wish to deprive you of any of your period of the luncheon adjournment but, seriously, Minister, do you wish to continue or are you shortly to meet your conclusion in your speech or do you want to ...?

Deputy G.W.J. de Faye:

I am most grateful to you for reminding me of the time. It would be indeed extraordinary for me to miss lunch [**Laughter**] and on that basis I am happy to wind up my comments in hopefully less than 30 seconds. How much does this House wish to micromanage? Is this House - and I would advise strongly - happy with the new procedure I intend to put in place where all the Connétables determine priorities on road works for their own individual Parishes. I believe that we have a way forward here. I regret that the way forward is not to support this particular proposition; that is unless of course Members wish to debate this sort of thing on various topics of micro-management *ad nauseam* for time immemorial to look forward to. Sir, I urge the House to, once they return from lunch, reject this proposition.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Would you like to move the adjournment, Minister?

Deputy G.W.J. de Faye:

Yes, I will be delighted to move the adjournment, Sir.

The Bailiff:

It is proposed that the Assembly adjourn; reconvene at 2.15 p.m.

LUNCHTIME ADJOURNMENT

PUBLIC BUSINESS (continued)

6. Provision of Pedestrian Crossings (P.60.2006) (continued)

The Greffier of the States (in the Chair):

The debate resumes on the proposition of the Connétable of St. Helier. Does any other Member wish to speak? Senator Routier.

6.9 Senator P.F. Routier:

Very briefly, Sir; as a resident of St. Helier and a supporter of the Constable's aims to ensure that the residents and the visitors to St. Helier have a safe journey through the town without getting knocked over, I want to assure the Constable certainly I want to support his efforts in achieving that. I have taken up his challenge of visiting both the sites where the pedestrian crossings are being proposed and I do recognise that both those areas do need some improvement. How we achieve that is to be decided in another way perhaps. The Constable, in his opening remarks, did say that he would consider using Parish funds to help achieve the aim. He does like the lights, which are down on the Waterfront and if it meant that the Parish was in a position to help to contribute to ensuring that pedestrian safety was improved in those areas that could be an option. Then, when we heard the Minister for Transport and Technical Services speak, he did say there did not seem to be any disagreements that the improvements should be made in the area but it is really the lack of money that is the problem. Putting those 2 comments together I did wonder whether the Constable would be prepared to take his offer even just a stage further to enable what is being recommended by the engineers within the Transport and Technical Services Department to help produce a scheme which is perhaps suitable both to the Transport and Technical Services requirements of safety and also to achieve the Constable's desire to improve the areas which people need assistance in crossing the road. Members will see from the report which is attached to the proposition, that I was one of the people who did suggest to the Constable that some improvement was required in Mulcaster Street because I had had an approach from somebody who was using that area on a very regular basis - somebody with learning disabilities who had been crossing that road - and I felt there was a need for some improvements to be made there. That situation has changed now because the people who were using that with learning disabilities now follow a different route on their way to work. So that has since fallen by the wayside as far as that need is concerned but, as I say, both those areas do need improvement and I want to support my Constable in doing that. I would add that one of the most regular requests I get from various residents is to have an overall reduction in speed limit across St. Helier. That is something which I think a lot of people feel would help improve pedestrian safety within the town and if that could be achieved - a 20 miles per hour limit within St. Helier - that would be, I believe, a great improvement and perhaps result in less of a requirement for pedestrian crossings. If we could reduce the general speed with traffic within St. Helier I think that would be a great step forward. In saying all that, with regard to the Constable's proposition today and trying to circumvent the processes which the Transport and Technical Services Department have in place with allocating their limited resources, I am unable to support the Constable in achieving it in that way. But I would reiterate the option that I did mention earlier, which was that the Constable would be prepared to use the Parish funds to achieve what the Transport and Technical Services Department were saying that they would like. So, with those comments in mind, I support the Parish in trying to improve things in St. Helier for pedestrians. There is a way forward and I would recommend that both parties get together and achieve what they both want.

6.10 Deputy of St. John:

I have some sympathy for the Connétable's plight but I also acknowledge Deputy Huet's comments to the effect that most Parishes have at least one request for road improvements, if not many more. I am a little concerned, however, as to the time that some of this process takes. I accept fully that requests for investigations must be prioritised but in some cases we are looking at matters of public safety which should be acted upon as soon as possible. Sir, I began similar discussions with Transport and Technical Services in respect of St. John in January of this year. It is now November

and St. John is still no further forward. We were hearing from T.T.S. their comments as to how we can progress some issues we have with traffic in St. John's. They have said today that they need to employ external consultants to examine the whole issue of traffic. I thought we had traffic engineers that were more than capable of evaluating something as simple as a request for a crossing between the school, Parish Hall and the rest of the village. Some of this, perhaps, smacks of Sir Humphrey. Here I am not referring to my past career as Humphrey the Lion but just to highlight this; the House may be interested by one particular communication that I received back in June from Transport and Technical Services, which we published in our Parish magazine to make our parishioners understand why we were where we are. It comes like this, Sir: "I appreciate your frustration with how long what seems like the simplest issue can take to resolve but sometimes what appears simple to a member of the public can be quite a complex issue. Please be assured that we are looking at how best to progress just these kinds of schemes but there is no doubt that we will not be able to do everything that everybody wants and must therefore prioritise those that will give the greatest benefit to most people." I have had a number of other emails since, Sir, that express similar sentiment, but another one, which I have also received, Sir, is about part-time speed limits around schools and crossings.

The Greffier of the States (in the Chair):

I am not sure we want to go down to part-time speed...

Deputy of St. John:

I just wanted to highlight the issue, Sir, concerning pedestrian crossings. This is what it refers to, and this is a matter which I know is a concern to some people in this particular instance, and that is joined-up government and joined-up thinking. We had a conversation with T.T.S. about a crossing by the Parish Hall connecting the school to the rest of the village, and T.T.S. and E.S.C. (Education, Sport and Culture) have decided that there should be some speed limits around the schools and a crossing perhaps as well. A note here again from T.T.S. says that they were much in favour of the proposal at St. John and it is on the preliminary priority lists of 8 schools prepared by E.S.C. However, this still requires assessment and design and would have to fit available budgets. It is incorporated into the transport strategy and we want to progress this, given this is very much a safety issue. Sir, that was back in May and we are now in November and we have still had no progress. So, in defence of the Minister for Transport and Technical Services, I have been very encouraged by the fact that he always has a listening ear: he has always returned my phone calls and my emails. I am, however, concerned with the bureaucracy, which appears to exist in his department, which seems to be stifling creative ideas in respect of traffic management and I think really that is what the Connétable is getting at. Consequently I find myself supporting the Connétable's proposition and hope that even with the limited resources of Transport and Technical Services that they do not have to face a similar projet from myself in the near future. Thank you, Sir.

6.11 Senator S. Syvret:

I will be supporting the Constable of St. Helier in this debate, although my Ministerial colleagues will be pleased to hear that I am not going to be attacking them specifically for their resistance on this proposition and clearly some of them have been upset by my recent comments, so I promise not to adopt the same style again for the period of this debate. **[Laughter]** Sir, it is people not cars that we should be prioritising in St. Helier. St. Helier is where most of the Island's population live in a concentrated area. Also, many people come and work there. One of these crossings is near the library where people have to try and access across that road regularly - young people, children, elderly people - and it really is high time we started to face the fact that especially in a highly physically limited environment such as Jersey we cannot carry on pandering always to the whims

and wishes and demands of the motorcar and the motorist. The issue of a speed limit within the ring road was mentioned a little earlier and certainly that is something I support. Nevertheless, it has usually been howled-down and dismissed with derision by people in the past, but again the fact is - and the scientific evidence is - that the survivability of impact between pedestrians and cars is massively increased the lower the speed. The higher the speed the greater the likelihood of people suffering catastrophic injuries and death and therefore a speed limit of 20 miles per hour instead of 30 is, in fact, highly justifiable on the basis of the scientific evidence. So it really is high time that we started accepting that the town - the centre of town within the ring road - really ought to predominantly be an environment of the pedestrian rather than the motorcar. I also find it quite depressing that we can still be considering even not prioritising much more strongly the needs of pedestrians when we know of the environmental situation that we all face. All of us in Jersey - and I include myself in this criticism - are far too profligate in our use of the car. It is clear from the overwhelming majority of scientific evidence that is before us now, and carries on being produced, that the planet is facing a catastrophic issue in respect of climate change and we, although only a small jurisdiction, must surely by any ethical or moral standard be obliged to try and play our part in that. In a small island like Jersey we must be able, surely, to provide better means of people getting around rather than being able to drive in their car every which way they wish. Also, we have just seen in this past week, the publication of the *Stern Report*, which deals with the economic impacts of global climate change and perhaps if certainly some Members were not persuaded previously of the importance of addressing environmental degradation, here we have a report that comes at it very much from the economic angle. So perhaps that might start to ring a couple of alarm bells with some of our Members. We also need to get away from the car not only for environmental reasons but because we are going to have no choice within 20 years, and the sooner we wean ourselves off of the habit and decide we have got to accommodate people more than vehicles, the better. Some time between the year 2000 and 2010 the planet is going to hit peak oil production. Thereinafter we will have a plateau and then it will begin to decline and what this means is not the end of oil but it means the end of cheap oil, especially when you consider the burgeoning demand of economies such as China and India. Cheap motoring of the kind we have grown used to will be a thing of the past; it will be an historical artefact within 20 years. **[Interruption]** Yes, Sir, and I am defining all of the reasons why we need to start accommodating people more than cars. Peak oil is going to happen and if we are not prepared to deal with it when it arrives then the pain and the difficulty of dealing with it when the situation is thrust upon us will be that much worse. Frankly, it is quite extraordinary that in this year, 2006, we can seriously be contemplating spending millions of millions of pounds on creating new roads across St. Helier and building yet even more car parks. It is absolute madness and I will certainly...

Deputy G.W.J. de Faye:

Point of order, Sir, we have not created any new roads; we are merely resurfacing them.

Senator S. Syvret:

Again I am afraid the Deputy just does not listen to what is being said. I did not say: "We had", I said: "We were planning to" and if you bothered to read the *EDAW Report* or the work that they produced thus far, he would be well aware of that fact. The idea of creating new roads through the town and creating new multi-storey car parks is utter madness under the current circumstances that the world faces. I will certainly be supporting the Constable of St. Helier as I will be supporting, as a matter of principle, any other measures that improve the rights of pedestrians and move away from our profligate use of the car.

6.12 Deputy D.W. Mezbourian:

In his opening comments and in his written report the Constable has provided us with detailed information on the background to his proposition today and his regret at the necessity for it. I think we all share that regret. However, we have learned of his efforts since 1997 to improve the lot of pedestrians in these areas. Importantly, we have been reminded of the support for the improvement of pedestrian facilities, support expressed in the number of strategic reports, including *2000 and Beyond, the Sustainable Transport Policy*; the tourism strategy and the new Island Plan. Who in this House can fail to remember the problems faced by pedestrians in both King and Queen Streets before the introduction of the pedestrian precinct? Nothing as radical is being proposed today, merely the provision of unlit pedestrian or Jersey crossings at the junction of Burrard Street and Halkett Place and at the junction of Mulcaster Street, Wharf Street and the Weighbridge. We all know the importance of these areas. At Burrard Street we may cross to, among other important facilities, the library; and at Mulcaster Street, to the museum. There is no denying that these are busy roads and the Constable has clearly conveyed to us what we must assume is the preferred traffic strategy of Transport and Technical Services for these areas. The bunching of vehicles and the requirement of the pedestrian to judge when it is safe to cross between them; how can it be right for us to expect pedestrians to risk crossing between moving traffic in order to reach important public facilities. It is not right. As pedestrians, many of us will have experienced the problems of crossing at these junctions. The considerate drivers among us in the House - and I am sure there are many - will reduce speed to allow pedestrians to cross there. Others will not. The simple provision of the crossings proposed by the Constable will enable us all to cross in safer conditions than we now do. Our excellent public library, highly recommended to us all in the recent G.S.T. exemptions debate, is open for 48 hours a week and in 2005 it is estimated that the number of visitors of all ages was over 386,000 - an average of 155 an hour. Figures I have obtained recently from the Chief Librarian show that it is estimated that on average 450 people under the age of 16 visit on a weekly basis. This figure, though, fluctuates considerably with group visits of children from playgroups and nurseries and children attending story time, summer reading challenge and other activities. According to the Jersey Annual Social Survey conducted in 2005, 45 per cent of all adults surveyed had used the town library in the last year and 24 per cent used it on a monthly basis. Although not all visitors would cross at the Halkett Place junction, undoubtedly many will. Consider this: while we provide the services of a mobile library for those who are unable to visit the town library, many of us who do visit the town establishment experience difficulties crossing to it at the Halkett Place junction. The library itself has access for the less able bodied and for the visually impaired and yet we put constraints on them in reaching the building itself. G.S.T. will be added shortly to books and newspapers yet we prevent the public from reaching the library with any ease. I urge the Minister for Education, Sport and Culture and his 2 Assistant Ministers to vote in favour of the proposition. How can they not support it; it would provide for safe access to the cultural facilities of the library and the museum. We have heard that the Minister for Transport and Technical Services does not favour the provision of Jersey crossings as proposed by the Constable. By supporting this proposition a clear message will be sent to the Minister that we want these issues resolved before the areas become accident black spots. On the principle that the Constable is seeking to provide safe crossing for pedestrians at these junctions I will be supporting the proposition and I urge others to do the same.

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

I have a lot of sympathy for some of the arguments put forward by the Minister for Transport and Technical Services. However, the difficulty I do have with part of the argument going on this debate is the argument that we are not qualified to challenge the views of qualified engineers because if you do apply that argument across the board, well, what are we all qualified to challenge at any time, in which case what is the point of having debates in this House at all? That could be an advantage on the other hand, some people might feel. I do have a fear that we are continuously presented with arguments that health and safety concerns are such that they mean that we are never

going to do anything at all and we also seem to continuously choose the most expensive option and do not necessarily seem to hold pedestrians to account for their own actions from time to time. In other words we seem to try and mollicoddle them along and assume that we have to expect them not to think at all themselves, especially when they are crossing the road. We know that budgets are tight and I think we need to start taking this on board and a pedestrian crossing is £5,000 and a pelican crossing is between £15,000 and £25,000. You add that to however many numbers of crossings a year; that is a reasonable sum of money. It does not apply in all the circumstances, as we have heard. If the dates are correct in the proposition then this has been going on for something like 9 years, although I have also heard very recently that it might be a considerably shorter time than that. So, it depends; if that is the case that does seem rather a long time to try and resolve this matter. So, anyway, I do support the Connétable of St. Helier on this proposition. Certainly, the crossing at Burrard Street will be well used. It is in a very well-lit area, with traffic being relatively slow moving in that vicinity. So, speaking as a layman, it seems a perfect place for a Jersey crossing, which is a relatively cheap option and will facilitate pedestrian movement across a busy road. I am fractionally more reserved over the different benefits and risks of a Jersey crossing versus a pelican crossing in Mulcaster Street but again on balance I will lean towards a Jersey crossing. Perhaps it is the flashing studs that seem to be quite successful outside of the Waterfront. I think the Connétable has outlined his points quite clearly in his report and it will be a great relief to Members to say that I am not going to add to them any further. I am not going to particularly refer to the Minister's comments although I do fully commend him for what seemed to be a very sensible suggestion where works requested by Parishes are prioritised by the Comité des Connétables and on that, Sir, I support the proposition.

