

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 19th JANUARY 2010

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[10:33]

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

The Bailiff:

I am able to inform Members of the resignation of the Connétable of St. Helier from the Public Accounts Committee.

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

If I may on behalf of the members of the Public Accounts Committee and also its chairman, we would like to thank the Constable of St. Helier very much for the extensive work he has done in supporting the work of the Public Accounts Committee over the last year, and wish him well in the new position he has taken up in taking over the chair for the Millennium Town Park Implementation Group and the policing of St. Helier Policy Group and hope he will be very effective in both of those challenges.

The Bailiff:

Thank you, Connétable.

QUESTIONS

2. Written Questions

2.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE RATIFICATION OF THE EUROPEAN CONVENTION ON THE RIGHTS OF THE CHILD:

Question

As the U.K. signed the European Convention on the Rights of the Child on 19th April 1990, ratified it on 16th December 1991 and it came into force in the U.K. on 15th January 1992, what prevents Jersey ratifying this Convention and then moving to do everything it can to implement it, given that the Assembly agreed to do this in Priority 9 of the Strategic Plan?

Answer

The Convention on the Rights of the Child is a United Nations Convention.

Jersey cannot ratify international conventions in its own right – we must ask the United Kingdom to extend their ratification to us. Furthermore, it is an accepted principle that Jersey does not ask for ratification of any international convention to be extended until the Island is in a position to comply with the obligations arising.

At present, a detailed assessment is being carried out of Jersey's compliance with the United Nations Convention on the Rights of the Child, to identify the extent to which we are already compliant, the further legislative and practical measures that will be necessary and their resource implications. It will then be possible to develop an implementation plan with funding proposals to enable Jersey to progress towards compliance. Only then will it be possible to request extension of ratification.

2.2 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF VOLUNTARY REDUNDANCY PROGRAMMES:

Question

What sums of money, if any, have been expended in the last budgetary year to cover voluntary redundancies and similar programmes, and how many individuals have been the subject of such programmes in the last year?

Answer

The Health and Social Services Department had one Voluntary Redundancy (VR) in 2009 at a cost of £116,000.

This followed the appropriate confidential procedure which included submission of application by the employee to the Chief Officer who assessed the cost of the VR package against the long term benefits of the loss of the post as an efficiency saving.

Once approved, the application together with a Business case was forwarded to the Pensions Manager who looked at the evidence and terms and advised the delegated Officer of the Chief Officer accordingly. The case was approved in this instance.

Similar programmes are the Voluntary Early Retirement policy and the Alternative Voluntary Retirement scheme. No employees left under the auspices of these programmes in 2009.

2.3 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING CHANGES TO THE PLANNING PROCESS:

Question

Does the Minister propose to remove time consuming matters such as Sign Applications from the full Planning process and, if so, when does he intend to implement such changes?

Answer

As I stated in a reply to a question raised by the Deputy in February last year, I consider it unwise to remove the requirement to obtain consent for signs and advertisements from the Planning and Building (Jersey) Law, 2002.

I said then that I consider that poor signage and advertisements have a damaging impact on our environment, and in the absence of any form of control, would proliferate throughout the Island. The regulation of large signs is clearly important, but so is control of small signs such as the 'homemade' signs that often appear at junctions and roadsides, and damage our countryside. I also acknowledged then that there is scope for further relaxation of the regulation of signs, and the Department is currently working on changes to the Planning and Building (Display of Advertisements) (Jersey) Order 2006.

In addition, the officers of the Planning and Environment Department are currently working on a raft of measures which will further increase the amount of development which can be carried out by property owners without making a planning application. This will involve changes to the Planning and Building (General Development) (Jersey) Order 2008 and the Planning and Building (Moveable Structures) (Jersey) Order 2006.

I will introduce all of these changes later this year.

2.4 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING INCREASES IN SEA LEVELS:

Question

Following the postponement of the networked British Irish Council/Hadley Centre sea level increase scenarios from November 2008 until April 2009, will the Minister now share the most up to date scenarios and findings and inform us how they compare to our own information at present?

Does the Minister believe that more emphasis needs to be placed on planning for these scenarios and their likely impacts?

Answer

The Deputy raises a very important issue with this question. Predicted rises in sea level and other effects of global climate change are key challenges for long term planning and adaptation. In order to address this issue, the Department will be bringing forward adaptation measures within a Climate Change Adaptation Strategy which will follow on from the agreement of the States Assembly on an Energy Policy. A draft Energy Policy White Paper is expected to be made available for consultation this quarter with the adaptation work beginning thereafter in 2010.

The most recent information was presented to an officer from the Jersey Met Service who met with Professor Jenkins from the UK Met Office Hadley Centre in May 2009. Professor Jenkins presented the UK Climate Impact Programme 2009 (UKCIP09) scenarios which contain the most likely climate predictions across the UK under different emissions scenarios. The PowerPoint presentation given by Professor Jenkins, when meeting with our officer has been forwarded to the Deputy (07/01/10) and can be made available to all members upon request.

With respect to sea level rise, a likely mean sea level rise by 2080 of approximately +45cm under the high emissions scenario is predicted. This is a more precise estimate than the previous range which was between 16-69cm for the same period (BIC 2003 report, high emissions scenario). The Island does not make independent projections of sea level rise instead relying on the expert scientific projections from UKCIP.

Although this information is not available in a report (for example an updated version of the British Irish Council Report of 2003) UKCIP09 have deliberately made it

available on their website¹ in a downloadable format so that it can be used for scenario testing and forward planning. Locally this information is already being used for example, the recent initial work undertaken by the TTS Department in coastal defence planning.

¹ <http://ukclimateprojections.defra.gov.uk/>

2.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ARCHIVE SPACES RENTED BY STATES DEPARTMENTS:

Question

As the States are seeking value for money from all States Departments and Agencies such as the Law Officers and Viscount's Department, would the Minister provide the Assembly with the following information -

1. The amount of archive space being rented each year by each States department and agency from the:
 - (a) public sector; and
 - (b) private sector;
2. the cost of this storage with each sector and the charges for the movement, maintenance and retrieval of this material for each year starting from the beginning of 2005 to the end of 2009?

Answer

It is not possible to produce the information within the timeframe required for this response. To produce the required answers would require significant resources to be applied which would as the Deputy can appreciate divert those officers compiling the information from what is a very busy and critical time of year.

I would of course welcome any suggestions the Deputy may have for savings to be made in this area.

2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING OPERATIONS CARRIED OUT IN EACH CONSULTANCY DISCIPLINE AT THE HOSPITAL FROM 2005 TO 2009:

Question

1. For each medical discipline/specialism (for example: cardiology, neurology, orthopaedics etc) would the Minister advise the Assembly of the following information:

- (a) the number of consultants employed on a full time and part time basis in each area
 - (b)(i) the number of non-private health insurance people on waiting lists to see a consultant in each of these areas; and
 - (ii) the average time they are waiting to see the consultant
 - (c)(i) the number of private health insurance people on waiting lists to see a consultant in each of these areas; and
 - (ii) the average time they are waiting to see the consultant.
2. The total number of operations carried out in each discipline at the hospital during the last five years, starting on 1st January 2005 ending on 31st December 2009 stating:
 - (a) the number of private and non-private operations carried out in each discipline for each year;
 - (b) the cost of performing these operations in each area for each year for non-private health insurance patients and private health insurance patients.
 3. The number, disciplines and costs of locums and agency nursing staff employed by the hospital for each of the five years starting on 1st January 2005 ending on 31st December 2009.

Answer

For the purpose of clarity this question is answered in accordance with the subsections as identified. The research required to achieve the level of detail given in this response was significant and challenging in relation to the time period available. (See below)

1(a) – Chart 1 shows the number of consultants in each speciality area.

Chart 1

Speciality	Consultants:- number full time	Consultants:- Part time	Visiting consultants part time from UK	Locum Consultants Full time	Locum Consultants Part time
A+E	3				
Anaesthetics	6				
Community Dental		1			
Oral Surgery	1				
Orthodontics		1	1		
ENT	2				

General Surgery and Urology	3				
Trauma and Orthopaedics	3		4		
General Medicine all specialities	8				1
Obstetrics and Gynaecology	3			1	
Ophthalmology	2				
Paediatrics	3		7		
Pathology	4				
Psychiatry	4			2	
Radiology	4		1	1	
Rheumatology			1		
Oncology		1	1		
Plastic Surgery			1		
Vascular Surgery			1		
Cardiac Surgery			1		
TOTAL	46	3	18	4	1

For 1(b)(i) and (ii) see Chart 2 which shows the total number of patients waiting to be seen for public consultation in out-patient clinics as at the 3rd January 2010 and also the average waiting times for that speciality in weeks waiting.