6.14 Senator T.A. Le Sueur:

I have not counted but I suspect there are probably something like 10,000 places where you are in danger when you cross the road, to varying degrees, and the Transport Minister has identified at least 60 of those and yet here we are, because someone has come up with 2 he thinks - in his judgment have got higher priority than the other 58 - are the ones we should immediately go for. It does strike me as not government by commonsense but by government of first in the queue and that does not strike me as being good government. Surely we have a system where, if there are these conflicting and competing demands for resources which are not inexhaustible, we apply them where they are best needed and that judgment should not be made by Members of this House on the hoof this afternoon on the basis of a few bright ideas and bright suggestions, but in the cold light of day by comparing one need with another and one risk with another, and that we are singularly failing to do here. We are simply saying: "Well, this looks a good place to put a crossing, let us put one." Sir, that is not the point of good government. I accept that in a Ministerial system where we make strategic decisions to say: "That is the big plan: what else is there to debate" and we start debating the minutiae. If we have to splash round for the minutiae of which of 60 pedestrian crossings we should debate and implement in this House then it is a sad use of Member's time. I think the answer to this one, Sir, is that there is a procedure set up with a Committee of Constables to look at all these demands and to deliver which ones are in the best interests of the Island overall and on that basis, Sir, this proposition is at best frivolous, at worst vexatious. It should be resisted.

Deputy of St. Mary:

Very briefly, like a lot of other Members, it seems to me that this is not really a matter we should be debating in the House at this time. But I would like to say that if it were not for the fact that there is no sustainable traffic and transport action plan on the table for consideration, it probably would not have been brought; whereas we are told that that new document will contain a mechanism for prioritising such schemes as this, and so I think we can all look forward to a time when we have that to consider. Therefore, I urge Members not to give the Minister for Transport and Technical

Services any excuse to divert his officers away from the task of preparing that document. Do not forget that that strategy is vital not just for prioritising pedestrian crossings but also for dealing with matters of pollution; for sustainable transport; for public transport. We need that document. We need it urgently. Please do not allow his officers to be distracted from producing that document, Sir.

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

Quite a few Members here cycle to the States. I myself walk and I know a few others walk, and the Minister for Transport and Technical Services I know catches the bus. Unfortunately we cannot un-invent the car. We are stuck with it. We must keep traffic moving. I would like to see more safety provisions in town if we can keep the traffic moving further along whenever possible. However, I do not believe we should interfere with Transport and Technical Services on this one. As has been insinuated before, possibly Roads Committees may be amateurs, but I think we are more so in comparison and unfortunately I will not be supporting this. Thank you, Sir.

6.16 Deputy of Grouville:

I have got every sympathy with the Constable's frustration having to bring this forward, and I am sure he would have preferred not to have taken up the time of the Assembly in this way and for it to have received the adequate and serious attention it deserves. I have sympathy because since the speed limit proposition was debated by this Assembly and approved a couple of years ago not much - and certainly not in my Parish - has been done to adopt some of the recommendations that were approved in that and certainly roads that should have speed restrictions on them have not. Excuses have been used by the Transport and Technical Services Ministry - including costs - as to why this cannot take place and yet when we look at the recent road changes, for example, on the Esplanade and Victoria Avenue - I am not a traffic engineer - I have to question what good that has done, let alone the price it has cost. It is a desperate measure to have to bring to this Assembly what might seem by many as a minor proposition, but it is apparent that this is what is required in order for it to receive adequate attention. Mine is not hollow sympathy and I shall be supporting the proposition.

The Greffier of the States (in the Chair):

I will call on the Connétable to reply.

6.17 The Connétable of St. Helier:

I thank Members for their support and indeed I thank all Members who have spoken, particularly the Deputy of St. John, Senator Syvret, and Deputy Mezbourian for the research she has obviously done into how important the library is. I must say I wondered whether Senator Le Sueur was in the Chamber when the Deputy was speaking about the library's importance because Senator Le Sueur referred to this being "a few bright ideas". Is the Senator telling us that access to the Central Library, Wesley Grove, the Mechanics Institute, the bus station, the museum, do not constitute major walking routes and amount to a few bright ideas? I want to tackle, I think, a fundamental misunderstanding which certainly the Minister is under and I think a few other Members are as well. My proposition is not about priorities. It is not about resources, and that is indeed how the Minister tried to play it and indeed the Assistant Minister tried to play the card, and you could see an attempt to divide the Constables. We are very difficult to divide, as Members know. I mean, look how we behaved on the Weakest Link. There was not any voting of other Constables off, was there? We are a solid bunch and the Assistant Minister tried to divide us. It was very clever. She said: "Well, if you support the Constable, your schemes are going to fall back down the priority list." Very clever, but I am afraid I can trump that card because my proposition, as Deputy Le

Fondré rightly recognised, is about a cheap, commonsense solution whereas T.T.S. want to spend a lot of money on a high tech way of getting across Burrard Street and Mulcaster Street. This is not about resources. It is not about priorities. These 2 crossings, to the library and the bus station, can be in place by Christmas if the Minister gives the go ahead, and the pledge I make to the House today is that the expense can all be met by the Parish. We are not talking about a lot of money. We are talking about a lick of paint. We are probably talking about a certain amount of tarmac, because as Members will know the Jersey crossing in Beresford Street is accompanied by a raised surface to assist people, to assist drivers in recognising it, and we may be talking about in-ground repeater lights as well. Now, I am prepared to put that on the table. What I need from the Minister is the go ahead to put in the pedestrian facilities and I am quite happy for my officers to work with his, in the spirit of partnership that we have seen already in Conway Street and Broad Street, to make sure that the facilities that go in place following his decision are safe and are perfectly adequate and fit for purpose and so on. What I am not prepared to do is to accept his argument that to get across a busy town centre street we need to throw £25,000 and a pelican crossing at the problem. I do not believe, fundamentally, and for me it is a matter of ideology - to use a word that is quite in favour these days - I do not believe it is appropriate with a single line of traffic such as we have in Burrard Street and Mulcaster Street, to ask the pedestrian to press a button and wait for the delay. Indeed it was quite interesting when the Minister was speaking about pelican crossings, he was talking about mischievous children pressing the button and making the motorist wait. Now, if you had been listening to my quotation from the proposition, the problem with the pelican crossing is not mischievous children, it is that when you get to it as a pedestrian you cross the road if you can, unless like, I think, Deputy Baudains was suggesting, you should be more disciplined and wait until the lights change even if there is no traffic. You cross the road when you can and unfortunately because of the way they are built it very often happens that the lights will go red, allowing you to cross long after you have disappeared down Halkett Place, leaving the poor motorist fuming - quite rightly so - that their progress has been held up by the red light. It is not appropriate - in my humble opinion - and I think Deputy Le Fondré is right; if we leave it all to the experts we will have pedestrian crossings right across St. Helier, even in the most inappropriate locations. So I strongly disagree that it is a matter of priorities. It is a matter of this House deciding: "Do we want better pedestrian facilities on the way to major facilities for the public?" I am certainly going to be asking for the vote on both of the 2 junctions because I do, as I say, Sir, believe they are very important. Deputy Fox supported the proposition. He was concerned about the unlit aspect of it, and the terminology of the proposition was in some way wished upon me. A Jersey crossing is unlit because there are no beacons provided. What it does not do is prevent either in-ground lighting being provided, should the authorities wish to provide it. That has happened, of course, on the way to the Waterfront and it does not prevent Belisha beacons or other lighting being provided on top of it; and if Members want a good example of where this happened, the Jersey crossing in Devonshire Place, which is well used - and now of course the traffic is going the other way, between the old Aquila site - that Jersey crossing existed for years without lights, it now has beacons provided. Certainly, my proposition, if approved, does not prevent, as I say, the Parish working with the Minister's officers to provide a solution, which has enough lighting to create safety. Senator Routier called for an overall reduction of speed limits in town. That, of course, is part of the 1999 Sustainable Transport policy. It is in there. It has not happened yet; perhaps it should. I would like to pick the Deputy of St. Mary up on her comments that we should vote against this because we need a sustainable transport policy. There is a sustainable transport policy in place and if Members will bear with me, I am just going to read a section of it to them. This was adopted by the States in 1999: "The Committee recognises that the Island's urban areas were not planned with large volumes of traffic in mind. For most of this century [and of course that is now the last century] the needs of pedestrians have come second to the needs of motorists, so that walking in many urban areas is difficult, unpleasant or dangerous, especially for children, the disabled and the elderly. As motor traffic has increased in speed and volume, so pedestrians have become confined to narrow pavements and marooned at junctions where there is inadequate

provision for crossing. In the town centre and on major walking routes this has led to a topsy-turvy situation where a majority - walkers - have less space in the highway and less priority at junctions than the minority of motorists. The Committee believes that it is important for everyone to remember that as soon as a car driver parks his vehicle he becomes a pedestrian. The Committee aims to address this balance by identifying major walking routes and promoting better facilities. These improvements should include [and the first bullet point] pedestrian priority junctions along principal pedestrian routes.” I ask Members whether the 2 that I have highlighted are not principal pedestrian routes. Paragraph 6.1.4 of the Transport Strategy says: “These networks of pedestrian routes will be created in all areas of the Island, especially in urban areas, to encourage people to walk to work, to the shops, to school. They will be integrated to link housing developments, bus stops, car parks, shops, public facilities such as halls, libraries and churches. The Committee will investigate the feasibility of providing more of the inexpensive Jersey crossings at frequent intervals in one-way streets.” I would submit that the existing Transport Policy is firmly behind the proposition that I have put forward today. Before summing up, Sir, I am going to tackle Deputy de Faye head-on over his persistent snide remarks that he makes to me in debates. I apologise for troubling the States with this but almost every time he speaks to me or through the Chair about my Presidency of the Public Services Committee, he makes some reference to errors or he says it is ironic that I am criticising him, and so on. What I would say is that my Committee fought and won a battle for the approval of the bus strategy. The Connex contract was not negotiated on my watch and I think if the Deputy has criticisms of my presidency he should put up or shut up, particularly I think given that the bus strategy that he is currently implementing is the one that was approved as a result of my Committee’s work. Now, I want to finish, Sir, in concluding by offering the following guarantees to States’ Members if they support these propositions. First of all, as I say, the Parish staff will work in partnership with the Minister’s staff to provide safe, in-ground lit crossings at these 2 locations if required. If Belisha beacons are required, so be it; they can be provided as well. That does not effectively change anything; but not pelicans. Pelican crossings in these locations would be expensive and the whole point of my proposition is that that is not the solution that we are looking for. So, I would, finally, Sir, remind Members that this is part of our strategy; part of the States’ approved strategy for the town area. I believe that there is merit in advancing these for the benefit of the type of people referred to in my report, who wish to walk around town in safety and I move the proposition.

Deputy J.A. Hilton of St. Helier:

Sir, point of clarification, please? I understand funding is an issue for T.T.S. Can the Constable confirm that earlier in his summing-up he said that the Parish would be prepared to meet all of the costs associated with both of the crossings?

The Connétable of St. Helier:

I think I am of the assumption that we are not talking about pelican crossings, which I think I have made clear are not appropriate in this location; yes we would.

The Bailiff:

I would ask all Members who are not in the Chamber who wish to vote to return to their seats. Connétable, do you wish separate votes on paragraphs (a) and (b)?

The Connétable of St. Helier:

I am entirely relaxed, Sir. If Members wish to do so, otherwise I am happy to take them together.

Deputy J.A. Hilton:

Could we vote in 2 parts, Sir, please?

The Bailiff:

You would like to have separate votes?

Deputy J.A. Hilton:

Yes, please.

The Bailiff:

Are Members content to have separate votes on paragraphs (a) and (b)? Very well, the vote is for or against paragraph (a) of the proposition and I ask the Greffier to open the voting.

POUR: 27	CONTRE: 18	ABSTAIN: 1
Senator S. Syvret	Senator L. Norman	Senator F.E. Cohen
Senator P.F. Routier	Senator T.A. Le Sueur	
Senator T.J. Le Main	Senator P.F.C. Ozouf	
Senator B.E. Shenton	Connétable of Trinity	
Senator J.L. Perchard	Connétable of Grouville	
Connétable of St. Ouen	Connétable of St. John	
Connétable of St. Saviour	Connétable of St. Martin	
Connétable of St. Mary	Deputy J.J. Huet (H)	
Connétable of St. Peter	Deputy G.C.L. Baudains (C)	
Connétable of St. Clement	Deputy P.N. Troy (B)	
Connétable of St. Helier	Deputy R.G. Le Hérissier (S)	
Connétable of St. Brelade	Deputy S.C. Ferguson (B)	
Deputy R.C. Duhamel (S)	Deputy of St. Peter	
Deputy A. Breckon (S)	Deputy G.W.J. de Faye (H)	
Deputy of St. Martin	Deputy of Trinity	
Deputy C.J. Scott Warren (S)	Deputy K.C. Lewis (S)	
Deputy J.B. Fox (H)	Deputy I.J. Gorst (C)	
Deputy G.P. Southern (H)	Deputy of St. Mary	
Deputy P.J.D. Ryan (H)		

Deputy of Grouville			
Deputy J.A. Hilton (H)			
Deputy P.V.F. Le Claire (H)			
Deputy J.A.N. Le Fondré (L)			
Deputy D.W. Mezbourian (L)			
Deputy S.S.P.A. Power (B)			
Deputy A.J.H. Maclean (H)			
Deputy of St. John			

7. Draft Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 200-(P.109/2006)

The Bailiff:

We now come to Projet 109/2006: the Draft Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 200- and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 200-, the States are pursuant of Articles 14 and 21 of the Housing Jersey Law 1949 have made the following regulations.

7.1 Senator T.J. Le Main:

This is a further amendment to the 1949 Housing Regulations to close a loophole where, in the case of an inherited property, unqualified people could be allowed to occupy it by licence and, Sir, in this respect it came to the House last year but it was taken back because of concerns - particularly by the Deputy of St. Martin and Senator Ozouf - in regard to the current occupancy. We have inserted in the Regulations a provision that a person who is under licence occupying lawfully that property, is entitled to stay there in that property until the end of their licence agreement if the inheritor dies and another inheritor takes over the property. It really is to tidy-up the Regulations and it really started, Sir, with a case that came before Deputy Breckon and myself. Deputy Breckon had a very serious case and we have a serious case at Housing where a block of flats in St. Helier had been occupied by (a) to (h) residents for many years; many of them had been there 20 and 25 years; many of them with no leases but always under the understanding that they were safe in their homes. All of a sudden the owner died and a person took it over and evicted everyone within a very short time - all the aged people - and replaced them with unqualified people to get more money, and that was an enormous hardship on those people. We found that there have been certain tricks by estate agents and lawyers who advise clients the moment a property is inherited that the best thing they can do is let it under licence and evict Jersey people occupying it. So, it is to tidy up the Regulations. I am very pleased to say that the Deputy of St. Martin supports this and I know that Deputy Breckon supports it, and I know that there were many Members in the last Assembly last year that were really concerned that we tidied-up these Regulations - I rather hope that everyone would support what is an anomaly that should be closed.

The Bailiff:

The principles of the draft are proposed. Are they seconded? [**Seconded**] Does any Member wish to speak on the principles?

7.2 Deputy A. Breckon of St. Saviour:

If I may for a minute or 2, just to expand on what Senator Le Main has touched on. This happened about 5 years ago and there were about 8 or 9 properties that were owned by an old gentleman, and I will say he was a gentleman of the old school. The tenants were many of long standing and it was a fairly casual relationship in that it was first name terms and the rent did not go up every year and it was not what may be considered an aggressive policy with the rents and management and the like. Many of the tenants at that time were elderly residents and sadly the old gentleman passed away and the properties were left to a daughter and a grandson who lived in the United Kingdom, and when they received advice about how they could maximise the income - the advice from the professionals that Senator Le Main has mentioned - was to evict the tenants and to re-let the property to people who were not qualified because as inherited property they could do that with 8 or 9 properties. That happened and it was a terrible ordeal. There is no way to describe it to some of these people. They could not believe what was happening to them and they suggested we would pay more money but they were not able to because on some of these properties the rent finished up around £30,000 a year because of their location, and the people had been paying nothing like that. So this was the situation, as background, that has brought this to the House today and it has taken some time, but I realise the complexities of it and there were objections when it came 18 months ago or so I think it was. Having said that, Sir, I do recognise the right of people to gift property to whoever they wish after they have passed away and also the right of those people to inherit and have some say about what happens to it, but this was an abuse of the system and it is welcome that this is being plugged today. It has caused a great deal of hardship along the way. You may perhaps think it is an isolated case, but Senator Le Main will know that some of this has been happening for many, many years. In conclusion, Sir, I would say it does give some comfort to people who are in these situations at present of what may happen to them as the years go on. It gives them some security, so it is welcome, Sir, and it is one of those things that comes before us now and again. It is difficult to do anything quickly; and when money is involved sometimes it is difficult to intervene and make a difference. Because, although you can have the right ideas and the right principles, when there are significant amounts of money involved, it is ignored and much of this money for a considerable time has been going outside the Island, Sir. I welcome this, Sir, and I hope it will get the full support of the House.

7.3 Deputy of St. Martin:

The Minister has mentioned my involvement with him. Indeed, I have always been in favour of this piece of legislation - in fact as it was originally drafted- because I felt it really did close a loophole. However, I was not made aware until later on by a parishioner who reminded what we were doing. We were creating a hardship for somebody who was already a legal tenant and I discussed the matter with the Minister for Housing. I am delighted he was sympathetic to my cause. The result - the original proposition - was withdrawn. What we have before us, I think, is perfectly acceptable. I think it is a very fair way of compromising and I urge Members to give it support.

The Bailiff:

I call upon the Minister to reply.

7.4 Senator T.J. Le Main:

I would just like to thank the 2 Members that spoke and to say that there are some other tricks in the marketplace, I can assure you, and loopholes, which I am keeping a beady eye on it and I do not intend to say today what they are. But I can tell you there are some pretty clever people out there that will try to circumvent what is a... particularly the Housing Law. So, I am keeping an eye on them and if they are listening: "I am on their tail".

The Bailiff:

I put the principles of the draft; those Members in favour of adopting them, kindly show? Those against? The principles are adopted. Do you move the Articles together, Minister? **[Seconded]** Does any Member wish to speak on either of the Articles? I put the Articles; those Members in favour of adopting them, kindly show? Those against? The Articles are adopted in Second Reading and you move the Bill in Third Reading? **[Seconded]** Does any Member wish to speak on the Bill in Third Reading? I put the Bill. Those Members in favour of adopting it, kindly show? Those against? The Bill is adopted in Third Reading.

8. Draft Rates (Apportionment) (Jersey) Regulations 200- (P.110/2006)

The Bailiff:

We come next to the Draft Rates (Apportionment) (Jersey) Regulations 200- (Projet 110) in the name of a Comité des Connétables and I ask the Greffier to read the citation of the Draft.

The Greffier of the States:

Draft Rates (Apportionment) (Jersey) Regulations 200-: the States, in pursuance of Article 22 of the Rates (Jersey) Law 2005, have made the following Regulations.

8.1 The Connétable of St. Ouen:

This Regulation is the final piece of the jigsaw, which completes the Rates (Jersey) Law 2005. At the time of bringing that Law to the States I was unable to add this Regulation as the final amount was not known and the necessary consultation had not been undertaken. In bringing forward this proposal, the Connétables have now consulted in accordance with the Law, with the Chief Minister, with ratepayers and a representative group of ratepayers set up for the purpose. The final figure was identified by the Treasury, in consultation with the Parishes, in May of this year and an apportionment was determined and put into operation for the 2006 rate demand. The Connétables were able to do this because when the Law was promoted it was realised that the necessary Regulation could not be put in place in year one. If I can take a moment to explain how the apportionment works; it is determined by identifying the total amount that is to be raised for the Island-wide rate and apportioning it on a percentage basis to both domestic and non-domestic ratepayers. Calculation is somewhat further complicated by the fact that there are 833,755,094 quarters of domestic rate and only 381,343,144 quarters of non-domestic rate. Because the apportionment was set at 55:45 it meant that the domestic ratepayer paid 55 per cent of the total and the non-domestic ratepayer 45 per cent of the total to be raised. In effect, the amount charged to domestic ratepayers was lower per quarter than charged to non-domestic ratepayers. Domestic ratepayers paying 0.62 pence per quarter and non-domestic ratepayers 1.1 pence per quarter towards the Island-wide rate. The Connétables have received little if any complaints following the apportionment in 2006. The acceptance of the Island-wide rates and its apportionment has been well received. This Regulation now sets this apportionment in law and any change in the future will need to be presented to the States for determination. I make the proposition.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any member wish to speak on the principles of the Draft? I put the principles. Those Members in favour of adopting them, kindly show. Those against. The principles are adopted and you move Regulations 1 and 2, Connétable?

The Connétable of St. Ouen:

I do. **[Seconded]**

The Bailiff:

Does any Member wish to speak on either of the Regulations? I put the Regulations. Those Members in favour of adopting them, kindly show. Those against. The Regulations are adopted in the Second Reading and you move the Regulations in Third Reading? **[Seconded]** Does any Member wish to speak on the Regulations in Third Reading? I put the Regulations; those Members in favour of adopting them, kindly show? Those against? The Regulations are adopted in Third Reading.

9. Draft Electronic Communications (Amendment) (Jersey) Law 200- (P.111/2006)

The Bailiff:

We come next to Projet 111: the Draft Electronic Communications (Amendment) (Jersey) Law 200- in the name of the Minister for Economic Development and I ask the Greffier to read the citation of the Draft.

The Greffier of the States:

Draft Electronic Communications (Amendment) (Jersey) Law 200-. A law to amend further the Electronic Communications (Jersey) Law 200-: the States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Bailiff:

I invite the Minister to propose the principles.

9.1 Senator P.F.C. Ozouf:

The Electronic Communications Law was introduced in 2000 with a view to encouraging the increased use of electronic communication such as email. It has failed to do so for reasons that I need to explain to the Assembly. The purpose of this very short amendment is to amend the Law so that it succeeds - or the original decision of 2000 which I was part of and I remember - succeeds in its original aim. Many of the Island's statutes require that information be provided from one party to another. Such legislation often provides that information must be in writing, which ordinarily means that the information cannot be sent electronically. The Law passed by this Assembly in 2000 sought to address this by confirming that where - if certain conditions were satisfied - information supplied to be provided in writing may be provided electronically. Often one of the parties to which information must be provided will be a States' entity. Such parties include, for example, departments of the States, but also other entities such as the Jersey Financial Services Commission or the Jersey Competition Regulatory Authority. On other occasions, both parties may be non-States' entities, for example, in relation to information that is being provided by

one company to a Member under the Companies Law or between a secured party and a lender under the Securities Interest Law. The Law introduced a presumption that information required to be provided under a statute may be provided electronically provided that private persons consent to that method of communication, or, where one party was a States' entity, if the information met certain I.T. (information technology) requirements as stipulated, as the States' entity. Unfortunately, at the time the Law came into force, a number of States' entities realised that they were currently not capable of accepting documents electronically so an Order was passed which effectively reversed the Law, providing that information could only be passed electronically if it was provided under a statute, that it was itself as specified by a further Order. As a result, private persons cannot send information between themselves electronically even when they consent to do so unless the requirement to send the information is set out in a statute that is stipulated by Order. Frankly, this is a rather embarrassing situation, if I may say so. There have been 2 Orders made which expand the scope of the Law to allow electronic filing with the Commission and to the Comptroller of Income Tax. However, it is cumbersome to require each statute under which information can be provided electronically to be specified by an Order. In addition, doubts have been raised as to whether it is appropriate or indeed has the *vires* to use an Order effectively to reverse the provisions of the primary Law which I referred to earlier. It is therefore proposed that this... and the purpose of this amendment is quite simple. It is to provide that any communication required under a statute may be made electronically to a States' entity providing the entity consents and the information meets the entity's I.T. requirements. The Electronic Communications Order, which reversed the original presumption of the Law, will be repealed when the amendment itself comes into force. The overall effect would be that a States' entity could simply consent to receiving electronic communications without any additional formality provided the document met formal I.T. requirements. Such an approach will save a lot of administrative work and reduce the risk of a States' entity being found to have acted in a manner which was *ultra vires* or simply illegal in the event that somebody accepted a fax or email as confirmation that could have otherwise been done in writing. Even more importantly, it would allow people in businesses to maximise the use of electronic communications between them, provided each party consented to do so. It will have the ancillary benefit of tidying up a Law which has become, if I may say, rather complex. The proposals have not, I will say to the States, been subject to any form of consultation. The effect is, we think, designed to be entirely positive and in no way onerous. They will not compel anybody to use electronic communications but simply will make it easier for persons, including States' entities, to send and accept information electronically, should they consent to do so. I would also add that the Law still allows the Minister to prescribe by Order specified statutes or such circumstances under which information may not be provided electronically. I would say, Sir, that this Law is entirely positive for the Island. It is positive for us in the day-to-day administrative actions that we now use electronic communications much more, and I move the preamble to the Bill.

The Bailiff:

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

9.2 Senator J.L. Perchard:

Can I just ask for a point of clarification? I do know the Senator speaks many languages, and he just attempted to speak another there, but he made many references to States' entity. I would like a definition of what a States' entity is.

9.3 Deputy R.G. Le Hérissier:

I am like the Senator. I am in need of many clarifications, but I wonder, Sir, if he could - because the Senator is usually very clear - tell us does the remit of this proposal extend into the judiciary or are we always looking at hard written copies in terms of the documentation?

9.4 Deputy P.N. Troy:

That was the longest explanation for this, and I am going to ask a simple question that maybe brings it into perspective. There are many businesses which are currently submitting manpower returns electronically and I.T.I.S. (Income Tax Instalment System) returns. Can the Senator confirm they have been breaking the law at present, in making those submissions electronically?

The Bailiff:

I call upon the Minister to reply.

9.5 Senator P.F.C. Ozouf:

I am sorry: I do not attempt to speak a different language to that in which this Assembly would understand, and I am sorry if I have - I could have tried to explain something in more depth than perhaps I ought to have done. Basically - and I will answer Senator Perchard's first question - a States' entity under the original Law that was passed in 2000, say it was a Committee of the States, it is an officer or employee of the States; a person who holds or performs duty of an office under any enactment; an authority created by an Act of the States; an employer, an employee or any officer of such authority; a Parish or an employee of any authority. It is, effectively, anybody that has been created by this Assembly or is a Committee. I am now a Minister, and if I have erred in any way in my explanation of what an entity is, I am sure the Attorney General will... he signifies to the negative. So therefore it is an entity, which is basically anything created by this Assembly, either an officer, et cetera. I would say to Deputy Troy it is not for the Minister for Economic Development to decide whether something is unlawful. That is the job of, if I may say, the Attorney General. But as far as I am aware, all of the modalities of the arrangements of I.T.I.S. information... and there are 2 Orders specifically dealing with social security and the control of income tax, which means that there is not an issue. I know because I have read the Orders. I will not go through them in any detail to the Assembly, but there are 2 Orders which ensure that electronic filing can be dealt with. This is, to put it simply, designed to achieve all the other objectives of being able to successfully email or have an electronic communication. Indeed, I remember - perhaps Deputy Troy does - when this Law was originally passed by the States it was hailed in a time when we did have an I.S./I.T. tsar, and it was one of the most important bits of legislation to ensure that this Island was e-compliant in terms of being able to receive electronic communication. It has failed in one respect. That is why this amendment is being fought. I hope I answered the Members' questions, Sir.

Deputy R.G. Le Hérissier:

No, Sir. It was extension to the judiciary.

Senator P.F.C. Ozouf:

The extension to the judiciary: I would imagine that a States' entity, Sir, would cover the judiciary, but I stand to be corrected. I would perhaps ask respectfully for the Attorney General to assist me on that.

Mr. W.J. Bailhache Q.C., H.M. Attorney General:

The definition of a States' entity, Sir, is in Article 1 of the principal Law in 2000, and it does not include the judiciary. Whether this arrangement is to extend to the judiciary would be a matter for the judiciary in the Royal Court making Royal Court Rules.

Senator P.F.C. Ozouf:

I am grateful for the Attorney General's confirmation.

The Bailiff:

I put the principles. Those Members in favour of adopting them, kindly show. Those against? The principles are adopted, and you move Articles 1 to 5 *en bloc*, Minister?

Senator P.F.C. Ozouf:

En bloc. I am not sure that any... I will attempt to answer any other questions Members may have on the matter, but I think *en bloc*.

The Bailiff:

[Seconded] Does any Member wish to speak on any of the Articles? Well I put the Articles. Those Members in favour of adopting them, kindly show. Those against? The Articles are adopted. I am afraid I have once again failed to turn to the Chairman of the Scrutiny Panel. I take it, Deputy, you do not wish to have this Law referred for Scrutiny? Sorry, the Economic Affairs Panel, yes. I beg your pardon. No? Thank you. Well, we come back to the draft Electronic Communications (Amendment) Law, and you are going to move the Bill in Third Reading, I think?

Senator P.F.C. Ozouf:

If I may, Sir.

The Bailiff:

[Seconded] Any Member wish to speak on the Bill in Third Reading? I put the Bill. Those Members in favour of adopting it, kindly show. Those against? The Bill is adopted in Third Reading, and Deputy of St. Martin, may I make a further confession in relation to the Housing Regulations?

Deputy of St. Martin:

We do not wish to scrutinise, thank you.

The Bailiff:

Thank you very much.

10. St. Aubin Proposed Land Reclamation and Improvements - Impact Assessment (P.113/2006)

The Bailiff:

Now we come to Projet 113: the St. Aubin Proposed Land Reclamation and Improvements -Impact Assessment, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion to refer to the Strategic Plan 2006 to 2007, 4.76 and 6.43, adopted on 28th June 2006, and to request the Minister for Transport and Technical Services, in conjunction with the Minister for Economic Development and the Minister for Planning and the Environment, to research fully the feasibility and cost of the following: (a) the infill of an area of foreshore enabling to provide increased local amenities; (b) the creation of a gated wet basin in St. Aubin's Harbour with associated access pontoons; (c) the part pedestrianisation of the Bulwarks; and (d) the completion of an economic, environmental and engineering assessment fully to determine the potential impact of the proposed developments and report to the States thereon within a period of 18 months.