The waiting times are calculated from the date of receipt of the referral at the hospital. Clinically urgent patients, as determined by the receiving consultant, are fast tracked through the system. (See next page)

Chart 2

Speciality	Numbers on waiting list as at 3rd January 2010	Average waiting time in weeks
Anaesthetics	6	6
Breast Surgery	8	2
General Surgery	344	18

Plastic Surgery	9	7
Urology	178	22
Orthopaedics	376	11
Paediatric Orthopaedics	6	2
Sports Injury	173	28
ENT	164	4
Ophthalmology	397	27
Pain	236	17
Back Pain	60	2
Gynaecology	155	9
Infertility	73	20
Well Woman	12	2
Community Contraceptive Clinic	6	1
Ante-natal	121	0
Oral Surgery	147	5
Orthodontics	146	12
Community Dental	83	10
Diabetes	168	23
General Medicine	24	4
Bariatric	105	156+
Endocrinology	11	4
Nephrology	26	12
Gastroenterology	205	48
Medical Micro-Biology	13	6
Neurology	269	31
Cardiology	121	7
Respiratory Medicine	57	21

Dermatology	535	34
Rheumatology	5	1
Clinical Haematology	23	11
Paediatrics	123	14
Clinical Oncology	7	4
Medical Oncology	3	2
Geriatric Medicine	6	2
Adult Mental Illness	2	3
Old Age Psychiatry	10	2

1(c)(i) and (ii) Health and Social Services do not manage the lists of private patients waiting to see consultants as out-patients. These patients are seen in consultants' own private rooms from where the lists are managed

For Question 2(a), please refer to **Chart 3** below. This shows activity relating to the number of public and private operations by speciality. It should be noted that a proportion of the private work is undertaken in dedicated private lists on Saturdays. Furthermore the number of operations performed is not directly comparable between columns i.e. some are short procedures whilst some are much longer and this chart cannot, therefore, be used for direct analysis purposes as it only represents patient numbers.

2(b) The level of detail required to answer this sub section is not currently available, it would take approximately 5 months to develop this information. Our current practise is to use the UK Health Resource Group tariffs with uplift for Jersey, when this is required for individual patient costs. We plan to develop this area further after the implementation of the new IT system which goes live late 2010. (See next page)

Chart 3 :- Analysis of operations taken place in Endoscopy and Main and Day surgery theatres 2005-2009

Speciality	2005			2006			2007			2008			2009		
	Private	Public	Total	Private	Public	Total	Private	Public	Total	Private	Public	Total	Private	Public	Total
Anaesthetics	5	19	24	1	14	15	3	11	14	7	10	17	2	6	18
General Surgery	511	1113	1624	556	1102	1658	552	1370	1922	533	1478	2011	513	1340	1853
Plastic Surgery	34	25	59	45	22	67	47	26	73	59	26	85	69	28	97
Urology	18	522	540	12	577	589	15	546	561	12	661	673	15	638	653
Trauma Orthopaedics	721	2400	3111	664	2287	2951	547	2353	2900	635	2389	3024	687	2074	2761
ENT	322	664	986	320	625	945	305	677	982	364	665	1029	305	694	999
Ophthalmology	230	688	918	244	566	810	221	659	880	263	938	1201	271	1039	1310
Pain	248	367	615	248	460	708	253	468	721	259	483	742	293	550	843
Gynaecology	433	1074	1507	398	1070	1468	390	1032	1422	365	1080	1445	396	1065	1461
Obstetrics	2	242	244	0	272	272	0	341	341	1	364	365	3	324	327
Oral Surgery	195	738	933	171	632	803	153	491	644	161	560	721	169	532	701
Community Dental	0	0	0	0	0	0	0	195	195	0	236	236	0	179	179
Nephrology	0	0	0	0	0	0	0	9	9	0	12	12	0	21	21
Cardiology	11	86	97	4	66	70	10	76	86	8	58	66	21	80	101
Gastro-Enterology and Endoscopy	606	1610	2216	587	1632	2219	583	1686	2269	565	1445	2010	550	1782	2332
Respiratory	15	76	91	16	74	90	8	69	77	10	82	92	11	73	84
Paediatric Medicine	0	1	1	0	2	2	0	4	4	0	2	2	0	0	0
Psychiatry	0	53	53	0	8	8	0	30	30	0	18	18	0	6	6

In response to Question 3: **Agency Nursing**

In 2009 a total of 64 Registered Nurse Agency staff were used.

The table below provides data on the number of shifts covered by Registered Nurse Agency staff.

Shifts covered lasted between 5hrs (minimum day shift) and 12 hours (maximum night shift).

A total of 34 Registered Nurse Agency staff were paid at a UK Band 6 pay rate (approx Jersey Grade 5)

A total of 30 were paid at a UK Band 5 pay rate (approx Jersey Grade 4)

The HSSD finance department calculation on Registered Nurse Agency cost for 1st Jan – 30th Sept 2009 was £560,788 providing a projected full year cost of £747,717.

The year on year spend for Registered Nurses, Health Care Assistant prior to 2009 was calculated as part of a total annual Agency, Bank and Overtime spend of approx £3.3 million.

Table 1. Agency Nursing Staff shifts covered

Year	UK Agency Registered (RN)		UK Agency Nurse Operating Practitioner (ODP)		Local Agency Health Care Assistant (HCA)		
	Total shifts/days	no of	Total no of shifts/days	Dept	Total no of shifts/days		
2005	Accurate data available	not	Accurate data not available		Accurate data not available		
2006	65 – approx 23.3 days		0		6 approx 2 days		
2007	63 - approx 22 days		0		11 approx 3.6 days		
2008	116 approx 38.6 days		8 approx 2.6		26 approx 8.6 days		
2009	290 approx 96.6 days		35 approx 11.6 days		24 approx 8 days		

The increase number of Registered Nurse Agency used in 2009 reflect year long vacancy factor in areas such as Theatres, Critical Care, Older People Mental Health and mirrors UK trends of market competition due to global shortages.

Increasing number of Specialist Registered Nurse Agency staff were also required to back fill to release HSSD staff to up skill to support clinical areas such as Paediatrics and Critical Care in relation to the contingency planning for Pandemic Flu.

Locum doctors

The information relating to locum doctors is not readily available in the format requested. It is currently being compiled and will follow once it is available.

2.7 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING THE NUMBER OF LEGALLY QUALIFIED STAFF EMPLOYED AT THE LAW OFFICERS' DEPARTMENT IN THE LAST 10 YEARS:

Question

Would H.M. Attorney General provide a graph showing, year by year, the growth in the number of legally qualified staff employed in the Law Officers' Department in the last ten years?

How many of the legally qualified staff recruited over the last ten years have, at some point, been Members of Chambers at 7 Bedford Row?

What payments have been made over each of the last 3 years to Counsel at Bedford Row and what percentage does this constitute of the total amounts paid for external legal advice over each of the last 3 years?

Would H.M. Attorney General provide a copy of the tendering document used for inviting applications to provide external legal advice?

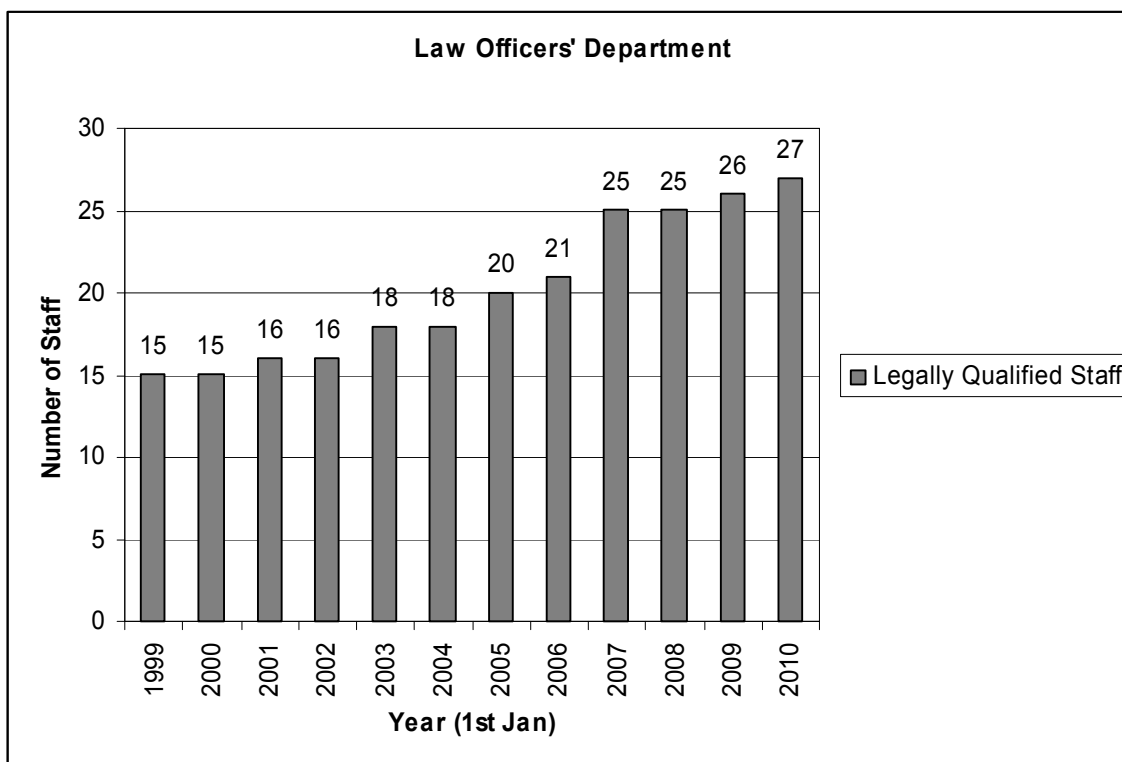
What sums, if any, have been paid, over each of the last 3 years to legal firms based in Jersey for criminal prosecution and defense work and would H.M. Attorney General identify the firm in each year which received the highest payment?