10.1 Deputy S.C. Ferguson:

This is not a commitment to spend vast amounts of taxpayers' money. It is a request to ask the States to underline and encourage the feasibility of the commitment in the Strategic Plan and the Island Plan for the landfill project at St. Aubin. Members may be aware the Minister for Economic Development has already begun preparing the terms of reference for such a feasibility study independently, for which most of the dwellers in St. Aubin, and particularly Wally Battrick - whose brainchild this is - are grateful. This proposition underlines the importance of this to residents, traders and tourists alike, and it also emphasises the necessity of bringing the residents and traders into the discussions. This must not be a review conducted by consultants far removed from the people of St. Aubin and St. Brelade but must include their views and comments, particularly Wally. Any solution proposed must be with the consent of the residents and traders and not just imposed on them. Sadly, over the past few years the concept of landfill has acquired an appalling reputation in the Island. In the political wrangling over the Waterfront we have lost sight of the fact that landfill has in fact been of great benefit to the Island. After all without landfill the area south of the Town Church would be the beach, and it is quite possible that the Assembly would be swimming on a storm tide. Similarly in St. Aubin: page one of the pictures on Members' desks shows the growth of St. Aubin over the years. Even in the 17th century, the only access to the town - I am told the existence of a market denotes a town, not a village - was down Mont Les Vaux. There was no harbour. Boats moored in the shelter of Rocher d'Anques sheltered by the cliff between Market Hill and Bulwark Hill, and the only direct route to St. Helier was across the beach. The road across the bulwarks was built after a petition to the States in 1789. Until then there was only a 4 foot path between the gardens of the houses along the bulwarks and the sea. The south arm of the harbour was decided on by the States in 1641 but was not finished until 1700. Nothing has changed much, then. The King assigned the takings of the impôts to the States - the document is still in the archives - to build an hôpital for the poor in St. Helier, with the remaining balance to be used for the south jetty in the harbour. It sounds like an excellent use for the impôts to me. I am sorry the Minister for Treasury and Resources is not here. This seems like a fairly involved history lesson, however, I will refrain from describing the Spanish raid in 1401 and the skirmish between the Jersiaise and the French defending a Spanish barque in 1553. The important fact is that until the late 18th century, the only land route to St. Aubin was down Mont Les Vaux, and the only direct route to St. Helier was, as I have said, along the beach. The road from La Haule to St. Helier was completed in 1810 by General Don, but the access to St. Aubin was still along Rue de Croquet. It was not until we had the railway when we got the infilling of the area behind the Parish Hall, where the Parish Hall now stands, which used to be a shipyard, and the infilling of the shore from St. Aubin to La Haule to form La Neuve Route. You can see in page one how the high-tide mark in the first picture has now become the road along the edge of the sea. In fact, in those days, the area beside the Parish Hall - where the boathouse now stands - was the coal store for the railway, and you can see that in the second picture. In actual fact, in those days, the Parish Hall was the Terminus Hotel, and by all the accounts I have read, was quite a renowned rendezvous. All of which emphasises the fact that over the years St. Aubin has gradually been expanding on the seaward side in order to improve communications and trade. There is nothing new in the latest

proposals. There have been a number of studies over the years regarding the enhancement of St. Aubin. I have the text of a report done by students from Dublin University when Mrs. Quénauld was Connétable. They listed the problems as the car had overwhelmed St. Aubin, and this was well before the boathouse. Much recent change to St. Aubin has been unsympathetic. St. Aubin has a fabulous tourist potential, but this must be handled sympathetically. Public spaces are not well defined, there is too much traffic on the bulwarks, and the approach road from St. Helier is not a good entrance to the town; and the entrance to the railway walk is uninviting. The solutions suggested then were reducing the cars along the bulwarks, pedestrian priority along the bulwarks, improve the entrance to the railway walk, make an information centre at the Old Mill, remove the cars around the Parish Hall, infill the area behind the Parish Hall and an electrified rail link to St. Helier. Members will know that I do not believe in imposing solutions on people. The impetus for these must come from those affected by the solutions. Some of the ideas from the study have already been implemented by the traders and residents. A new square has been constructed, though I would like a few trees. The traders have applied successfully for funds from the Tourism Development Fund and have installed new lights and flower baskets. They are also actively looking for a site for an information centre. There are Saturday markets with crafts and genuine Jersey products for sale. There are, however, 2 knotty problems to resolve: the car and the mud in the harbour. To consider the latter first, the proposition requires a feasibility study to consider the construction of a gate across the harbour. Our Connétable is more versed in the intricacies of this and will no doubt explain it to the House. He suggests that the retention of the water in the harbour should be at the 26 or 27-foot level of the tide. The effect of this is shown in the before and after photographs on page 4. It would certainly add greatly to the visual attractiveness of the harbour. The second problem is the car. The third and fifth page of pictures - I am sorry; we did not staple them in quite the right order - shows the approximate extent of the landfill under the original Battrick Plan. For the environmentalists, it should be noted that the group of rocks on which birdlife flourishes would remain. Under this plan, there would be spaces for something in the order of 210 cars. Allowance would be made for long leases on spaces to be sold to owners of houses in the town who have no parking space, and parking on the bulwarks could be removed. Parking in front of the Parish Hall could be significantly reduced, if not removed altogether. There is also the consideration that St. Aubin could be a transport hub for the west of the Island. Improved parking would encourage the use of buses and bicycles to St. Helier, and personally, I would like to see the little train developed to carry commuters. We are all well aware such a projet should stack-up financially, but if we do not do the feasibility study, we will never know. In fact, methods of financing must be an integral part of the study. The Connétable and the locals have quite a number of ideas on this. There are quotes from civil engineering companies which already exist, purely for the landfill, and as I understand it, these do differ markedly by those put forward by the States' engineers. I think there is room for discussion there. At the same time, however, there is considerable work of about £1 million required on the North Quay. It would seem eminently sensible to evaluate whether this work could be combined with the landfill projet and possibly reduce the overall costs. There has been considerable discussion over the years - since 1973 to my knowledge - about the best way to enhance St. Aubin. It is extremely important the Island should be involved in this projet, but it is essential that those who are most affected have their say. I ask the Assembly to approve this proposition, which will support the participation of St. Aubin in its own future; a future which would benefit the Island and visitors alike.

Senator T.J. Le Main:

There is no financial costs in this at all, and I wonder if this...

Deputy J.J. Huet:

What he means is who is paying for it, Sir, because that is my question?

The Bailiff:

May I first ask if the proposition is seconded? **[Seconded]** Well, the proposition seeks to ask the States to agree that the relevant Ministers shall research fully the feasibility and costs, so it seems to me that the cost implications are matters which will follow if the Assembly adopts the proposition.

Deputy S.C. Ferguson:

Without wishing to sum up, Sir, would you like me to enlighten them?

The Bailiff:

Do you want to answer that question? Yes, please do.

Deputy S.C. Ferguson:

I understand the cost of this, which will be up to £200,000, will come from the Tourism Development Fund.

Senator T.J. Le Main:

The question I was trying to get out of the chairman of the Public Accounts Committee, who is really keen to have it, is where did the Member get her figures of £200,000 and how do we know it is not going to be £250,000 or £300,000?

The Bailiff:

Do you want to answer that before the debate starts, Deputy?

Deputy S.C. Ferguson:

Yes. Inquiries have already been made as to the costs, which will be something in the order of £150,000 to £200,000 and will be held to that limit.

The Bailiff:

The proposition is open for debate. Does any Member wish to speak?

10.2 The Connétable of St. Brelade:

I would first like to declare an interest under Article 106(1)(b) of Standing Orders, Sir. I would like, Sir, with your permission, to speak, as I do not think a feasibility study will have any impact... or whether my business would have any impact on a feasibility study. However, I shall abstain from voting. So, with your permission, Sir, I will proceed. I also feel, Sir, that having been scratching around in St. Aubin for some 40 years, now holding my present office, that I have a contribution to make to this debate. I applaud Deputy Ferguson for bringing this matter forward. Since being elected to the office of Connétable of St. Brelade a year ago on Thursday, I can assure Members that since then I have had, weekly, either communications or representations from various individuals or bodies regarding the difficulties they find when coming to St. Aubin, whether it be as a resident, a visitor, a customer, a trader, a senior citizen, a disabled person, a mother and toddler; and even Father Christmas, with regard to parking. Timing is of the essence when coming to St. Aubin; get it wrong at your peril. Lunchtimes, and in between 7.30 a.m. and 11.00 a.m., are best avoided. Deputy Ferguson has elaborated on the background and history, and I would like to focus on the future. Some say: "What is the point of creating a massive parking area when in 20 years'

time all the fossil fuels will have run out and there will not be any more cars?" They say we should not pander to the car. We should all get on our bikes or walk. My answer is that we have had that argument now for some 40 years and meanwhile the situation just gets worse. Believe me, we have to police it. St. Aubin is aesthetically ruined by on-street parking, and this desperately needs addressing. You will find that on Sundays churchgoers to the Catholic church swamp the road outside. During the evenings, once again, the La Neuve Route - which is the road running from La Haule to St. Aubin - is completely choked with cars and likewise the Bulwarks area and areas in front of the Parish Hall at St. Aubin are completely choked during the busy times. I think initially - I have to say this - one of the reasons for focussing on car parking is simply to provide finance for this projet because this is a fundamental issue. The eventual aim has to be the provision of an area for community use, for the people of St. Aubin; for the people of the Island. I am a great believer in flexibility. Whereas cars can provide the finance, in the shorter-term, it is the people in the end who will benefit. This is not a St. Helier Waterfront development. It is purely a St. Aubin improvement scheme. The thrust of the projet, as I understand it, is towards the relocation of cars from the centre, thereby enabling pedestrianisation of the bulwarks. We already have 2 popular *al fresco* areas along there and talk of the third, so the life of the unfortunate pedestrian will become less secure unless we do something about reducing the traffic and, as a consequence, semi-pedestrianising the area. I received calls from several people today who are deeply concerned about the complete ruination of St. Aubin, the loss of wildlife, the loss of the granite walls, and they always purport to never have any difficulty in parking. I fully respect their views, Sir, but I would like to say to them I would be the last to sanction any despoliation of this lovely corner. I insist we retain our granite walls. I refuse to accept the concept of a sea of car roofs. However, modern engineering can overcome these difficulties, and I am confident an acceptable result is achievable at a reasonable cost. Part (b) of the projet refers to the creation of a wet basin. There is no talk of a grand marina here. This is St. Aubin, and we are simply attempting to achieve aesthetic improvement at minimal cost without detriment to boat owners. A relatively low pond level of 27 feet above chart datum would give 6 feet at the pier head and recover three-quarters of the harbour at low tide. The logic behind this concept is that if a tide is much lower than 27 feet, you cannot get in or out of the harbour anyway with any vessel of moderate draft, so from an operational point of view, there would be little to lose. I can assure Members, from personal experience, there is little alive in the mud of St. Aubin Harbour, and ponding it will, in all probability, lead to an improved presence of bird and fish life in the area. I am very keen, Sir, on input from the various stakeholders who may be affected by this projet and fully intend to insure everyone is properly consulted and has the opportunity for comment. Should Members support this projet today, Sir, I can assure them I will take on board the fact that past developments which have been presented as a *fait accompli* will not prevail in this case, and I for one will not condone any quiet covert operations behind everyone's back. Public consultation is essential with something like this. My experience of St. Aubin tells me this projet has merit. I urge Members to support it so that we can move forward and get the necessary evidence to progress the scheme further. Should the outcome of this debate be successful, I would propose to put the concept to a Parish Assembly for a proper consultation in due course. .

10.3 Deputy P.N. Troy:

This dropped out of the Island Plan in 2002, and Members may remember the ex-Connétable, Max de la Haye, brought an amendment to the Island Plan to put the landfill back on the agenda, and obviously we in St. Brelade are very pleased he did that because this is a scheme the St. Aubin village needs. The funding of such a scheme has always been a problem, and Deputy Ferguson has indicated she has a commitment on the funding for this feasibility study, and I think that hopefully Members will support this today. Obviously I am in favour of the landfill at St. Aubin as I feel that, in general terms, the finished product will greatly enhance the area, both for the residents and for businesses and for the tourists and so on, as has been said. Economic benefits will almost

certainly accrue to the Parish from this. I remember when I got elected 7 years ago, Wally Battrick was then speaking of his plans to carry out the landfill and to improve the facilities at St. Aubin. So, that is going back 7 years. I met with Wally Battrick and he showed me plans he had for a scheme and so on, and it all looked quite impressive. Of course it does need a commitment to take this forward because it will involve large sums of money at the end of the day, but there will be big benefits for the Parish in getting this scheme achieved. The only issue I personally have against the scheme is, as Deputy Ferguson says, there is a continuing demand for over-wintering vessels ashore. I personally am against additional boats or vessels of any description being out of the water on the quay. I think it is an unpleasant aspect of the boating fraternity that boats are out of water on the quay over the winter periods. It is not a very pleasant sight. So, if this scheme is approved, I certainly do not want that to become a major part of the scheme. I prefer this to be open-space areas for the public and for visitors and of course improvements in the parking, which is desperately required in the area. I do ask Members to support this feasibility study so we can assess how this would be achieved and the way forward. We can then talk to the Treasury at a later date about how we obtain funding out of the capital programme to progress this forward, if that is considered a viable scheme. So, I really do ask Members to support this today, especially as Deputy Ferguson has an indication she has funding available for this.

10.4 Deputy J.A.N. Le Fondre:

I support Deputy Ferguson on this proposition, which is ultimately to research and cost the various proposals, and I would like to make the following points. First, and speaking as a relatively regular visitor to St. Aubin, one of the key points to me is we must not forget St. Aubin is a working harbour, and I am afraid I do disagree with Deputy Troy on this matter. It is about boats, and it is about the facilities of boats and boat owners, and these are important. It is not the sole issue, but one must not put them out of the equation. The attractiveness and charm of this location is that it is not a sterile marina. The ebb and flow of the tide is important, as is the ability for boat owners to store their boats or their dinghies. Car parking is scarce at certain times of the year, but we must remember boat owners also need facilities over and above somewhere to park. These do not need to be particularly elaborate, but they do need to be remembered. To return to the charm of the location the proposition refers to a gated wet basin, and it has just been indicated to us by Deputy Ferguson that water will be maintained in the majority of the harbour with the remaining strip being allowed to dry out naturally, as presently occurs. This does at least retain the element of change within the harbour due to the tide, but I would also ask the barrier be such it does not further reduce the ability of boats to enter or leave the harbour on leap tides because, as we have heard already, it can be fairly tight at times. I note the call for an environmental assessment of the impact of the proposals and again commend this part of the proposition. The corner of the bay which is suggested is going to be reclaimed looks to me to be a relatively unattractive, muddy part of the beach. However, it is possible this happens to be a crucial inter-tidal feeding ground for some wading bird or other, and I would wish to ensure we are not accused of environmental vandalism by supporting these proposals. Finally, Sir, what I would also ask, and what is referred to in the report, is that consideration is given to how best to retain the ancient harbour granite walls which are visible from a long way away from both land and from sea. I think this proposal has a lot of merit and will significantly improve the area of St. Aubin for tourists, residents and boat owners alike. However, I think we could also run the risk of ruining the area if we construct something out of concrete gabions, for want of a better word, such as have been used at La Collette. By doing so we would also lose that direct link with our historic maritime heritage. So, with those caveats in mind, I support the proposition.

10.5 Deputy C.J. Scott Warren:

Anyone trying to park at St. Aubin along the sea front will know only too well the present problems that exist there, so I will support the proposition for a feasibility study into these proposals. I am particularly interested, apart from obviously the main one of the infill of part of the foreshore, in what may well be very much improved pedestrianisation of the bulwarks: part pedestrianisation. Can I ask whether there are at present any provisional costings available following the feasibility study should this scheme get the go-ahead?

10.6 Deputy K.C. Lewis:

On the face of it, this does seem an excellent project to be going ahead with. I for one have driven to St. Aubin many times, and not being able to park have driven off somewhere else. I am sure this will revitalise St. Aubin, Sir, but I have only one question of Deputy Ferguson, and that is with this reclamation here, how many of the local businesses and home owners are in favour and against? Does the Deputy have a percentage?

10.7 Deputy G.C.L. Baudains:

First of all, I would just like to comment on comments made by Deputy Troy, who said he did not want to see boats out of the water on the quay. Clearly he is not a boating man, Sir, because boats obviously have to be brought out for maintenance at least once a year. In fact, the fibreglass boats, they do need to come out of the water from time to time to allow the hulls to dry out. Surely around the environs of the harbour is the natural place for that to be done. There is one concern I have, and that is on part (b) because basically what we are creating here by any other name is a marina, and the fears I have with the way the Harbours Department seem to not worry greatly about efficiency but charge as much as possible for everything they can. If that is turned into a marina then the mooring dues will immediately raise tenfold. A mooring fee for even a modest boat will be in thousands of pounds instead of hundreds of pounds. I have to ask what will happen to those people who find the new charges are beyond their means? There will be a considerable number of boats that will need relocation. Where is that going to be? But basically I do support this. It is quite a nasty little area which would only benefit from reclamation, and of course there is the everlasting problem of lack of parking space in the area. The St. Aubin retailers have been losing out for decades. I know from personal experience there are several times I have booked a restaurant at St. Aubin only to end up driving back to town and eating there instead simply because I could not park within a mile or 2 of the place. In fact, I do not even bother to go to St. Aubin now for that very reason. I cannot be the only person in the Island afflicted in that way, so the amount of business the retailers are losing must be substantial. The argument, Sir, that we really do not need to worry about building car parks because the world is going to run out of oil in the near future, so cars will cease to exist; frankly, I do not know whether to laugh or cry, Sir. The motor car is going to be with us for decades to come, maybe centuries to come. We really have to remember fossil fuel is not the only source of power, and whether it is bio fuel or solar powered or some form of nuclear power... who knows? As long as people need to travel, I really cannot see we are going to go back to the ox and cart or something of that nature. So, it is quite ridiculous to say we do not need a car park because in x number of years there will not be any cars. I do support this, Sir, with the caveat I am concerned slightly in relation to part (b) about what is going to happen to those boat owners who find they cannot afford a £3,000 a year marina fee for a very modest boat.