Answer

In order to answer the parts of the question more easily we have numbered the paragraphs of the question.

1. The Department has taken the term 'legally qualified' to mean those staff having at least a law degree or a professional legal qualification in Jersey or in any other jurisdiction.

When civil servants move from one department to another, their personnel file moves with them. The Department has done its best to check the information in this graph but in a very few cases, it was not possible to verify the qualifications of some former members of staff.



2. Of the legally qualified staff recruited over the last ten years, three have at some point been members of 7 Bedford Row. At any one time, up to two members of staff have previously been members of 7 Bedford Row.
3. Payments made by the Law Officers' Department to counsel who are members of 7 Bedford Row over the last the three years and the percentages these payments constitute of the total amounts paid for external legal advice are as follows:

Year	Paid to Counsel at 7 Bedford Row	Percentage of Total for External Advice
2007	£597,875	29%
2008	£656,182	33%
2009	£671,790	27%

These payments were made by the Law Officers' Department during 2007, 2008 and 2009 to eleven barristers at 7 Bedford Row who worked on seven separate investigations or prosecutions. As a result in part of the work done in those investigations or prosecutions some £11,089,167 has been seized and/or confiscated from the subjects of those investigations and prosecutions over the same period. None of these payments made by the Law Officers' Department related to the Historic Child Abuse Enquiry. In 2008, the Law Officers' Department made a single payment of £875 to leading counsel at 7 Bedford Row in respect of an advice relating to the Child Abuse Enquiry.

4. There is no tendering documentation. Selection of external lawyers to provide advice and assistance is made on the basis of choosing persons who are competent to advise in highly specialist relevant areas and who provide good value for money. We are advised that this is

similar to the system used by the Crown Prosecution Service in the UK. 7 Bedford Row is a specialised criminal and common law chambers with considerable expertise in all areas of the criminal law. In addition, members of those chambers have gained over time substantial understanding of the Jersey legal system and the differences between the Island's legislation and practices and those of the UK, and as such have been found to offer clear, prompt and useful advice. Further, the Department uses and has used – though to a more limited extent than those at 7 Bedford Row - other chambers of barristers who are able to offer skills and experience appropriate to the needs of the Department in respect of the particular advice required, and is therefore aware of the general charges levied by barristers, and is able to say that 7 Bedford Row provides good value for money.

Payments for external legal advice are made from the Court and Case Costs budget whose expenditure has been reviewed on a number of occasions, most recently by Moore Stephens in December 2009. Their final report is currently awaited.

An internal audit report of Court and Case Costs expenditure carried out by BDO Alto in February 2009 noted:

“Engagement of third parties as prescribed in Financial Direction 5.1 is frequent practice for the Law Officers' Department. Due to the nature of the cases, external expertise is often required and due to their urgency and confidentiality it is not possible to ‘tender’ for those engagements. Known, reliable third parties are used, being based on their experience of Jersey law and on recommendation. However, there is currently no process for documenting the reason for by-passing the tender stage as required by the financial direction.”

BDO Alto recommended, and the Department has accepted, that:

“The CMP's (case management plans) will include a section documenting the decision making (including cost considerations) and approval of the appointment of third party service providers in line with the financial direction.”

5. As the Historic Child Abuse investigation is separately funded, the Department has set out the figures relating to prosecutions other than in respect of the Historic Child Abuse investigation and given the figures for that investigation separately.

Total amounts paid to Jersey legal firms for prosecution work (other than in respect of the Historic Child Abuse investigation) during the last three years are as follows:

2007: £ 1,342,379

2008: £ 1,006,822

2009: £ 1,323,079

In 2007 the firm that received the highest level of fees was Baker Platt, and in 2008 and 2009 the firm that received the highest level of fees was Walkers.

In 2007 Baker Platt was dealing with the prosecution of Peter Michel and Simone Gallichan. In 2008 and 2009 Walkers was dealing with the prosecution of Curtis Warren and others. The total payments will include payments for disbursements incurred by the Jersey Legal firms in addition to legal fees.

Amounts paid to Jersey firms in connection with the Historic Child Abuse investigation and prosecutions over the last three years were as follows:

2007: £NIL

2008: £925,122

2009: £1,046,430

In 2008 the firm receiving the highest level of fees was Baker Platt. In 2009 it was the only firm dealing with the prosecutions in this matter.

The above information is for payments made by the Law Officers' Department for prosecution and investigation costs only. The Law Officers' Department has no control over defence costs, the appointment of lawyers to represent persons accused of crimes or for the allocation of payment to those lawyers. The payment of defence costs is dealt with by the Judicial Greffe and the Law Officers' Department holds no records about it. In an effort to assist members, however, the following information on defence costs has been supplied by the Judicial Greffe to the Law Officers' Department to be included in this answer.

Amounts paid to Jersey firms for defence work in the last three years were as follows:

2007: £1,509,673

2008: £1,191,741

2009: £2,205,272

In 2007 the firm that received the highest level of fees was Viberts and in 2008 and 2009 the firm that received the highest level of fees was Voisin & Co.

Members should note that, as for prosecution costs, disbursements are included in the figures for the sums paid to legal firms based in Jersey. In the context of criminal defence costs, the main category of disbursements would be payments to expert witnesses called on behalf of the defence and any specialist advice received from English counsel.

2.8 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF TELEPHONE SERVICES FOR THE TREASURY AND RESOURCES DEPARTMENT FOR EACH OF THE LAST 3 YEARS:

Question

What was the cost of telephone services for the Treasury and Resources Department for each of the last 3 years in terms of -

- (a) Telephone Rental
- (b) Telephone Calls
- (c) Other services (Broadband/mobile rental charges etc)?

Answer

The Treasury and Resources Department is billed by Jersey Telecoms for telephone services, in respect of both landlines and mobile telephones, and by Cable & Wireless in respect of Blackberrys.

JD Edwards is configured to provide reports useful to the Department in managing and monitoring communication systems. Although the reports are not designed to give the information in the format requested in the question, the following year-on-year data is available:

Year	Landline Calls	Mobile Rental/Calls and Other Services	Total
2007	£14,873.00	£28,621.66	£43,494.66
2008	£15,707.00	£24,201.36	£39,908.36
2009	£14,105.00	£26,456.71	£40,561.71

Charges for our external landline calls are generated by “Ringmaster” and this allows the States to recharge the Department internally for our calls. It should be noted that total savings in excess of £175,000 (States-wide) have been made since the introduction of the VOIP telephony system.

Mobile Rental/Calls and Other Services include JT mobile and Cable & Wireless Blackberry rental and calls, and ADSL and ISDN (Broadband) costs.

Please note that the 2009 costs are as per our accounting records as at 15th January, and are subject to final review/audit.

2.9 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF TELEPHONE SERVICES AT THE HEALTH AND SOCIAL SERVICES DEPARTMENT FOR EACH OF THE LAST 3 YEARS:

Question

What was the cost of telephone services for the Health and Social Services Department for each of the last 3 years in terms of -

- (a) Telephone Rental
- (b) Telephone Calls
- (c) Other services (Broadband/mobile rental charges etc)?

Answer

Health and Social Services is billed by Jersey Telecoms for telephone services. A wide range of services additional to telephone calls and line rentals are commissioned from JT by the department,

these include the provision of communication lines for the pager system, maintenance and purchase of IT software and hardware and cable laying. These purchases are coded on a central system called JD Edwards.

JD Edwards is configured to provide reports useful to the department in managing and monitoring communication systems. Although the reports are not designed to give the information in the format requested in the question, the following year on year data is available:

Year	Usage and Service	Landline Calls	Mobile usage and rental	Total
2007	£261,502.11	£45,765.26	£12,164.68	£273,666.79
2008	£161,236.49	£108,894.19	£6,104.20	£167,340.69
2009	£111,648.75	£130,073.23	£4,952.72	£116,601.47

Usage and Services includes landline calls, line rental, ADSL and ISDN (Broadband) and this is taken from JT billing (JT billing does not separate monthly service charge from call usage charge)

Charges for our internal calls are generated by “Ringmaster” and this allows us to recharge internally for our calls.

2.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE RAMSAR SITES AROUND THE ISLAND:

Question

Would the Minister advise what management plans, if any, exist for each of the 4 Ramsar sites in Jersey (namely the South East Coast, Les Ecréhous and Les Dirouilles, Les Minquiers and Les Pierres de Lecq/Paternosters), whether the plans were approved by the Department for Environment, Food and Rural Affairs (Defra) and the Ramsar Secretariat and advise when these management plans were put into place.?

How much has been spent on the management of each site since each Ramsar Convention was put in place?

What funding is in place for any recurrent costs required to implement the Ramsar Conventions fully?

Are the management plans for these sites updated and shared with Defra and the Ramsar Secretariat and, if not, why not?

Answer

In 2002/3 in recognition of the fact that Jersey was not able to meet its obligations under the various Multi-Lateral Environmental Agreements within current resources, the Planning and Environment Department undertook a detailed Resource Needs Analysis of the basic funding required to address this situation. A bid for resources was subsequently submitted to the 2003 Fundamental Spending Review clearly setting out the consequences of not providing these funds. This bid was rejected by the States. Consequently, in the absence of additional resources progress

on developing management plans for the Ramsar site has been slower than anyone would have liked.

The Integrated Coastal Zone Management Plan, adopted by the States of Jersey in October 2008, aims to meet not only our obligations under the Ramsar Convention, but also obligations under a raft of other marine-related Multi-Lateral Environmental agreements to which Jersey is a signatory.

The Strategy sets out a requirement to develop management plans for all of our Ramsar sites. In March 2009 a Marine and Coastal Officer was appointed to deliver the Integrated Coastal Zone Management Plan and, as such, has been given the specific task of developing Management Plans for each of Jersey's Ramsar sites.

The first management plan meeting with relevant stakeholders will occur in February 2010 and the Department hope to have all of the plans agreed by the end of 2010.

It should be stressed however, that despite extremely scant resources, since 2003 P&E has made considerable progress towards putting in place measures which will greatly speed up the development of such plans this year. These are listed chronologically below:

- In 2002 the South-East Coast Ramsar site and the Offshore Reefs (not designated until 2005) were included within The Jersey Island Plan 2002 as part of the Marine Protection Zone and given protection from development and harmful activities under Planning and Building (Jersey) Law.
- In 2003 a public information leaflet about Jersey's South-East Coast Ramsar site was published.
- In 2005 World Wetlands Week walk introduced 800 people to the South-East Coast Ramsar site and spread the message about the need for wise and sustainable use of the site. Educational walks supported by both Planning and Environment and Jersey Tourism have been occurring within the South East Coast Ramsar site since 1998.
- In 2005 Discovery Pier visitor centre was opened as a public information centre about the Ramsar sites. Sadly, due to funding pressures, this centre was closed at the end of 2009. However, the Department has adopted a more efficient approach to public outreach through ECO-ACTIVE, and specifically, through the introduction in 2008 of ECO-ACTIVE Marine, a dedicated programme designed to provide accurate advice to empower Islanders to make more environmentally conscious decisions on marine and coastal issues.
- In 2008, in response to concerns over the growing number of marine tour operators landing on the offshore reefs, P&E, in conjunction with Jersey Tourism, organised and part-funded a course designed to ensure the operators have an understanding of how to approach marine wildlife and how to minimise any disturbance to those animals. As a result, over 80% of known commercial marine tour operators in Jersey were trained and accredited under the internationally recognised WiSe (Wildlife Safe Operator) Scheme. All WiSe operators agree to abide by appropriate Codes of Conduct for the animals that they view, created to

ensure that their operations are safe and sustainable. Another course has been organised in 2010.

- In 2008, following extensive consultation P&E also developed and launched the Jersey Marine Wildlife Watching Code. A summary leaflet was widely circulated, with the full version available on both www.gov.je and www.eco-active.je.
- In 2008, the process of developing the Les Ecrehous Management Plan was started with a workshop attended by over 70 stakeholders. This, together with the work of the Seabird Working Group, resulted in the establishment in 2009 of parts of Les Ecrehous as a Seabird Protection Zone.
- In 2009, the Planning and Environment Department and WEB jointly commissioned an ecological study of the South East Coast Ramsar site, which will form an important, up-to-date baseline for developing the Management Plan in 2010.
- In 2009, an Aquaculture Management Strategy was commissioned to provide a framework for the sustainable development of this industry. As the majority of the current industry resides within the boundaries of the South East Coast Ramsar site a strategy of this nature will be part of the overall Ramsar management plan

Defra and the Ramsar Secretariat

There is no requirement for either Defra or the Ramsar Secretariat to formally approve any Ramsar Management Plans. However, the Ramsar Secretariat has issued a raft of very useful guidelines, which will be followed in the course of developing Jersey's own Ramsar Management Plans. Defra and the Ramsar Secretariat will be included as stakeholders in the consultation process and the final plans will be sent to both organisations on their completion.

Funding

There is still no specific separate funding allocation for delivering the obligations under the Ramsar Convention, however the requirements within the Convention are included within the delivery of the Integrated Coastal Zone Management Plan and consequently administration of the sites comes from Environment Department funding.

2.11 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE AMOUNT OF FUNDS USED IN 2009 AS AUTOMATIC STABILISERS:

Question

Could the Minister advise how much of the £112 million, set aside for automatic stabilisers, was used in 2009, which departments received monies and whether the Minister has a forecast of how much of these funds will be used during the first two quarters of 2010?

Answer

There is no intention for any of the £112 million set aside for automatic stabilisers to be used in 2009.

The 11(8) additional funds of up to £3,100,000 approved for Social Security in 2009 as a result of the economic downturn has currently drawn £2,411,000 from the Consolidated Fund.

The amounts forecasted to be required in 2010 and 2011 will not be allocated directly to departments; instead they have been allocated the cash limits they require to fulfil their objectives and the shortfall in the Consolidated Fund as a result of reduced tax revenues and increased income support costs will be covered by a transfer from the Stabilisation fund. The predicted requirement for 2010 is £37 million and in 2011 £68 million based on the forecasts prepared for the 2010 Budget.

2.12 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE TESTING OF ECONOMIC GROWTH PLANS FOR SUSTAINABILITY:

Question

Could the Minister advise what work, if any, is currently being undertaken by the Economic Development Department in order to meet priority 2 of the Strategic plan 2009-2014 (maintain a strong, environmentally sustainable and diverse economy), and, in particular, to test economic growth plans for sustainability to ensure they do not diminish our natural capital?

Answer

Delivery of both Priority 1 and Priority 2 of the 2009-2014 Plan were the prime drivers of the Economic Development Department (EDD) 2010 budget and business plan. As such all EDD work is directed at meeting these Strategic Plan priorities.

The Department's budget and business planning process, which for 2010, had to reconcile demand of c.£20MM for a budget of c.£16MM, involves a scoring process in which the relative merits of all "bids" are evaluated. From 2008, budget, one of the criteria used in the process has been the "environmental impact and sustainability".

In delivering a sustainable economic future, the emphasis is on the further development of the financial services industry which, as a high productivity (measured by GVA/capita) sector, delivers economic advantage with minimum impact on the natural capital of the Island. In addition the objective of delivering genuine economic diversification, primarily being delivered by Jersey Enterprise, is also focussed on the development of sustainable high productivity sectors which will have the minimum impact on natural capital. Work on the Rural Economy is delivered by a fully integrated EDD and P&E team located at Howard Davis Farm.

In 2010, this work will be focussed on the development of a new Rural Economy Strategy with the objective of delivering sustained economic growth in a sustainable manner. Finally, EDD's tourism marketing and promotion activity places a very strong emphasis on the Island's wonderful natural environment.

Progress in achieving this objective, which is, in no small part a function of effective inter-departmental working is being guided by a Chief Officer level steering group, consisting of representatives from EDD, Chief Ministers (Economic Advisor) and Treasury departments, working in consultation with business representative bodies.