10.8 Deputy J.B. Fox:

I had 5 very pleasant years when I lived in St. Aubin and that was in the 1970s. And the traffic - or rather the parking - then was, shall we say, condensed into very confined areas indeed. Since then, they is now parking on the decorative garden areas and everywhere else, and we have made one or 2 mistakes like putting huge great big buildings for recreational use without having the parking

facilities available to do it. We cannot turn back the clock. Having said that, over the years there have been some very imaginative thoughts of improving the facilities from the tourism point of view, but all of them, in the end of the day, require a lot of money in order to achieve it. Yes, I support the proposition that is before us today, but what I hope is we just look at some of the alternative parking measures as well which can be within a building, and at the same time just rotates cars without having to have lots of driving space. In fact, if I recall, one looked like an extension to the Parish Hall, which was very effective in producing extra parking. But likewise, the last thing I would like to see is the extension being viewed as a great big surface car park. The esplanade car park is one that illustrates what can be done with a little bit of sensitivity and landscaping. The other thing we must bear in mind, that there is an outer harbour that goes all the way to St. Aubin Fort, which also is part of the character of St. Aubin, and it would be a shame if we lose that character with an extension that does not fulfil the aesthetic looks because of the price part. So, I would suggest to you; yes, this is a worthwhile proposition, but let us not try and save a heap of pennies for the long-term good of the Island. I would suggest if you look at the granite that is being brought into St. Catherine's at the moment that might be a way of being able to bring material in without having to dig up more of our quarries and pollute our roads for the period of the reclamation.

10.9 Deputy G.W.J. de Faye:

First of all, may I say I was very sorry to hear about Deputy Baudain's difficulties getting to St. Aubin. Might I recommend the Route 15 bus, Deputy? It has regular and popular services.

Deputy G.L.C. Baudains:

It does not travel at the time I want to travel, Sir.

Deputy G.W.J. de Faye:

Well we are working on that. I am very happy to potentially be charged to look into this, should the proposition succeed, particularly in the sound knowledge the worthy Minister for Economic Development is picking up the bill for this feasibility study. But I think it is important for Members to know this may not be plain sailing, and a certain number of caveats ought to be put before the House. First of all, in respect of Deputy Ferguson's obvious concerns for the views of local residents and businesses, and her interest they should obviously have the last word on what happens. I think we have to be careful before we make those types of comment because, quite frankly, if the House does support this feasibility study, something between £150,000 and £200,000 worth of taxpayers' money will be going into fund that study process. That is a commitment on behalf of the Island and if things go forward on the back of commitments from money raised by the Island as a whole it really would be wrong to suggest there would be a likelihood that a number of residents in St. Aubin would then be able to stymie the project at the last minute, after enormous amounts of funds have been expended and works have been carried through almost to the time to give the projet the go-ahead. So, I think we have to be careful about what promises are made at this early stage, but that is not to say that... of course there must and should be appropriate consultation with residents in St. Brelade and particularly people who live and work in the St. Aubin area. Now, despite the efficient bus service that does run past St. Aubin - not just the Route 15 incidentally but a number of other routes pass through - I am acutely aware there is a car parking problem. It is compounded by the fact there are a number of authorities responsible for the car parking areas down there. There is parking on the harbour; that comes under Harbours and Airport. Some areas are controlled by the Parish, and some of the car parks come under Transport and Technical Services. We have some different costs, and so on. It is a complex area, and one, if I may say, where St. Aubin residents probably have the advantage, to some extent, of acute local knowledge of where the best spots for parking are. But this projet is potentially a very exciting one. I am pleased

to say I have spoken to Wally Battrick, whose name has been mentioned a number of times. I am sure many Members will know his very long-term association with Battrick's Boat Yard, down on the harbour there, and he is a man, if any, who has an intimate knowledge of St. Aubin and the waters around it. His drawings and proposals, I think, have proved to be interesting and have certainly set many creative minds thinking about the possibilities that could emerge. One of them, of course, will relate to what sort of wall will be constructed because inevitably there will be a reclamation site project in the process of doing it. That, to some extent, is where my department has already had some input. There have been discussions ongoing with the Connétable of Brelade, Parish Deputies and other representatives to already - as it were - ferment this particular projet, and it seems, on early indications, that... I cannot remember, it may have been Deputy Fox who brought up the stone being used at St. Catherine's. Indeed, that would be a very likely way forward, that a substantial amount of stone would be brought in and could be, in fact, very quickly deposited in order to create a reclamation area. But the fact of doing this and costing for that is probably in the order - early estimates - of about £6 million throws up 2 essential difficulties from the very start. One, of course, is this is going to cost a substantial amount of money to achieve, and we have to be very clear where those monies are going to come from because as we all know, all departments are really banging-up against the wall in terms of spare expenditure. So, there is likely to have to be consideration of enabling development, and I think I will deal with that in a moment, if I may. The second feature of course is there have been concerns - certainly expressed, I know, by the Constable of St. Brelade himself - that it would be nice to retain the granite wall, as opposed to, say, the concrete gabions we see down at La Collette. In fact, they are nearer into town on the reclamation site. Members will know there is stepped concrete, which is layered so people can use that type of wall - reclamation retaining wall - as a sunbathing and picnic area. What the wall looks like and how much that will cost will be one of the problems this feasibility study will have to cope with because if we want another granite wall that throws the costs well up into very high margins indeed. We will have to be prepared, I am sure, to look at some level of compromise on that subject, or the costs will simply escalate. This takes me again to the enabling development. Given the current state of States' funds, I think we need to be aware that if we are going to commit £150,000 to £200,000 of Tourism Development Fund money to this feasibility study we should not just do it thinking: "Oh, this is a jolly good idea" and then not be prepared necessarily to follow it up because it will simply be wasted money. If we are going to follow it up it is very unlikely the States is going to be able to be in a position to fund the capital expenditure. That means enabling development will be required. In other words, this reclamation site is not just going to be a convenient large car park with a bit of additional space for parking your boats and doing maintenance over the winter. It is very likely we will have to consider some sort of enabling development, frankly, of a reasonably large order, and we will be talking probably about the installation of commercial premises and residential accommodation in order that the payback can be made to pay for the original reclamation site. So, I do not think Members should walk into this with their eyes closed to what the long-term commitments may have to be, and at the end of the day St. Aubin's residents may have to bite the bullet and accept that if you want these improvements in car parking- you want these extra abilities: new slipway, new boating opportunities, regeneration of the area - it may well have to come at a price, and the price is very likely to be some sort of enabling development. Having said that, what enabling development may bring could be extremely exciting. I, for one, will be very keen to put in for the idea of appropriate... perhaps a bus-turning area, or more comfortable waiting arenas for people who are using public transport. There are numerous possibilities. New little public squares or piazzas could be constructed, and the car parking zones could be moved further away from where they are at the moment. Indeed, the whole entry into St. Aubin as a village could be radically and dramatically transformed for the better by a very exciting margin, depending on the creative minds that get to grips with this. But while I am excited, optimistic and will certainly support this proposition, I would ask Members to do think twice because once we start going down this route, and we start spending hundreds of thousands of pounds of public money, it will be difficult to start turning the thing around the other way, simply

because a number of people may object to the - ultimately, probably essential - enabling development.

10.10 The Deputy of St. Martin:

Deputy Troy mentioned earlier about... I think it was Constable de la Haye who had come forward with a proposition. I had a feeling we had one even further back than that when Constable Quénault - it would have been - came forward, and I thought the States had already agreed to something along the line of giving support for reclamation. So I find it rather strange there is no mention of that at all in the report produced by Deputy Ferguson. I also find it quite difficult with Deputy Ferguson because knowing how careful she is with money, particularly when she is with us on the Scrutiny Panels... I find it very strange that she has come forward with a report and a proposition with so little detail on how the funding is going to be. That is a question I really am concerned about because what I am going to mention also is the fact that there have been no reports presented at all from the Minister for Transport and Technical Services. Indeed, I am quite surprised he is giving his support to it. Also, there is no mention at all from the Minister for Economic Development, and again this is very crucial because indeed the money is going to come from somewhere, and we have been told this afternoon - I think it was after a question from Senator Le Main - that it may well come from the Tourism Development Fund. Again, I would have thought we would have needed some information from the Minister as to whether that is possible, to get that money. Also, we have got nothing at all from the Minister for Planning: both the Minister for Planning and the Minister for Economic Development are not in the House. Again, I think I would like to know what their feelings are before I could give them my support. In fact, there is no mention either from the Council of Ministers. I know the Chief Minister is here this afternoon. Maybe he will give us the benefit of his thoughts. Given the fact this has been lodged since 21st September, again, I am surprised at how little information we have about it. I am all for a feasibility study, but not at any cost. If we are going to be spending £200,000 I have got to know - if I am going to vote for it - that money is forthcoming. So I am a little bit disappointed because I thought we were looking at joined-up government, and here we have almost something... I hate to say it is on the back of a pack of cigarettes, but it is a bit like the bad old days returning again today. So, I certainly would like a lot more information. If, indeed, this money is not forthcoming, how do we go ahead with it?

10.11 Deputy J.J. Huet:

In reply to the Deputy of St. Martin, when my Minister said he was agreeable to it... I know I am not a mind reader, but I thought he meant his own personal support. He was not saying it was the department's support of it. It was his support of it. He would not have said that because he was already querying where the £200,000... whether we should spend it. It is exactly the same here. Your support goes to it, but again being cautious with money. Fine. I do not mind spending the £200,000 if we think we are going to get good value for money, but I want to know where the £1 million is coming from to build it because it cannot be coming from Technical Services, and I am told we have no money in the kitty. St. Helier, over the years, has built certain projects of our own. We have got sea walls and so forth. We have had to go and borrow the money and pay it back over a period of time. I do not know if this is what St. Brelade are thinking they should do because, I mean, why not? It is their people that live in that area. It is their businesses that will benefit from it, so it might be worth their while. But I have not heard that is what they are even thinking of. All I know is we do not have the money, and are we going to spend £200,000 to say: "Well, it is a lovely idea, but nobody has any money"? I would just like to know a bit more from where this money is going to come from to build it. I think it is a great idea, and I think St. Aubin is gorgeous, but we must know. It is no good saying: "Oh, yes, I am going to have turkey for Christmas" and not have enough money to go and buy the turkey.

10.12 Deputy P.V.F. Le Claire:

I am tempted to propose a reference back on the grounds we need some more financial information in respect of where the monies are coming from in respect of conducting the feasibility study. I do not believe the end monies need to be identified at this stage. Obviously the feasibility study will identify what is needed, and I am a great supporter of the scheme as proposed. I am a great supporter of the issues at hand. I am very congratulatory of the Deputy for bringing the proposition, but I am not hearing anything that outlines to me this afternoon where the £200,000 has been earmarked from. So, I might motion a reference back to her unless I can be convinced at this stage, by an interruption from the proposer, as to where the £200,000 is earmarked from. I would like to make that proposition unless I can be given that identification at this stage. So, I would like to just give that opportunity to the proposer and sit down and give way for a response, if I might, Sir.

The Bailiff:

I thought the proposer of the motion had said that the funds for the feasibility study were going to be provided by the Tourism Investment Fund, and I assumed the Deputy would have said that on the basis of some authority. We have not heard from the Minister for Economic Development to the contrary.

10.13 Deputy A.J.H. Maclean:

Sir, perhaps I could clarify a point on that, if I may. In fact, the terms of reference for this proposed project have been prepared by my department. We are going to the Tourism Development Fund with the proposal and then the meeting. We are proposing that they would support up to a maximum of £200,000 for the project. It has not been approved. We need to go to them. That does give us a small degree of comfort and I will listen to the remainder of the speeches that are going to be made and not suggest a reference back because I am certain Senator Le Main is going to add some wisdom into this speech. But I must say the money has not been approved and it does not seem that the project that has taken this long to come before the States is operating in the correct order. Surely the money should have been earmarked, identified, approved, agreed and then brought back to the States. How many times have the States been in a position where they have been told: "If you have not gone through the correct process of the business plan and then the budget and everything else, then you should not be bringing propositions to the States"? It is very hard to be critical of this because I support it, but it is also very hard to be supportive of a new Ministerial system when we are constantly seeing contradiction after contradiction. Here we have the Chairman of the Public Accounts Committee bringing a proposition which, we have just heard, has not had the funds identified yet and approved for, merely a proposal to go forwards. So, I must say, while I want to support this I am a little disappointed that I find myself having to speak like this today.

10.14 Senator T.J. Le Main:

I have to follow the same theme. I am a regular user of St. Aubin and, in fact, celebrated my birthday last weekend in St. Aubin. I have been a supporter of infilling St. Aubin for many, many years but I have to follow the same argument as the last speaker. The issue is, as everyone knows - and I heard the Deputy of St. Martin has the same theme - we have been waiting for years for the Millennium Park in St. Helier. There are no funds available for that. I am struggling in my department for funds to upgrade housing accommodation to the tune of about £70 or £80 million and yet we have a proposal here today - and I am surprised at the Deputy as the Chairman of the Public Accounts Committee - to bring a proposal to spend up to £200,000 if the funds are not identified; and it could be 10 or 15 years - many years - before the funding is identified. I cannot

see that there is any benefit for a developer in the proposals; so I cannot see us falling into bed with a developer. I just do not understand why we should be going and supporting today, unless we have got the funding identified to produce something at the end of the day. I think that is madness because in 5 years' time they will want another look at the issue, another feasibility study. I just cannot see until we have done some of the developments we promised 16,000 people in St. Helier - and Deputy Hilton is struggling to get that off the ground, moving sideways, there is more cost associated with it and it is just not getting anywhere at the moment - why we are asked to spend £200,000 out of the Tourism Development Fund which I would have thought, at this particular stage of the game, would have been far better spent in other areas? Now, I have to say I am totally supportive of her proposal but, certainly, unless the funds are identified I cannot lend my support. I think that is madness. It is going to be here again in 3 or 4 years' time wanting to upgrade the feasibility study. We have not got the funds. We just have not got the funds. I am sorry that the Treasury Minister is not here but we just do not have them and I just think this is absolutely madness, spending £200,000 on something that is not realistic.