2.13 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING SAVINGS TARGETS SET FOR THE DEPUTY CHIEF EXECUTIVE IN 2009:

Question

Could the Chief Minister outline the cost savings targets set for the Deputy Chief Executive and indicate to what extent they were met in 2009?

Answer

The Deputy Chief Executive did not have specific savings targets set for 2009. The Business Plan approved by the States for 2009 included £300k savings across the States as it was the last year of the five year change programme which began in 2005 and reduced cash limits by £20m. The Deputy Chief Executive is responsible for the Resources Sections which had contributed £6.167m of these total savings.

The Deputy Chief Executive has savings targets of £419k for 2010 and is committed to further reviews of office accommodation and terms and conditions of service which it is expected will contribute significantly in future years.

2.14 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HOUSING REGARDING APPLICATIONS FOR HOUSING QUALIFICATIONS:

Question

Could the Minister indicate the number of applications made for permission to enter the qualified housing market in Jersey, for persons not otherwise qualified, in each of the last three years?

How many of these were granted and on what grounds?

Answer

The discretionary provisions of the Housing (General Provisions) (Jersey) Regulations 1970 are restricted to paragraphs 1(1)(g), 1(1)(j) and 1(1)(k), statistics for each of which are outlined below.

In addition, other provisions of the Housing Regulations compel the Minister to grant consent subject to certain residence conditions being met. In this regard, statistics for non Jersey born persons approved as qualifying under paragraph 1(1)(f) are provided.

1. Granting consent under paragraph, 1(1)(g), hardship grounds

G applications 2007 – 2009	2009	2008	2007	2006	2005*
Total Approvals	44	46	39	41	12
Refusals	35	43	2	50	9

**statistics for 2005 relate only to cases considered by Committee. Decisions taken under delegated powers are recorded against individual files and system entries only in 2005, and are not readily extracted and compiled. The figures for 2006 – 2009 reflect all 1(1)(g) decisions whether taken by Minister or by Officers.*

In order to grant 1(1)(g) consent the Minister should be satisfied that the hardship, other than financial, which would be caused to the purchaser, transferee, or lessee or to persons ordinarily resident in Jersey if not consent were not to be granted outweighs the fact that a person does not qualify under any other provision of the Law.

Of the 72 applications considered to end of October, 2009, they can be roughly broken down into the following categories:-

	APPROVED	REFUSED
Relationship breakdown	10	11
Residence/ break in residence	19	11
Medical with residence	7	10
Death of qualified spouse/partner	4	0

As a generality, to be approved a consent following a relationship breakdown the relationship would normally have lasted some considerable time or some other relevant circumstances should exist, e.g. needs of any children, domestic violence, medical grounds, etc; approval following a break in residence is granted with reference to length of previous residence, length of break and reason for the break; medical grounds depends on the severity of the condition and often the circumstances and needs of any children; granting consent following death of a partner is subject to length of relationship and circumstances. Clearly, a very wide range of circumstances can exist however, and each case is considered on its merits and with reference to precedent.

The above figures do not include:-

- Individuals who make telephone or e-mail enquiries where their circumstances are such that an application for early residential qualifications would have a remote chance of success and are not pursued, e.g. very low residence, no medical, no children;
- Individuals who fulfil the criteria (a)-(c) of the established Marriage Breakdown Policy, as in these instances, consent under Regulation 1(1) (g) of the Housing Regulations is automatically granted.

A present few are granted consent automatically under the published marriage and relationship breakdown policy and most hardship consents are wholly discretionary. The marriage and relationship breakdown policy is as follows:

Because of the hardship otherwise caused to minor children of a marriage or common-law relationship if consent is not granted, consent is granted to an unqualified spouse or partner providing that:-

(a) the unqualified spouse or partner has been married to, and/or living with, the qualified spouse or partner in the Island for at least the previous five years; and

(b) the unqualified spouse or partner has been continuously ordinary resident in Jersey for at least the previous ten years; and

(c) the unqualified spouse or partner has care and control of the child(ren) either by means of a legal separation or a Court Order. Any consent granted to occupy accommodation will be conditional upon the unqualified spouse in question continuing to have care and control of the minor child(ren). In the case of a common-law relationship breakdown, no Court Order will be granted but care and control of any child of the relationship must still be with the applicant on a full time basis.

2. Granting consent under paragraph, 1(1)(j), essential employment

J applications 2005 – 2009	2009	2008	2007	2006	2005
Total Approvals	348	533	497	485	382

A 1(1)(j) housing consent will only be granted where it can be demonstrated that a person is essentially employed and housing consent can be justified in the “**best interest of the community**” given the duty of the Housing Minister to “**prevent further aggravation of the housing shortage**”. In particular, the following criteria will be relevant:

- The pressure to be placed on the Island’s resources, in particular, its housing stock;
- The need to maintain a balanced and prosperous economy;
- The need to maintain a range of job and training opportunities for locally qualified persons and school leavers, including apprentices, those over normal working age, and people in supported and special employment schemes;
- The importance of the service rendered to locally qualified persons;
- The track record of the undertaking in terms of profitability, and its contribution to tax revenues.

In addition, the Minister may also take into account any other general benefits which the Island may obtain, for example, in relation to past cultural, sporting, or charitable activities, or the potential effects for Jersey’s reputation and interests, including the nature of any actual or potential media coverage.

In making decisions, business plans and financial details may be requested, as may evidence of investing in training locally qualified persons, and having made appropriate efforts to identify suitable local candidates. Applications will be processed more quickly if this information is submitted. Reference will also be had to previous relevant decisions, in particular, those taken in relation to similar businesses. This will be done to ensure decisions are fair and consistent, and that businesses operate, as a general principle, on a **level playing field** with their competitors. In doing this, the Minister will nevertheless be mindful that each case presents its own unique range of facts and matters to consider.

The above is extracted from the published policy statement, and illustrate the grounds on which consent may be granted.

3. Granting consent under paragraph, 1(1)(k), social or economic grounds

K applications 2007 – 2009	2009	2008	2007	2006	2005
Total Approvals	8	12	12	9	9
Refusals	2	1	1	0	3

The following factors will be taken into account when applications are considered for a (k) consent

- The individual's contribution to tax revenues in accordance with Article 135A of the Income Tax Law
- The business/social background of the applicant and the associated benefit that could arise for Jersey as a result of the taking up of residence in the Island;
- Any other general benefits which the Island may obtain if the applicant takes up residence in the Island

Applicants will normally be required to demonstrate that they are able to generate sufficient income so that, at the present rate of tax, their annual contribution is at least £100,000. In some circumstances a lower contribution of tax might be acceptable if other particularly compelling economic benefits for the Island would be likely to result from the applicant taking up residence, but this is rare and no such consents have been issued in the last 4 years. As such, all consents in the period 2006 – 2009 have met the minimum tax criteria.

It should be noted the ability to generate the above minimum tax requirement will not necessarily on its own be sufficient to justify consent.

Other than tax contributions, aspects of an application that the Minister may take into account include:

- (i) voluntary work or business contribution to local community
- (ii) any training or sporting initiatives particularly aimed at youth or educational organisations,
- (iii) the nature of any actual or potential media coverage of any activities either by, or involving the applicant, both in his business or social life. This to include negative images relating to past business practice, and positive images such as sporting or educational achievements,
- (iv) any cultural interests or skills that have benefited the local community which would be likely to of similar benefit to the Island
- (v) general lifestyle and family circumstances, including past charitable work and contributions
- (vi) any clear undesirable factors in an applicants background, such as a criminal record.

As a result of the above considerations, it follows that the Minister will take into account any likely local impact that an applicant will have on taking up residence in Jersey.

In addition to the above, an applicant's intention to carry out further business activities in the Island will be taken into account, with particular regard to future local employment, training, diversification and any potential resultant increased tax revenues.

An applicant that falls short of the expected tax take but has other potential benefits to offer such as those outlined above will be considered. Equally, where the pure economic test is met, other factors which might have a positive or negative bearing will be balanced in determining the application.

4. Granting consent under paragraph, 1(1)(f), non Jersey born following a period of 11 years continuous residence in Jersey

Year	Non Jersey Born Numbers Qualified
2006	474
2007	790
2008	572
2009	902
Total	1,836

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A REVIEW OF THE TAX CONTRIBUTIONS OF 1(1)(K) CATEGORY RESIDENTS:

Question

Will the Minister give further details of his proposals to review the tax contributions of 1(1)(k)'s announced in his budget speech (paragraphs 126 to 131) and in particular advise whether he has appointed a suitable person to conduct the review and if so, will he advise who that will be, and if not, will he advise when he intends to make the appointment?

What sum for 1(1)(k) tax returns, over the current £9 million, does he consider to be an appropriate target?

Answer

I will make a further announcement within the next 2 months on the content of the review and the name of the person who will undertake it. At the current time it would be inappropriate to anticipate the findings of the review.

2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE AVAILABILITY OF AN ALTERNATIVE TO FAMILY ALLOWANCE UNDER THE NEW INCOME SUPPORT SCHEME:

Question

Will the Minister inform members what arrangements, if any, are in place under the new Income Support scheme to replace Family Allowance which was previously available to parents with less than 5 years' residency?

Answer

The Income Support system has replaced Family Allowance. Income Support provides financial assistance to families and includes a child component for each child under school leaving age in an Income Support household.

The structure of the Income Support system was set out in P.86/2005 – Income Support System. That proposition clearly stated that there would be a five year residency requirement in order to qualify for Income Support benefits. Previous benefits had a wide range of residency conditions, both above and below 5 years. The report stated:

“The Committee proposes that claimants for Income Support should be both resident and present in Jersey for 5 years prior to the claim. Most countries have a time requirement for access to income support systems. The existing Welfare system in Jersey stipulates 5 years. Most taking part in the consultation process thought this to be a reasonable starting point for qualification in the new system. Some, however, would like to see that period reduced when it could be afforded.”

More recently, following comments in SR.5/2009 – Review of Income Support – on the residency condition, I included the following comment in my response:

“The length of residency needed in order to qualify for Income Support was a major topic of discussion in the consultation leading up to the introduction of Income Support. This was agreed by the States and is a significant reduction from the 12 year period that previously applied to the Housing subsidy schemes. This will undoubtedly again feature in the review in 2010. It would be very expensive to reduce the five-year eligibility period – A reduction would require substantial increased funding or a reduction in the overall level of Income Support to all claimants.”

The Income Support review that will commence in 2010 will include a consideration of the residency qualification for Income Support.

Support for childcare costs is available through a separate scheme, available to parents who were resident in Jersey at the time of the birth of their child but have not been resident for five years and who are working in Jersey. Since September 2009 the Education, Sport and Culture Department has also provided 20 hours free nursery education, for 38 weeks per year, to children aged 3 to 4.

2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPLEMENTATION OF THE EMPLOYMENT FORUM'S MINIMUM WAGE RECOMMENDATIONS:

Question

Will the Minister be amending legislation to prevent employers from using tips to top up minimum wage pay, in accordance with the Employment Forum's 2010 recommendation on minimum wage rates, and if so when will he do so, and, if not, why not?

Answer

This information is already in the public domain.

On 27th October 2009, the Employment Forum recommended that the minimum wage legislation “*should be amended, as in the UK, to prevent employers from using tips to top up minimum wage pay. The Forum recommends that this change should be effective from 1st April 2011, giving employers a year’s notice to change any existing practices.*”

I issued my response to the Forum’s recommendations on 2nd November 2009 (MD-S-2009-0063) which stated my approval of that recommendation. The legislation will be amended at the appropriate time for enactment on 1st April 2011.

2.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING AVERAGE WAITING TIMES FOR NEW APPLICANTS TO ACCESS HOUSING:

Question

Will the Minister advise members what actual average waiting times are currently being achieved for new applicants to access housing and, if these are higher than the targets specified within the 2010 Housing Department Business Plan (1 bed less than 12 months; 2 bed less than 6 to 7 months; 3 bed less than 8 months) what specific measures will be put in place to achieve the targets?

Answer

Average waiting times for all active waiting list applicants, as of 12th January 2010, are as follows:-

Bed Size Need	Current average waiting time	2010 Target
One bedroom accommodation	14.5 months	<12 months
Two bedroom accommodation	8.9 months	< 6 – 7 months
Three bedroom accommodation	10.3 months	< 8 months

The Housing Minister alone cannot reduce the waiting times for new applicants as the only true solution is ensuring the provision of additional housing stock of the right type to meet existing and future needs. The department is working closely and collaboratively with the Planning Department in that regard. Initiatives such as Planning for Homes to be published early this year and the Island Plan Review presently out for consultation are key to meeting the challenge of providing that new stock.

In respect of the existing social housing stock, the Department is pro-active in ensuring that it is being used appropriately by working closely with tenants as their needs change. If for instance a tenant is occupying a home which is now too large for their housing needs and which may be causing financial hardship to run, the department will try to identify opportunities for downsizing, in doing so releasing the larger homes for occupation by those families in need on the waiting list. This process has proved successful in addressing some of the demand for three and four bedroom properties but will do nothing to address the demand for smaller homes.

Our population is ageing and quite rightly older people want to stay in their homes much longer, this has resulted in a slowing down of turnover of 1 and 2 bedroom homes. Consequently waiting lists for these categories of home are increasing and the lack of new social rented homes, particularly homes which are suitable for older persons must be of real concern to us all. This is particularly worrying as a number of sites were zoned in July 2008 for this purpose and on the majority of them no progress has been made whatsoever. In the soon to be published update on Planning for Homes, the Minister for Housing highlights this problem and makes some suggestions about how we can ensure that the delivery of homes on land rezoned for Category A purposes can be accelerated.

2.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PLANNED USE OF THE WILLIAMSON FUNDING:

Question

When will the Minister provide members with a full breakdown of Williamson funding for 2010 along with estimates for 2011 and 2012, in order to provide stable funding for appropriate community initiatives?

Answer

Decisions regarding future funding for services identified within the Williamson Plan must be made within the context of an overarching Children's Plan. It would be inappropriate to make any commitment which does not carefully tie funding to the provision of services and the meeting of objectives which are part of an overall strategy aimed at benefiting all island children, and especially those who are most vulnerable.

We are about to enter a period of unprecedented change and development in the Island's children's services. I am delighted that an additional £2,800,000 has been allocated to Health and Social Services in order to implement the Williamson Plan. There is much to be done both in the short and long term, and it remains essential that investment in services is carefully co-ordinated as part of an overall strategic process – whether those services are directly provided by the States or States funded community initiatives.

In my statement to the House last December I reported that the Ministers for Home Affairs and Education Sport and Culture, who with me make up the Children's' Policy Group, have come together in a re-invigorated and more focussed way. As leaders of this group we are in agreement that the single most important task is the development of the first Children's Plan for Jersey. This will ensure that all services share the same goals, and work cooperatively to provide seamless services. It will form the 'blueprint' for children's services into the future, and will provide the means to judge how effective they are. Mr Andrew Williamson has been appointed to take the lead in developing the Children's Plan, consulting widely and working with key agencies, both States departments and external organisations. I intend to present the Children's Plan to the States Assembly for its approval during the latter part of 2010.

This is not to say that work on the Williamson recommendations has not already commenced in a substantial number of areas. Priorities for 2010 implementation have been identified, and implementation is already taking place on key initiatives including the recruitment of a specialist legal advisor in Children's proceedings, the signing of a contract with the Social Work Inspection Agency to undertake the independent inspection of services, and the agreeing of recruitment arrangements to establish an Independent Reviewing Officer Service and a Jersey Court Advisory

Service. It is the role of Andrew Williamson to lead and oversee the implementation of the Plan which includes the detailed analyses of pertinent projects and consultation on the cost projections and timelines. Such work is not concluded overnight and the data requested by the Deputy will not, therefore, be available for some time.

Therefore I am happy to confirm that, along with my fellow Ministers on the Children's Policy Group, I support the development of early, preventative, non-stigmatising services, including those provided through partnership with community initiatives. I remain convinced, however, that in order to ensure the most effective targeting of finite public monies, it is essential that future funding decisions are made within the context of the evolving Children's Plan, and as such predicting year on year expenditure within the Williamson Plan would be of little value at this time. Mr Williamson will provide a further update for States Members at the end of February 2010 whilst a full expenditure plan will be formed as part of the development of the Children's Plan by late 2010.

2.20 CONNÉTABLE S.A. CROWCROFT OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PRIVATE HIRE CABS:

Question

Would the Minister explain what practical and legal difficulties would have to be overcome in order to allow private hire cabs to provide transport for members of the public waiting at a taxi rank on those occasions when there are no taxis available to service the rank?

Answer

The Motor Traffic (Taxi-Cabs – General) (Jersey) Order 2002 already provides for restricted taxicabs (private hire cabs) to pick up passengers at a taxi rank established at the Airport, Albert Pier or Elizabeth Harbour if no controlled taxicab (rank taxi) is standing on the taxi rank. If a restricted taxicab picks up a passenger at or in the vicinity of a taxi rank contrary to Article 3(1) of the Order or provision 18 of the Code of Conduct for taxicab licence holders and drivers, such action is a breach of the taxicab's public service vehicle licence and renders the licence liable to be revoked or suspended in accordance with Article 10(1)(b) of the Motor Traffic (Jersey) Law 1935. Amending Article 3(2) of the Order by removing the words "established at the Airport, Albert Pier or Elizabeth Harbour" and similarly amending the Code of Conduct, would appear, at first, to overcome the main legal difficulties.