10.15 Deputy S. Power:

I will support my fellow Deputy and the Parish for bringing forward this proposal and I support it with what I will define as my own reservations. In some ways I feel that this part of the Parish has the potential to have a ring of jewels in the jewel in the crown. As Deputy de Faye said, in order to finance the £6 or £7 million on the reclamation site - on the actual construction of the site and then on the engineering works associated with the site - we need to find £6 or £7 million and a number of speakers have identified that. In order for us to finance that we have the potential in St. Brelade and in St. Aubin to do the enabling development and there are a number of ways we can do that and that goes beyond the remit of this proposition today. There is, for instance, a crying shortage of marina space in the Island and if one were to extrapolate a little bit from what Deputy Ferguson is suggesting, there is a great deal of protected water in that corner of St. Aubin which could be enclosed and it could provide a great deal of marina space and marina berths. That, in itself, would provide the enabling funds for the type of development that Deputy de Faye has referred to as regards problems with costs. I think where we are today with this proposition presents an opportunity to the Parish of St. Brelade and to the Economic Development Department with Deputy Maclean, who referred briefly to the fact that he has done a lot of work on this. I think this is probably an example where the Parish, Economic Development, Transport and Technical Services and Planning can sit down and push something through that will be self-funding. I think the germ of the idea is there with Deputy Ferguson but I think what we have got to do is look at the greater picture and the greater picture is probably to create a scheme which enables a great many more boats to be kept in the greater St. Aubin area. At the risk of being knee-capped when I get out to St. Brelade tonight, I might suggest that I did hear reference to a scheme which linked Belcroute to St. Aubin's Fort to the beach somewhere between Beaumont and the Sacred Heart Church and enclosing a much greater area of water inside. I throw that out for what it is worth, but I will support Deputy Ferguson and I do think this thing can be self-financing if we do it on a slightly bigger scale. I congratulate Deputy Ferguson.

10.16 Senator B.E. Shenton:

I would just like to say I agree with Senator Le Main and Deputy de Faye and it is not very often that I do that. There is no point in spending £200,000 on a feasibility study if you do not have the large sums required to carry out the work. What is the point of producing a report that will just collect dust on a shelf for years and years? So, the first question is where is the money going to come from? Secondly, I grew up in St. Aubin and consultation with respect to St. Aubin does not mean talking to Wally Battrick. That does not mean talking just to the traders. I have spoken to a number of residents and they do not want reclamation. They are quite happy with the harbour how

it is and it is mainly the traders that want the reclamation and not the locals. I do not see any evidence that you have spoken to the locals; you have spoken to the retailers and you have spoken to Wally Battrick but I think the Deputy does need to speak to the locals. Finally, why did the representatives allow the building of the boat house which I think used to belong to the aforesaid Wally Battrick and if parking is such a problem why do they not charge for parking? That would solve the problem to a very large degree and it would be commonsense to introduce a residents parking scheme in St. Aubin and by charging for parking you would free-up an awful lot of spaces, and it would mean we do not have to spend millions and millions of pounds on land reclamation. So I would urge the Constable and the Deputies to look at a residents parking scheme and charge them for parking in order to free-up parking spaces.

10.17 Senator F.H. Walker:

The Council of Ministers has not taken a decision - a firm decision - on this proposition but I would remind the House that it was included in the Strategic Plan and the House approved the Strategic Plan which made it very clear that this option for St. Aubin was going to be assessed. Now, what we have here, is the Deputy of that district of St. Brelade- and I, in common with others, congratulate her and the Connétable and the others - bringing forward a proposition which only seeks to implement what this House has already agreed in the Strategic Plan. Now, of course, those Members who have spoken and exercised or recommended caution, particularly in respect of funding, absolutely have a point. My understanding is that the funding is going to come from the Tourism Development Fund and I understand there is a meeting of the members of the Fund which, among other things, is considering this on Monday. There are other priorities and Senator Le Main has referred to the town park and other things but if it is coming from the Tourism Development Fund, the Tourism Development Fund is there primarily to develop the tourist industry of Jersey which speaker after speaker in this House has repeatedly said we need to do and they support. That is what the money is there for. I can think, frankly, of few better things to do with that money than enhance the absolute jewel - as it is referred to in the report - the jewel in the crown of Jersey which, in my view, is St. Aubin. I think St. Aubin is the most beautiful village not only in Jersey but one of the most beautiful villages you will see in many other places as well. The whole idea of this, which we did approve as a House, is to enhance that area. It is not just to create a car park but I have always thought that getting cars off the bulwarks and cars out of the village of St. Aubin would give the village such a boost. It would become, I think, a world famous beautiful, almost certainly heritage, site. I think it could be not just the jewel in today's crown but several jewels in tomorrow's crown. I think here we have got a quite excellent - quite possibly a once in a lifetime - opportunity. I repeat again, we have already approved the idea anyway and what the Deputy is seeking to do now is to move that forward. If, as some speakers have suggested, we did not engage in scoping studies in research and feasibility until we had the final money available for the capital project, we would never do much. We would never do much. The fact is, of course, that this House will have to approve the capital funding for any plan that materialises as a result of this feasibility study. It is in our hands again but to suggest we should not do it because we have not today got £5 or £6 million identified does not seem to me to make sense. The issue today is should we do it? Can we find the funds to do the feasibility study? The answer is, "Yes" and I would refer to Senator Shenton's comments about the residents. I live in St. Brelade - not in St. Aubin - and I have spoken to a number of residents myself - not traders and nobody to do with the harbour directly at all - and the majority, not all, of those I have spoken to are very much in favour of researching at least this type of improvement to St. Aubin and at long last getting the motor car out of the village because the motor car is choking the life out of the village at the moment. I said earlier it could be an absolutely amazing and spectacular village if we do this right. So I very much hope that the House will support the Deputy in what I would describe as one of the most exciting potential projects I have seen in many, many a day.

10.18 Deputy of St. John:

I would like to echo the Chief Minister's comments. What a wonderful idea; what a great scheme; £200,000 of feasibility scheme from the Tourism Development Fund is one of the best ideas that I have heard recently to spend that money on. There have been very few good projects that have come forward for consideration by the Tourism Development Fund and this is the first one I have heard of for a long time. And that is what the Fund - I thought - was set up to do. I would like to think we can get on and do it but one little caveat. The Chief Minister just spoke about voting funds later on once a feasibility study is complete. I also heard Deputy Ferguson and Deputy Power say that it was likely that sort of funding would come potentially from the private sector, from investors in that land once it is created, and that is what I would like to see happen. I do not see why any of this should come from the public purse apart from that kick-start which is what Economic Development are all about at the moment - giving things like this a kick-start to get going - not the other £6 or £7 million it required afterwards. That should come, in my opinion, from private investment. There is a very good example of this going on in Guernsey at the moment with a company that is creating a little Venice off St. Peter Port. That is predominantly with private equity - private investment - at no cost to the tax payer in Guernsey, and that is what we should be doing more of. Taking up Deputy Power's point about a bigger scheme, just maybe when this feasibility study is done, we should be looking at a bigger picture - a bigger scheme - that would attract a lot more private investment so you had no cost to the States at all. This scheme is fairly small; quite conservative. Maybe we could go further with this and that, I believe, would be much more attractive to private investors and would have no cost to the public purse.

10.19 Deputy R.C. Duhamel:

Deputy Ferguson and the Deputy of St. Brelade and, indeed, the Constable should be congratulated for bringing this proposition forward to the House today. I find it strange that this House sometimes displays lapses of short-term memory loss or, indeed, perhaps it could even go as far as being interpreted that some of the comments are promoting double-standards. It is not very long ago that a number of Ministers and other Members of this House got together and decided among themselves that they would wish to go ahead and set up an urban regeneration plan for St. Helier and having done that the monies were found; over £200,000 and a similar sum to what is being suggested by Deputy Ferguson for this particular area of St. Brelade. The monies were found. The decision was taken early on that urban regeneration - whether it be in the town or St. Aubin which is our smaller town or village - is something that is worth looking at. These are admirable ways in which to spend monies. I am heartened by (d) that says that the scheme will be to complete an economic as well as environmental engineering assessment to fully determine the potential impact. That means that when the report comes back, as I hope Members will support it, we will be shown categorically how we are going to fund this scheme; whether or not it adds up in economic terms; what the benefits are to tourism, not just to St. Aubin and St. Brelade but to the Island as a whole; and a whole case will be made. I think to bury our heads in the sand and say that small sums of money should not be expended on these admirable projects is not facing the future. We all have our tongues possibly on the wrong side of our mouths when we are supporting a move back to tourism and we are looking around to diversify the economy but when there is an opportunity to put our money where our mouth is we appear to be moving in the opposite direction. It is wrong, it is short-sighted in the extreme and I wish the project every success and I hope to see a decent set of results when the report is finished. I support the scheme.

10.20 Deputy A.J.H. Maclean:

I thought it would be useful just to add some clarification. I can understand why some Members are perhaps a little bit confused with the proposition and the details concerning funding. As I mentioned a moment ago, and I think it has been clearly clarified, the Economic Development

Department was moving forward with this proposal. We had prepared terms of reference to take to the Tourism Development Fund for approval of funding up to a maximum of £200,000. The meeting is coming up next week where we hope to get approval for the project. One of the drivers I should mention that ignited this particular concept was the fact that considerable work is required on the north wall of the harbour and certainly - speaking from Jersey Harbour's perspective - there is a failure of that particular wall. It has been monitored now for a number of years; the condition has got worse and worse. There has been something to the level of 13 degree movement in terms of the wall and it needs urgent remedial work. We have had some estimations from consulting engineers, Arup, and the estimations of cost for the project initially started at about £800,000; they will depend greatly upon the Minister for Planning and his assessment to the level of work, style and design work that has to be carried out but it could extend up to as much as £1.4 million to repair this wall. It did seem sensible having to undertake a project of that size - an absolutely essential project in terms of repairing that important structure - that we consider some other aspects. And, of course, revisited were many of the suggestions made in the past. Wally Battrick has been to see us with his various schemes, and we thought it was a sensible option to look at reclamation as we were going to be doing significant work on the wall in any event. If you look at the costings that have been put forward, and there is clearly nothing in detail at the moment - that is the purpose of the feasibility study - but there have been some rough estimations. I have mentioned the cost of repairing the wall but also in terms of turning the harbour itself into a wet harbour which would require a gate. It would also require that the walls themselves are sealed. The project would probably cost in the region of about £2 million to achieve that including the repair to the existing wall. So there are a number of phases here and it did seem sensible from our perspective that it was a perfect time to look at the wider picture and get an assessment and that is why we were going to the Tourism Development Fund. It is probably worth mentioning that there was a recent report by Locum Consulting which talked about St. Aubin as a key strategic asset for Jersey's visitor economy. It is a particularly attractive and lively waterfront area and the report went on to talk about the primary driver for realigning the Jersey product with demand in the U.K. and European markets which is the redevelopment of St. Aubin. Success will be heavily dependent on the physical regeneration of the area in a manner that is sympathetic to the historical significance and heritage of the harbour. There is, from a tourism and economic point of view, significant benefit in carrying out this study and the potential redevelopment. Significant funds, we understand, would be required in the future. The possibility of a private and public partnership is something that should be considered as well but until we do the scoping work - until we have the feasibility study - we cannot go any further with it. On that basis, I think that the proposition the Deputy has brought forward deserves support. It is something that we really should be getting on and doing.

Deputy P.V.F Le Claire:

Sir, can I just make a point of clarification? It might help to put some perspective on where our concerns were. We asked the Assistant Minister, what is the process that the Tourism Development Fund normally operates under in relation to probity when issuing funds for tourism development purposes? Is not a decision by the States going to pre-empt a body - if there is a body looking at this - and what will be the result if, in the unlikely circumstances, the States have approved this today but the Fund was to turn around and decline supporting it?

Deputy A.J.H. Maclean:

The determination as far as the Tourism Development Fund is entirely independent. I would expect them to make a decision based on facts - evidence - that is presented to them, and not be influenced by any decision that is made in the Chamber.

10.21 Senator F.E. Cohen:

As we have heard, for many centuries St. Aubin was the capital merchant harbour of this Island. It was in the past - and potentially in the future - one of the jewels in our crown. It is not that far off at the moment but it needs careful attention. As I have often said in planning matters, it is the last 5 per cent that counts and it is the last 5 per cent that we are talking about now in terms of making St. Aubin one of the crowning achievements of this generation. Historically, as we have also heard from Deputy Ferguson, St. Aubin was a port that grew by reclamation - successive reclamation - and I have spent some time in the past reading about the arguments and disputes that led to the reclamation that we now see resulting in a magnificent harbour. I think that it does not take a great deal of imagination to consider the completed project: the water retained, the bulwarks cobbled, the traffic limited to essential traffic for the operation of the businesses in the area and the car parking moved to a properly and appropriately landscaped reclamation area. Many of us have seen similar projects in France where similar ports have been so successfully regenerated and I think St. Aubin itself should expect no less from us. I, therefore, fully support this proposition and I hope other Members will do similarly.

The Bailiff:

I call upon Deputy Ferguson to reply.

10.22 Deputy S.C. Ferguson:

I thank the Connétable for his comments but since we have been working on this together I should have expected it, I think. We both think alike on this. I would thank Deputy Troy for his support. Yes, I think one of the underlying themes was financing but this is the whole point of doing a feasibility study. The financing is a very important part of it and public/private financing projects are ideas that we are very much looking at. I thank Deputy Le Fondre for his comments. Deputy Lewis wondered how many locals had we consulted and Senator Shenton had a similar comment. Well, not all the locals agree, fair enough; but an awful lot of them do and as the Connétable said, we shall be having a Parish Assembly to take this forward. I note the concerns about “do not let harbours run amok on the costs of mooring boats”. Fine. Yes, I think that is something that needs to be looked at. Deputy Fox asked that we look at alternative measures: some of these Australian ideas where you have a building and the car park is inside a very nice looking building. In actual fact, if you do not landscape it very well and if you just throw the cars on to the landfill site then you can probably get about 300 cars in but if you park them so that with the landscaping nobody can see they are there a bit like the car park at L’Horizon in St. Brelades Bay, the landscaping is such that you do not really notice the cars. Deputy de Faye points out that it is not plain sight sailing and that is why it is a feasibility study. No, we are not expecting every last resident in St. Aubin and St. Brelade to all have a say but we are expecting them to be consulted. I think the questions of the Deputy of St. Martin have probably been answered regarding the costing of the feasibility study. I note Deputy Huet’s comments. As I have said, we are looking at public/private financing if necessary. Deputy Power mentioned costs that I am not going to repeat and possible costs of the projects. I have also got putative costs of the project from a certain firm of civil engineers which are not anything like as much as Deputy Power’s. The extra marina space he describes as possibly being an idea is phase 2 which is a marina for 1,800 boats but I am not sure that is what we are going to do at this point in time. Again, I note Senator Shenton’s points about residents parking schemes. There is also charging for parking in the evenings and all this sort of thing. It all comes under the feasibility study. We have the main Ministries involved and talking to each other on it; we bring the residents into it and then we have the evidence - we have the facts. I thank Senator Walker for his comments and also the Deputy for St. John. Deputy Duhamel, I thank for his comment about diversification back into tourism which, of course, is what this is. I thank Deputy Maclean and Senator Cohen for their comments and I ask Members to support the

proposition so we can get the Ministries talking to each other, get them talking to the locals and let us get this show on the road, please. I ask for the appel, Sir.

Deputy C.J. Scott Warren:

Sir, I did ask Deputy Ferguson whether there do exist at present any provisional costings on the full project?

Deputy S.C. Ferguson:

It depends which part of the project. Deputy Maclean mentioned the cost of the harbour and the wall together. I do not want to look at the infill cost. I do not want to give any figures for the infill costs at the moment (a) because the figures are approximate and (b) because anything like that will go out to competitive tender. We do have an idea though.

The Bailiff:

I ask any Member who wishes to vote to return to his or her seat and I will ask the Greffier to open the voting which is for or against the proposition of Deputy Ferguson.