However, under the Law, it is my duty to ensure, as far as practicable, that there is an adequate, efficient and reasonably priced taxicab service available throughout Jersey at all times. There is a likelihood, as evidenced at the Airport, that amending the Order as outlined would lead to some restricted taxicabs lurking in the vicinity of ranks rather than responding to house calls or other work required of their company, thus reducing the service to others. Restricted taxicab fares are not controlled so the public using these taxicabs from ranks would probably incur higher charges. It is also questionable how often and when these occasions arise especially when it can be the case that several controlled taxis will be approaching the rank to cater for those waiting. So following this option may not improve the overall service to the public.

It is the case, of course, that any controlled or restricted taxicab available for hire can be hailed on street. Rather than pursuing one particular option, we should be looking at all options including providing further late night ranks near popular venues, staggering pub and club closing times to spread the load on taxicabs and encouraging the public coming out of pubs and clubs to 'phone or text for a taxicab or start heading homewards, hailing a taxicab on street rather than gathering at ranks. We should also provide greater certainty of fares. These and other measures will be

considered and promoted when I review the taxicab industry as part of the Sustainable Transport Policy, to achieve a more efficient and integrated taxicab industry and ensure a good service into the future for the public.

2.21 CONNETABLE S.A. CROWCROFT OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE CONCLUSION OF THE WILTSHIRE POLICE INVESTIGATIONS INTO OPERATION RECTANGLE AND OPERATION BLAST:

Question

Would the Minister provide a timetable for the conclusion of the Wiltshire Police investigations into Operation Rectangle and Operation Blast, and a timetable for the conclusion of any disciplinary procedures arising from these investigations?

Answer

It is not possible for me to provide an accurate timetable for all these events because there are various factors outside of my control which will affect progress in relation to these matters.

When I first became involved with these matters, the information which I was given was that the first Wiltshire Police investigation (Operation Rectangle) would be completed by March 2009. That date then slipped back in stages, many of which were reported to the States by way of answers to oral questions.

Eventually, the draft report with regard to the bulk of the matters covered by the first Wiltshire Police investigation (Operation Rectangle) became available to me towards the end of October 2009 and the status of this draft report was changed to that of a final report in late November 2009.

However, I have not yet seen the report of the Wiltshire Police investigation in relation to the outstanding matters with regard to Operation Rectangle. Similarly, I have not yet seen any report with regard to the second Wiltshire Police investigation which is in relation to Operation Blast. The current estimation is that all the remaining reports of the Wiltshire Police will be completed by the end of January 2010, which hopefully will be so.

Under the terms of the Disciplinary Code in relation to the Chief Officer of Police, the next stage in the current disciplinary procedure is for the Chief Executive to the Council of Ministers (whose responsibilities are being fulfilled by the Deputy Chief Executive) to provide an interim report to me which will enclose copies of the relevant statements of witnesses and other documents. The reports of the Wiltshire Police will form part of that interim report. It is possible that I may receive interim reports in relation to different matters at different times.

I will need time to consider the interim report or reports. Thereafter, under the terms of the Disciplinary Code, both I and the Deputy Chief Executive will meet with the Chief Officer of Police in order to discuss the matter. Following that meeting, I will decide what, if any, disciplinary complaints the Chief Officer of Police will face and the order in which they will be dealt with.

If I decide to proceed with disciplinary complaints then these will be notified in writing to the Chief Officer of Police. I would expect that subsequently there would be at least one and possibly several formal meetings in relation to issues such as procedure at a hearing, the witnesses who should be called in order to give live evidence and the way in which evidence will be treated. In parallel with this, issues will arise as to what information and documents should properly be released to the

Chief Officer of Police so that he could prepare properly for the formal hearing or hearings. It is anticipated that the Attorney General would take primary responsibility for ensuring that the Chief Officer of Police receives fair and proper disclosure. It is not possible to accurately estimate the length of time which would be required in order to complete these preliminary stages and in order to allow the Chief Officer of Police to prepare properly for any hearing or hearings.

Subsequently, any hearing or hearings would take place. Under the terms of the Disciplinary Code, the Chief Officer of Police has the right to refer any adverse decision which I may make to an independent panel. If such a panel were to become operative then I must consider their recommendations but am not bound to follow these. If my decision were to be that the Chief Officer of Police would be fully exonerated or dealt with by way of a sanction less than dismissal then he would be reinstated.

However, if my decision with regard to any disciplinary complaints which may arise were that the Chief Officer of Police ought to be dismissed from office, then the final decision would rest with the States of Jersey and the matter would be referred by me to the States for a decision.

In the meantime, each month I review the issue as to whether the Chief Officer of Police should remain suspended from office upon the basis of the information which is currently available to me.

I conducted a full review of the issue as to whether the Chief Officer of Police should remain suspended from office in February and March 2009. My decision in March 2009 that the Chief Officer of Police should continue to be suspended from office was challenged by the Chief Officer of Police by way of an application to the Royal Court for Judicial Review but was upheld by the Royal Court by virtue of their decision in September 2009.

Finally, I cannot properly comment as to whether or not disciplinary proceedings may arise in relation to other serving police officers.

2.22 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE SUSPENSION OF THE CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

With reference to the suspension of the Chief Officer of the States of Jersey Police will the Minister inform Members –

- (a) the date when the Wiltshire Constabulary was appointed to undertake to investigation?
- (b) the terms of reference for the investigation?
- (c) the amount paid to the Wiltshire Constabulary as at 31st December 2009?
- (d) the cost to cover the duties not being undertaken by the suspended Chief Officer as at 31st December 2009?
- (e) the predicted date for the completion of the investigation by the Wiltshire Constabulary?
- (f) the predicted total cost of the investigation by the Wiltshire Constabulary?

- (g) the predicted total cost of covering the duties not being undertaken by the suspended Chief Officer?

Answer

- (a) The appointment was made on the 1st December 2008.
- (b) It is not appropriate for me to answer this section of the question due to confidentiality issues.
- (c) The amount paid to the Wiltshire Constabulary from commencement of the investigation to 31st December 2009 was £571,879. It should be noted that there has been some overlap of costs with the investigation into Operation Blast as Officers from Wiltshire Constabulary have been working on both investigations and sharing resources such as travel and accommodation.
- (d) The cost of covering the suspended Chief Officer from the date of his suspension to 31st December 2009 was £145,100.
- (e) The Deputy Chief Executive has advised that the scheduled date for completion of the Wiltshire Constabulary investigation is the end of January 2010, which hopefully will be achieved.
- (f) Based on the above completion date the predicted total cost of the investigation by the Wiltshire Constabulary is £578,000.
- (g) It is not possible for me to predict this without making assumptions. However, the predicted total cost of covering the duties not being undertaken by the suspended Chief Officer, were he to remain suspended until the end of his term of office in December 2010 is £305,200.

2.23 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE APPOINTMENT OF WILTSHIRE CONSTABULARY TO INVESTIGATE OPERATION BLAST:

Question

Will the Minister advise –

- (a) the date when the Wiltshire Constabulary was appointed to investigate “Operation Blast”?
- (b) the terms of reference for the investigation?
- (c) the amount paid to the Wiltshire Constabulary as at 31st December 2009?
- (d) the predicted date of the completion of the investigation?
- (e) the predicted total cost of the investigation?

Answer

- (a) The appointment was made on the 4th September 2009.
- (b) It is not appropriate for me to answer this section of the question due to confidentiality issues.
- (c) The amount paid to the Wiltshire Constabulary from commencement of the investigation into Operation Blast to 31st December 2009 was £155,465. It should be noted that there has been some overlap of costs with the investigation into the suspension of the Chief Officer of

the States of Jersey Police as Officers from Wiltshire Constabulary have been working on both investigations and sharing resources such as travel and accommodation.

- (d) The Deputy Chief Executive has advised that the scheduled date for the completion of the Wiltshire Constabulary investigation is the end of January 2010, which hopefully will be achieved.
- (e) Based on the above completion date the predicted total cost of the investigation by the Wiltshire Constabulary into Operation Blast is £197,700.

2.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING UNEMPLOYMENT STATISTICS:

Question

In order to give Members a better understanding of unemployment situation in the Island would the Minister provide the Assembly the following information –

- (a) the age of those registered as unemployed, broken down into the following age ranges: less than 18; 18 to 25; 26 to 59; and 60 years and above?
- (b) the gender of the unemployed in each age range?
- (c) the occupations sought by the unemployed in each age range and in each gender?
- (d) the number of years residency of each unemployed person in the Island using the following time periods together with their country of birth: less than 6 months; 6 months to less than 12 months; 12 months to less than 2 1/2 years; 2 1/2 years to less than 5 years; 5 years to less than 8 years; 8 years to less than 11 years; 11 years or more?