POUR: 41	CONTRE: 5	ABSTAIN: 1
Senator L. Norman	Senator S. Syvret	Connétable of St. Brelade
Senator F.H. Walker	Senator W. Kinnard	
Senator T.A. Le Sueur	Senator T.J. Le Main	
Senator P.F. Routier	Senator B.E. Shenton	
Senator M.E. Vibert	Deputy J.J. Huet (H)	
Senator F.E. Cohen		
Senator J.L. Perchard		
Connétable of St. Ouen		
Connétable of St. Saviour		
Connétable of St. Mary		
Connétable of St. Peter		
Connétable of St. Clement		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. John		

Connétable of St. Martin			
Deputy R.C. Duhamel (S)			
Deputy A. Breckon (S)			
Deputy of St. Martin			
Deputy G.C.L. Baudains (C)			
Deputy P.N. Troy (B)			
Deputy C.J. Scott Warren (S)			
Deputy R.G. Le Hérissier (S)			
Deputy J.B. Fox (H)			
Deputy G.P. Southern (H)			
Deputy S.C. Ferguson (B)			
Deputy of Grouville			
Deputy of St. Peter			
Deputy J.A. Hilton (H)			
Deputy G.W.J. de Faye (H)			
Deputy P.V.F. Le Claire (H)			
Deputy J.A.N. Le Fondré (L)			
Deputy D.W. Mezbourian (L)			
Deputy of Trinity			
Deputy S.S.A.P. Power (B)			
Deputy A.J.H. Maclean (H)			
Deputy K.C. Lewis (S)			
Deputy of St. John			
Deputy I.J. Gorst (C)			
Deputy of St. Mary			

11. Draft Amendment (No. 6) of the Standing Orders of States of Jersey (P.116/2006)

The Bailiff:

We come to Projet 116: Draft Amendment (No. 6) of the Standing Orders of the States of Jersey and I ask the Greffier to read the long title.

The Greffier of the States:

Draft Amendment (No. 6) of the Standing Orders of the States of Jersey. The States, pursuant to Article 48 of the States of Jersey Law 2005, have made the following amendment to Standing Orders.

11.1 Connétable D.F. Gray of St. Clement:

This is just the final stage in achieving what the States agreed to on 9th July and that is to form the fifth Scrutiny Panel. This will not change the composition of the present Social Affairs Panel. It will merely change its name to Education and Home Affairs. The new Panel will be responsible for health, social security and housing. The funding, as has been agreed, will come from the carry forward balances of P.P.C. (Privileges and Procedures Committee) and I am just trying to remind the Treasury and Resources Minister where the funding is coming from. If that is not sufficient, we have an agreement - and I hope it is an agreement - that any shortfall would be found from the Treasury and Resources Ministry's budget or from the other Ministries budgets. If this is approved today we are in the process of finding the staff. If this is approved today and the process of finding staff is successful then it is proposed that a Chairman be appointed on 21st November and the Panel members elected at the following meeting on 5th December. I do not think there are any other matters but if there are any questions I am willing to answer them.

The Bailiff:

The amendment to the Standing Orders is proposed and seconded. Does any Member wish to speak on the amendment to Standing Orders?

11.2 Senator S. Syvret:

I was the only Minister who voted in favour of the proposal to establish a fifth Scrutiny Panel but as the Constable has upset me I think I am going to change my mind and vote against it now.
[Laughter]

11.3 Deputy R.C. Duhamel:

Just quickly, words of encouragement and support. It has been almost a year trying to get this through and I thank the House for their support so far and I hope they will agree to the final pieces being put into the jigsaw. As the Chairman of the P.P.C. told the House, the staffing question is being tackled at the moment and we do hope to hit the ground running a little bit before Christmas. I would like to reiterate that should this go through the elections for the Chair will happen on 21st November and the membership on 5th December.

11.4 Deputy P.N. Troy:

I think all Members will agree that the work load of the Social Affairs Scrutiny Panel was too onerous and that it is very sensible to split the Panel. I would just like to say that whoever comes forward to take on the responsibilities of the new Panel - to Chair the new Panel - I hope that they look at the way many of the existing Panels set up sub-panels to carry out a lot of additional work and they split the work down into little groupings. I really do feel that helps the Panels to achieve a great deal more than just the whole Panel concentrating on one issue. So, whoever comes forward

for that I hope that they look at the way that Panels are currently operating and, of course, I wholeheartedly support this.

The Bailiff:

I call upon the President to reply.

11.5 The Connétable of St. Clement:

I thank all Members that have spoken in support of the proposition and I do regret having upset Senator Syvret and I hope that he will change his mind and vote for the proposition. **[Laughter]**

The Bailiff:

I put the proposition, the appel, and ask the Greffier to open the voting which is for or against the amendment to Standing Orders.

POUR: 41	CONTRE: 3	ABSTAIN: 0
Senator S. Syvret	Senator L. Norman	
Senator F.H. Walker	Deputy J.J. Huet (H)	
Senator W. Kinnard	Deputy of St. John	
Senator T.A. Le Sueur		
Senator P.F. Routier		
Senator M.E. Vibert		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator J.L. Perchard		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Peter		
Connétable of St. Clement		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. John		

Connétable of St. Brelade			
Connétable of St. Martin			
Deputy R.C. Duhamel (S)			
Deputy A. Breckon (S)			
Deputy of St. Martin			
Deputy G.C.L. Baudains (C)			
Deputy P.N. Troy (B)			
Deputy C.J. Scott Warren (S)			
Deputy R.G. Le Hérissier (S)			
Deputy J.B. Fox (H)			
Deputy G.P. Southern (H)			
Deputy S.C. Ferguson (B)			
Deputy of Grouville			
Deputy of St. Peter			
Deputy J.A. Hilton (H)			
Deputy G.W.J. de Faye (H)			
Deputy P.V.F. Le Claire (H)			
Deputy D.W. Mezbourian (L)			
Deputy of Trinity			
Deputy S.S.A.P. Power (B)			
Deputy K.C. Lewis (S)			
Deputy I.J. Gorst (C)			
Deputy of St. Mary			

12. Draft Public Employees (Retirement) (Amendment No. 6) (Jersey) Law (P.118/2006)

The Bailiff:

We come to the Draft Public Employees (Retirement) (Amendment No. 6) (Jersey) Law (Projet 118) and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Employees (Retirement) (Amendment No. 6) (Jersey) Law 2000; a Law to amend further Public Employees (Retirement) (Jersey) Law 1967. The States, subject to the sanction of Her Most Excellence Majesty and Counsel, have adopted the following Law.

Senator F.H. Walker:

I would like to ask if Deputy Gorst could act as rapporteur in this proposition.

The Bailiff:

Yes.

12.1 Deputy I.J. Gorst of St. Clement (Assistant to the Chief Minister - rapporteur):

I am aware that Members are eager to move on to the Waterfront Chairman Part 2 so I shall endeavour to be brief. I propose this amendment to Article 4 of the Public Employees (Retirement) (Jersey) Law 1967. The current Article 4 enables the States to make Regulations empowering the Minister on the application of an employer who satisfies the Minister that it is appropriate to do so, to admit persons in the employment of that employer to participate in the pension scheme established under the principal Law on such terms and conditions as may be specified by regulations. These bodies are then granted admitted body status within P.E.C.R.S. (Public Employees Contributory Retirement Scheme). Currently, a terms of admission document is issued documenting employers' obligations and responsibilities. As Members will see from the report, a new Regulation was proposed by the Committee of Management which intended to ensure that the terms of an admissions document would, in effect, contain statutory and binding duties on the part of all parties to that document. The Attorney General, on balance, advised that this amendment that we are looking at today was required. The amendment changes the construction of Article 4 by referring explicitly in the Article to the participation of the employer. It also allows for Regulations to specify terms and conditions on which the employer and the employee's respectively may participate in the scheme or specify any other manner in which such terms and conditions shall be determined. The amendment also allows the imposition of additional obligations on all the parties concerned. I maintain this enabling amendment.

The Bailiff:

The principles of the draft are proposed and seconded? Does any Member wish to speak on the principles?

12.2 Deputy R.G. Le Hérissier:

I wonder if an organisation so constituted at the time of transfer ceases to be so constituted; for example, Jersey Telecom is sold, could the rapporteur tell us what are the consequences of moving on ownership and do precisely the terms at the time of the agreement still pertain when ownership is moved on?

12.3 Deputy I.J. Gorst:

This amendment to the Law will enable an amended, as the report says, Regulation 9 which will come before the States, I understand, early next year which will cover the very issue that the Deputy is concerned about. What we are doing here will be enabling a Regulation to be brought forward which will cover that particular issue. I maintain the amendment, Sir.

The Bailiff:

I put the principles. Those Members in favour of adopting them, kindly show. Those against? The principles are adopted and you move Articles 1 and 2... I beg your pardon. Chairman of the Scrutiny Panel, Deputy Ryan, do you wish this matter referred for scrutiny?

Deputy P.J.D. Ryan:

No, thank you, Sir.

The Bailiff:

Articles 1 and 2 are proposed and seconded. Does any Member wish to speak on either of the Articles? I put the Articles. Those Members in favour of adopting them, kindly show. Those against? The Bill is adopted in Second Reading and you move the Bill in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak on the Bill in Third Reading?

12.4 Deputy R.G. Le Hérisier:

I wonder if the rapporteur, after that excellent exposition to deflect matters, could tell us why it was not possible to do both matters, so to speak, at this stage? Why an enabler to get a proposal through next year?

12.5 Deputy I.J. Gorst:

I am disappointed that the Deputy felt I was deflecting his question in the first instance because I certainly did not intend to do that. However, it might be worth noting that my preferable occupation is adding numbers rather than discussing legal niceties or difficulties. What it was decided, as I said in my opening remarks, by the Attorney General - and he is with us today and I am sure will correct me if I misinterpret that - was that on balance the best way to deal with this issue was through an amendment to the Law which would then enable amended Regulations to be brought to the States early, as I say, in the coming year.

The Bailiff:

I put the Bill in Third Reading. Those Members in favour of adopting it, kindly show. Those against? The Bill is adopted in Third Reading.

13. Waterfront Enterprise Board: appointment of Chairman - publication of transcript of *in camera* debate (P.119/2006)

The Bailiff:

We come to Projet 119 - Waterfront Enterprise Board: appointment of Chairman - publication of transcript of *in camera* debate and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion; (a) to agree in accordance with the provisions of Standing Order 160(4) that a transcript of a section of the debate relating to the appointment of a new Chairman of the Waterfront Enterprise Board (P.89/2006) that was conducted *in camera* on 19th July 2006 should be made public by the Greffier of the States 14 days

after the adoption of this proposition, except that any Member who so wishes shall be permitted to notify the Greffier during this 14-day period that he or she wishes a text of his or her speech and any reference to it in the speeches of other Members not to be included in the published transcript and in these circumstances this transcript shall only record the fact that the Member concerned spoke during the debate without including the text of the contribution made; and (b) to agree that debates relating to appointments made by the States should no longer be conducted in camera and to request the Privileges and Procedures Committee in consultation with Ministers as is necessary to bring forward amendments to all relevant legislation to give effect to the proposal.

13.1 Deputy P.V.F. Le Claire:

I have prepared 2 speeches, one extremely long which I have been told is not the one to give and another one that is rather shorter but still not extremely short. I will try to make it as brief as I can. I do think that the issues I am bringing up today will reflect upon some serious matters of principle for the States Assembly and that while there may be moments of joviality the issues are serious. Not in the least is why I am returning to the Assembly with the issue of whether or not this debate that occurred on 19th July should have seen the light of day, as has been pointed out by Deputy Gorst, the Assistant Chief Minister. We are now faced with Waterfront Enterprise Board Chairman too. In not wishing to go over all the old ground that Members are fully aware of I think it would be remiss of me and my responsibilities as a States' Member in that regard to not at least touch upon these very briefly in terms of what it is I am seeking to do here today. I think the first thing that needs to be said is I have read over the transcripts and have a good understanding as to what was said in camera that day to facilitate myself and refresh my memory. I think the second thing to say is that it is quite clearly wrong for me, and in my view any other Member, to enter into the content of what was discussed in camera during that session in this debate today. I hope we can avoid a lengthy debate in the wrong direction by avoiding talking about what people did or did not say. In making this proposition I wish to give Members the option of releasing to the public the contents of the recent in camera debate for the appointment of the Chairman of W.E.B. which occurred on 19th July 2006 while protecting those speeches made by Members who spoke in the belief that their contributions would remain in camera should the States agree with my proposition. I think it is fair for me to state for the record, and it is available to be seen and I refreshed my memory from the *Hansard* end of it today, that I was one of the key people that spoke in favour of the debate going into camera on that day. It was only on consideration of the issues that have been put forward primarily by the *Jersey Evening Post* that I have had time to reflect upon what it is we are doing as a government when we consider these matters in camera. In writing the proposition it struck me that in order to guarantee the privileges of the States I needed to take on board the views that had been expressed by the Privileges and Procedures Committee, that Members spoke during the in camera portion of the debate believing that their contributions would remain confidential. It is a view that has subsequently been repeated in the P.P.C. comments to my proposition and fully endorsed by the Council of Ministers in their lengthy submission tabled before us today. It is a principle in which we can see a great deal of merit and had the detail and the substance of the in camera debate remained confidential then perhaps it is something that we could have sided with. The reality is, however, that following the debate the media was informed as to the content or the context of the in camera debate and by not subsequently releasing the detail some damage, in my view, has been done to the people whose names and appointments were respectively made in those 2 positions. After the debate finished the *Jersey Evening Post* on Thursday, 20th July published on their front page this headline: "War on the Waterfront", with the headline: "Ministers in vitriolic character assassination of former W.E.B. Chairman as new man is appointed behind closed doors." And while I will not relate to the speeches that were made during the in camera portion of the debate, Sir, and I will be guarded in my speech and measured in speaking today, I will refer from these headlines and a couple of others if I may because I think that it will help Members understand what it is we are talking about and what it is I am trying to put across. This article reads:

“Ministers turned on former Senator Pierre Horsfall in a closed-door States session last night that has been described as a vitriolic character assassination. The House took the unusual step of debating the appointment of a new Chairman of the Waterfront Enterprise Board behind closed doors for an hour-and-a-half barring both the public and the media from the Chamber. They approved the replacement of Mr. Horsfall who just 4 years ago was the President of Policy and Resources with former Deputy Gerald Voisin who left the States 8 months ago, by 38 votes to 9. Members of the Council of Ministers criticised the former Senator but took what one States’ Member called ‘a bit of a kicking’ from the States over the way Mr. Voisin had been recruited without any reference to the Appointments Commission. Because the session was held in camera, the press was barred, the B.B.C. broadcast was suspended and the matter will not be transcribed on *Hansard*. States’ Members have been reluctant to discuss the secret debate this morning but Environment Minister, Freddie Cohen, denied suggestions that he had criticised Mr. Horsfall’s actions at W.E.B: ‘I do not believe in publicly criticising others and I did not do so’ he said. ‘However, it would be fair to say that Members would have reasonably concluded that at times I have felt frustrated and disappointed in my dealings with the Waterfront generally.’ Another Member said that Mr. Horsfall had come in for a vitriolic character assassination from quite a few of the Ministerial people, and that the Council of Ministers had been roundly criticised for their handling of the matter and for their failure to involve the Appointments Commission in finding a successor. The criticism was so strong that it looked as though the proposition which appointed Mr. Voisin as Chairman and re-elected John Tibbo and Peter Crespel as non-States directors might fall until it was pointed out that if it was not agreed it would leave W.E.B. without directors and therefore not legally constituted. Meanwhile, Mr. Horsfall defended his actions as Chairman to date. ‘There was bound to be some tension’ he said, ‘between a developer and a planning authority’ but he was entirely happy with his record. ‘I have seen that place lie stagnant for years and years and now there is some development all over the place’, he said. ‘I do not think the fact that we are on slightly different sides of the fence is the important thing. We all want the same thing at the end of the day which is a top-class Waterfront but we have different roles in the process.’ The first signs of a serious rift between Senator Cohen and Mr. Horsfall came earlier in 2006 when the Environment Minister complained to colleagues in the Council of Ministers about the W.E.B. chairman. The Senator was left fuming when on the eve of a public forum on the Waterfront, Dandara and W.E.B. released sketches for a revised tall building development on the parkland. The Senator saw it as a deliberate attempt to affect the public debate, which Mr. Horsfall denies. Senator Cohen also accused Mr. Horsfall of trying to strong-arm him into giving the go-ahead for the Centre Park development by claiming that the holiday giant would pull out if they were not given a positive indication of approval. An email detailing the complaints was leaked to the *JEP* (*Jersey Evening Post*) and a memorandum of understanding was hurriedly prepared by the Council of Ministers which effectively gagged Mr. Horsfall and W.E.B. It was clear then that the writing was on the wall for his chairmanship of the board.” It then went on to 21st July and the *Jersey Evening Post* and its circulation in the Island being such a prominent feature of the Island’s governance of its electorate, again it is smack bang on the front page of the *JEP*; the very next day the same issue. It is little surprise really, given the history of the individuals that we are looking at here. Former Senator Pierre Horsfall and I never really did play on the same side. People were shaking their heads when they saw me coming over the hill in his defence. We never were the most allied politicians and record will bear testament to that but I do believe that in making this case that today what I am trying to do is stick up for a sense of fair play. I believe that ex-Senator Pierre Horsfall, who has been left with a cloud hanging over his head because of this whole debacle, has the right as an individual and should have the justice as a long-serving, hard-working States’ Member, of the privilege of standing-up and making it quite clear that he has done nothing untoward if he chooses to respond. This headline, not as long to read: “The States could be plunged into political crises as one of its former leaders contemplates Royal Court action against the entire Assembly.” It does not go into saying that he will do it but he wants to get access to the debate, seeks permission from the Bailiff, seeks permission from the Chief Minister, seeks

permission from the Privileges and Procedures Committee. I am reluctant to keep on talking because I know Members get bored if I speak too long but it is an important issue. I would please beg Members to bear with me because I certainly did not think that I would be standing here at 5.10 p.m. defending the position of somebody that I was never politically aligned to before but I think it is important that we do bear this one out. The comment from Friday, 21st July from the *Jersey Evening Post* really hit home to me: "Transparency, accountability and openness are concepts which our politicians have rightly vowed to put at the heart of Jersey's new system of government. In the past the default position among them and the civil servants who put their policies into action was quite the opposite. Secrecy was ingrained in the system and freedom of information was something to be treated with suspicion. Knowledge is power after all and too much of it in the wrong hands could be dangerous." And that is the principle. Without bothering to read over these articles which in themselves are extremely damaging to the States of Jersey and the Island as a whole, the fact that the States is not releasing these transcripts needs to be addressed. It is the issue of whether or not the principle of open government exists in Jersey. I will put the *JEP* to one side but I will read from a book. After having spent many months deliberating on the Freedom of Information Law which we would like to bring into force in Jersey with the Privileges and Procedures Committee, I was given, with other Members, access to this book which is *Your Right To Know How To Use The Freedom Of Information Act*. It is quite an authoritative piece of work. I would like to put things into perspective for Members as to what it is I am trying to do here: "The public's right to know in terms of freedom of information is not just a noble idea for an enlightened society. It is thoroughly practical. Freedom of information is the most effective and inexpensive way to stop corruption and waste and enhance efficiency and good governance. It is as much for these practical reasons as for the more high-minded sentiments that more than 50 countries around the world have passed freedom of information laws and 30 more are in the process of implementation. Jersey, itself, has a Freedom of Information Code which it hopes one day to sign to having a Freedom of Information Law. This will give Jersey an international standing in terms of finance and independence. The strongest of footing. We must be able to demonstrate to the greater world that we are not bound and tied-down by rules in respect of secrecy unless they are absolutely essential. More than half of these laws were implemented in the last decade and many in response to requirements by international money lenders such as the World Bank and International Monetary Fund. Other laws were passed as a reaction against government scandals or crisis. In the U.K. a continuing string of government scandals led first to the Voluntary Code of Access and then to the Freedom of Information Act. In the U.S., the major amendments strengthening freedom of information laws were made after the Watergate scandal was exposed. At the same time the Watergate scandal was exposed, another piece of information was being exposed and that was the Rand Corporation's copies of how the Gulf of Tonkin was made up by the U.S. Government. It was not until that stage that the Vietnam War was portrayed for what it was, something that had been engineered by the United States of America. It was only after this exposition, and only after various people had been tried and found guilty and Nixon had to be impeached, that the United States believed that such a thing could happen." It is in that context that I am trying to place this debate because although we are not in any way going to be going to war with anybody the most important thing to remember is that we have to set a level as to what we decide as a government to treat as secrecy. If we keep small things secret we are going to keep much bigger things secret. If we are going to keep small debates completely closed from public review, if we are going to keep innocuous - okay, strongly objectionable in some circumstances to some individuals - debates secret forever even after the individual has indicated that they were part of that process, if we are going to keep those things secret, then what else is the States of Jersey advocating should be kept secret? What else is the States of Jersey setting as a bar for the Council of Ministers in respect of secrecy when it comes to water pollution, when it comes to public health? Further: "The rise of global communications has made it easier to disseminate information to a wide audience and governments now find it harder to successfully suppress information from their citizens. There is a growing awareness and acceptance of human rights that is fuelling the public's demand for greater

access to government information. What is finally being realised is the hidden costs of secrecy. It allows bad practices to continue unchecked. One reason government officials hate openness is that it highlights their mistakes and that is embarrassing. However, avoiding embarrassment should not be the guiding principal of any government running an efficient and well-run system. We only improve by making mistakes and as it is with people, so it is with government. So if an agency is never held accountable it is never faced with its mistakes. It can never really learn anything and thus will never improve. Bad practices will continue unchecked until they reach such a point of incompetence or corruption that no effort can contain the scandal. The problem then is the public's lost of trust and trust in government is essential to a well-run democracy. When public trust is lost even if something is done well it does not matter because the public believes the government is fundamentally dishonest. The public no longer feel connected to their leaders and although we may have elected the politicians they are not acting in accordance with the public's will. The impetus to vote in elections decreases and instead people choose to take action in ways they feel they have more say." These issues are endemic in the United Kingdom and they are being repeated in Jersey today, I put it to Members. We were told in the open side of the debates, that was not part of the in-camera debate, that the reason for the proposition was a very innocuous reason that W.E.B. was changing, a new company was company, the office of Mr. Horsfall was expiring and Mr. Gerald Voisin was coming along to save the day as an interim position. Members may or may not remember what was said when it went into camera and they may or may not remember how they felt when they heard the things they heard. One thing I did remember when I re-read the transcripts was that what I was being told about the rationale behind the innocuous appointments was that something fundamentally was wrong with the appointment process that the government was being asked to approve, that the Council of Ministers had put forward. And, although that has come out in some sets of circumstances, the detail of that is laid within the in camera portion of the debate. It may be embarrassing for some of that debate to come out into the public but having read it I do not believe there is too much that is strongly objectionable in the real world of politics that was said by any individual in respect of other individuals. What we do have is a situation at the moment where we have utter confidence in ex-Senator Pierre Horsfall in representing - as he has been appointed to do by the finance industry - Jersey Finance: a body that we give millions of pounds to each year to promote our main industry. As an individual Mr. Horsfall now is in a position where he is not able to know what it was that was said during the debate that has been reported as a vitriolic character assassination. The reason I touched on the issue of freedom of information is because the States, as I mentioned earlier, have signed up to a code of freedom of information and by signing up to that code of freedom of information they have deemed that the States of Jersey - no doubt to meet the requirements of people like the World Bank and International Monetary Fund - is seen as a government that is open and honest. Within the code itself, which was approved in 1999 just before I came to the States, on 26th July, the States approved the principle that the public should have access wherever reasonably possible to information held by the Committees and Departments of the States in accordance with the code of practice agreed by the States. They approved with amendments a draft code of practice on access to information held by the States and agreed that the code should be brought into operation and charged the House Committee to do so. They also agreed to make sure that the code was in light of practical experience elsewhere. They put the appendix to that code which can be found in the States' Minutes for 26th July 1999, the descriptions and the purpose of the codes. Why do we have a freedom of information code: "The purpose of the code is to establish a minimum standard of openness and accountability by the States of Jersey, its Committees and Departments, through increasing public access to information, supplying the reasons for administrative decisions to those affected except where there is statutory authority to the contrary, and (c) giving individuals the right of access to personal information held about them and to require the correction of inaccurate or misleading information." So that is a key one. The purpose of the code was to give the individual the right of access to personal information held about them and to require the correction of inaccurate or misleading information, and the interpretation and scope went as far as identifying the States of Jersey as an authority in that

application. In the application of the code, in 1.2.2 in (b) it made this quite strong statement: "There should be a presumption of openness." The arguments so far put forward have been Members spoke in the belief that their comments would remain confidential. My proposition enables those speeches of Members who wish to have their speeches remain confidential to occur because when we spoke in camera we all believed that we would not be hearing from the media about what the content was going to be. Unfortunately, this is an instance where precedent has been set. The detail and the content of the in camera debate was leaked to the media and those individuals who spoke to the media about the in camera portion of the debate have unleashed this incident upon us again. I, just like other Members, did not want to be in this position but I do not think it is right. I love cricket and I am a great believer in fair play. I do not think it is right, even though we were not on the same team, that ex-Senator Horsfall should have had such a cloud left hanging over his head. After all, having read the transcript as I have made quite clear, in the strong world of politics I do not find personally there are issues there. We are going to go on to an amendment of the Constable of St. Helier in relation to my report and in that amendment, which I do support, the Constable recommends that we table the entire thing. The reason I crafted my wording of my proposition the way I did - to allow Members the get-out - was that it was the established party line of the Privileges and Procedures Committee when this was first raised by the media as to them wanting access to the information. A strongly held view of the public is that the States operate in too many areas in secret.

The Bailiff:

Deputy, we are not debating the amendment at the moment.

Deputy P.V.F. Le Claire:

No, Sir.

The Bailiff:

Sorry, I thought you were turning to the amendment of the Connétable.

Deputy P.V.F. Le Claire:

I do apologise, Sir, if I am straying. **[Aside]** The point I am trying to make is that there is an opportunity in the following amendment for Members to re-look at this issue and repeat all the arguments but the point I am trying to make is that at the minimum level, the Privileges and Procedures Committee were advocating that we should not release this on the grounds that Members spoke in secret and it would be wrong for them to be then put in a position that would undermine that. Well, what is that going to do? Embarrass a few people and let the public know about what was said and the context in which it was said? Having re-read the transcripts and understood the debate at the time it was more about a faulty appointment process than about the appointees. It was more about a faulty set of actions and processes about the Waterfront than the actual individuals and has been confirmed today by the Chief Minister; and this is not meant as a criticism, but through no fault of our own we are no further along today that we were then when we were given a guarantee - an absolute pledge - that the issue would be looked at in September to have a new property company. Yet that gun was put against our head in making a decision at the time and a lot of the speeches hinged upon that particular issue. What I think is important is we put aside our parliamentary privilege of embarrassment for this debate and we consider whether or not we would like to be in the same position as that of ex-Senator Horsfall today because I know that neither he nor Mr. Voisin - the principal people that were spoken about during that debate and who the debate focused around - do not object to having this released. The Privileges and Procedures Committee has got 2 Ministers on its body. The message from the Privileges and Procedures

Committee which is completely endorsed in a one-liner on the Council of Ministers does more to cover ineptitude of the Council of Ministers than it does to protect the issues at hand. From time to time the Council of Ministers are going to make mistakes and it is at those times real politicians - and real independent politicians - have got to be brave enough to say when they believe that is. They also, from time to time, and hopefully more than not will do things right and the Council of Ministers have exercised over the last 8 months, I think, a far higher degree of success than I would have put them down for had I put any bets on the table given the first year of Ministerial government. I think they have done particularly well in a great number of areas. Nevertheless, that really brings me to my point. I believe on this occasion, because of this particular incident, we have put a smear on an individual that the media has reported upon for all the right reasons. The *JEP*, in my view, has got to be congratulated for bringing this issue. We have to raise the level of secrecy above where we have it at the moment because it is too low, far too low. If we are going to keep these sorts of issues secret what else are we going to keep secret? We have already done in the last 12 months a £2 million deal with a water company not to tell anybody who their name was on the grounds: "Oh, I do not want to get sued by the public. Do not say anything about this." Let us have a Les Pas debate where we can discuss the issues afterwards as long as we keep it -- we will call it the Poseidon Adventure or something similar. Atlantis Project, yes, thank you. Project Atlantis. So I believe, and the people of Jersey believe, that if we are going to have any real dialogue with the people of Jersey, if we are going to have any real investment in increasing the numbers at the polls, then we are going to have to bring the people with us. If we are going to have public propriety in relation to the Waterfront then we have to demonstrate that it exists. I am very sorry to say this but it has been suggested to me by people and by the media that people were speaking about whether or not a "bung" had occurred: "Is the reason? Has a 'bung' taken place? Has such-and-such a developer had this? Has such-and-such a developer had that?" Now why are we allowing, as States' Members, that kind of untruthful innuendo to circulate the Island?

The Bailiff:

Deputy, I am sorry to interrupt you but I think you really must come back to the point of the proposition. The point of the proposition is whether the transcript of the in camera debate should be made public. You told us you had a short speech and a long speech. I just respectfully remind you, you have spoken for half an hour already.

Deputy P.V.F. Le Claire:

I think I strayed into both.

The Bailiff:

I thought that was the short speech.

Deputy P.V.F. Le Claire:

Thank you, Sir. You have thrown me the lifeline. The point is I believe in this incident the States should open up and let the truth out because I think it will be a lot less painful if we let it out and I think people will see there is no such thing that was suggested and there was no such denigration. There were strong words but, in my view, not the kinds of reports that have been made. Part (b) of my report and proposition speaks about ongoing future appointments and that is, in itself, a complex issue but I am wondering, Sir, from a procedural point of view whether or not we want to maybe leave that over until we have had the Constable's amendment because I would just like to get an input from the Attorney General on that issue. I spoke to him about it today, in relation to the various appointments that have been identified. I do not know whether or not that is acceptable.

The Bailiff:

You are proposing part (a) and (b) at the moment so if you want to deal with (b) I think you must do that.

Deputy P.V.F. Le Claire:

With part (b) I am fairly relaxed about the idea of a review which could cut out at least half a day of debate on this proposition. The future appointments of all the different types of people that have been recommended in the Privileges and Procedures Committee is extensive; some of which are covered by law. I would like to see these things coming back as recommended by the Privileges and Procedures Committee in a very short period of time so we can decide whether or not the States really does need to appoint these people or whether or not they can be done quite satisfactorily from the Appointment Commission process. At that stage we can individually look at the ones that have been proposed and discuss them. My only concern is in not withdrawing (b) at the moment until I listen to some of the speeches and in particular some reassurances from the Chief Minister, the Chairman of the Privileges and Procedures Committee and Her Majesty's Attorney General. I would like to see some timeframes in respect of those because I do think it is long time overdue that the States of Jersey stopped discussing these types of issues and I think it is a long time overdue that the States of Jersey raised the level on what it considers to be secret. I make the proposition and there is an amendment.

The Bailiff:

Is the proposition seconded? **[Seconded]** I remind Members that it is now 5.30 p.m. and it is for Members to decide whether to continue or to adjourn.

Senator S. Syvret:

I had, perhaps extremely naively, rather hoped we could stay on and finish this as I thought the issues were quite simple and clear and readily understood. My preference would be to carry on and finish this evening but I am in the hands of the Assembly.

Senator W. Kinnard:

We have an event up at the T.A. Centre which has been organised with visitors from the Ministry of Defence and a lot of Members, I know, have accepted the invitation and that begins at 6.00 p.m. I just advise you of that.

The Bailiff:

It seems to me, if I may so from the Chair, that this debate has a little way to go and it is unlikely to finish within 30 minutes. Do Members agree to adjourn now until 9.30 a.m.? Very well, the Assembly adjourns and we will reconvene at 9.30 a.m. tomorrow.

ADJOURNMENT