Answer

(a) and (b)

Age and gender analysis of those registered as actively seeking work (ASW) is published on a monthly basis on the gov.je website. The most recent statistics available relate to 30th November 2009.

The total of 1,089 registered ASW as at 30th November 2009, is made up of:

	Male	Female	Total
Under 18	67	46	113
18-25	226	129	355
26-59	374	215	589
60 and above	29	3	32

The under 18 age group includes 77 individuals on the Advance to Work scheme.

- (c) Based on their most recent employment, the Department holds the following information on the occupations of 907 individuals registered as ASW as at 30th November 2009:

Employer Category	Number
Retail, wholesale	110
Banking, insurance	147
Utilities	10
Agriculture and Fishing	21
Engineering	9
Motor trades	11
Tourism, leisure, catering	97
Misc professional, scientific	78
Misc trades (Glass, timber, printing, etc)	14
Misc services (Hairdressing, etc)	109
Public sector	69
Educational services	9
Private domestic service	8
Medical services	45
Construction	140
Transport, communications	30

The remaining 182 individuals comprise those previously self employed, individuals who have only recently arrived in Jersey and young adults who have no employment history.

- (d) There are 756 ASW individuals (as at 30th November 2009) who are indicated as continually resident in Jersey since they first started working in the Island. The Department does not record country of birth but does hold some details of current nationality. These are as follows:

	British	Other EU	Other
Up to 6 months	6	2	1
6 – 12 months	4	3	2
1 – 2.5 years	8	14	2
2.5 – 5 years	10	7	2
5 – 8 years	23	9	1
8 – 11 years	16	4	1
More than 11 years	618	23	0

A further 333 ASW individuals have lived in Jersey for more than one separate period. This could be a Jersey born person moving away and then returning to the Island or an individual from another country working in Jersey more than once. Their **most recent** period of residency can be analysed as follows:

	British Isles	Other EU	Other
Up to 6 months	42	7	3
6 – 12 months	26	8	1
1 – 2.5 years	31	6	0
2.5 – 5 years	49	10	1
5 – 8 years	31	21	1
8 – 11 years	19	10	0
More than 11 years	57	9	1

2.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HOUSING STATISTICS:

Question

Would the Minister provide the Assembly with the following information –

- the number of J category consents issued in each of the last 5 years broken down into occupational/industry categories?
- what other departments or agencies in Jersey, if any, are empowered to grant J category consents?
- the number of 1(1)(k) category consents issued over each of the last five years, indicating from which countries the individuals concerned were previously resident and/or domiciled?
- the number of persons housed by the Department, broken down as follows - single person households under the age of 25; single person households under the age of 25 with children; single person households aged between 25 and 65; single person households aged between 25 and 65 with children; couples aged between 25 and 65; couples aged under 65 with children; couples aged over 65 and single people aged over 65.

Answer

(a) The sectoral analysis of 1(1)(j) permissions is performed at the point of initial in principle approval, and not at each and every point those individuals seek consent to purchase or lease property. This sectoral analysis of approvals is provided below.

J approvals 2005 - 2009	2009	2008	2007	2006	2005

Accountancy	49	79	69	60	64
Banking	62	93	112	112	92
Trust	20	23	25	14	17
Other financial, inc investment mgt, funds, compliance	25	78	49	44	21
Construction	30	21	27	21	19
Information technology	9	4	11	11	5
Legal	48	89	78	69	62
Medical	13	30	18	21	7
Other, inc media, charities, transport, sport	37	50	17	29	16
Retail	6	10	14	16	8
Services, energy, communications	25	27	36	49	44
States	14	18	29	32	17
Tourism and hospitality	12	11	12	7	9
Applications approved	348	533	497	485	382

The number of approvals in any year does not necessarily equate to demand on the housing stock, as 1(1)(j) employees will also leave the island in any one year, and indeed, some 1(1)(j) individuals will transact more frequently than others while the general economic climate also effects propensity to purchase and lease. The overall levels of consents issued to 1(1)(j)s over the past 5 years however is as below:

2005 – 2009 j purchases:	Total Purchase Consents Issued	j Purchase Consents Issued	j Lease Consents
2005	1,671	84	266
2006	2,039	149	281
2007	1,881	138	310
2008	1,617	98	329
2009 (Q1 – Q3)	1,016	38	284

An analysis of j category employment is also provided below, reflecting the demand various industries place on the overall housing stock in relation to their needs for 1(1)(j) employees.

J employment by sector	Jun 2009	Dec 2008	Dec 2007	Dec 2006	Dec 2005
Agriculture and Fisheries	+	+	+	+	+
Manufacturing	20	20	10	20	10

Construction and Quarrying	40	30	30	30	20
Electricity, Gas and Water	+	+	+	+	+
Wholesale and Retail Trades	60	60	50	50	40
Hotels ,Bars, Restaurants	20	30	30	20	20
Transport, Storage, and Communications	40	40	40	30	30
Computer and related activities	10	10	10	20	10
Financial and Legal Activities	740	740	640	590	460
Miscellaneous Business Activities	40	40	40	30	20
Education, Health and other services	140	140	130	110	110
Total private sector “j” employees	1,120	1,120	1,000	900	740
Total private sector employees	49,500	46,910	46,360	45,020	43,850
Public sector j employees	641	660	832	710	n/a

+ means a non-zero number less than 5.

(b) Only the Housing Minister can grant any consent under the Housing (Jersey) Law, 1949. The consents being processed by the Population Office on behalf of the Minister.

Notwithstanding that, the Minister permits the Health and Social Services and Education, Sport and Culture Departments to determine which individuals are of a skill requiring such consent. This permission extends to professions allied to medicine and teaching staff only, and reflects the need to support these Departments in their recruitment of key workers. This arrangement also sees these Departments as best placed to determine which individuals have the appropriate skills, and this in turn reduces red tape. Even in these cases however, all consents to actually purchase or lease property are issued by the Population Office on behalf of the Minister, and therefore the Minister retains authority over every consent application should he so wish to exercise it.

(c) The statistics maintained are designed to give an indication of *additional* demand for housing presented by 1(1)(k)s - as opposed to counting churn in the market whereby existing 1(1)(k) residents sell one property and purchase another (which can occur with some frequency depending on the economic climate and individual behaviour).

As such, the below is an analysis of “first time” consents issued to 1(1)(k)s, i.e. the first consent they receiving in Jersey having come to the Island to take up residence.

1(1)(k) “First Time” consents approved

2004	1
2005	5
2006	9
2007	10

2008	3
2009	9

In addition, and to reflect overall activity, in principal approvals for 1(1)(k) consent are detailed below.

K applications 2007 – 2009	2009	2008	2007	2006	2005
Total Approvals	8	12	12	9	9
Refusals	2	1	1	0	3

It is important to note that the number of approvals in any year does not necessarily equate to demand on the housing stock, as 1(1)(k) persons will also leave the island in any one year. Furthermore, some slight time-lag can exist between granting approval and a housing transaction actually taking place.

Statistics as to the previous country of residence or domicile, or of origin or nationality, of applicants for 1(1)(k) consents are not maintained, not least in the absence of compelling reasons to maintain such personal data and because almost without exception consents issued over the previous 5 years have been for British nationals, who overwhelmingly relocate from elsewhere in the British Isles.

(d) When a tenant is first housed their personal circumstances are reviewed and their marital status is recorded at that time. However, it would be overly intrusive and administratively onerous to continually monitor the marital status of over 4,500 tenants, particularly when ones marital status will not affect your ongoing rights as a tenant.

It is therefore not possible from existing data sources to fully answer this aspect of the Deputy's question, however, I can confirm the age profile of tenants occupying family and bedsit or 1 bedroom accommodation, as follows:

Age group	Number of tenancies	Percentage of total tenancies	Family size units	Bedsit and 1 bedroom units
Under 25	77	1%	8	69
Between 25 & 65	2,887	66%	2,063	824
Over 65	1,441	33%	306	1,135

The Social Security Department do keep statistics in respect of those States tenants who claim Income Support and Social Security have been able to confirm the following from their records:

Category	Number of Adults	Number of Children
Single U25 no children	9	0
Single U25 with children	61	80
Single 25 to 64 no children	892	0
Single 25 to 64 with children	565	873
Single O65 no children	935	0
Single O65 with children	0	0
Couples U25 no children	154	0
Couples U25 with children	234	187
Couples 25 to 65 no children	332	0
Couples 25 to 64 with children	510	532
Couples O65 no children	489	0
Couples O65 with children	18	13
Totals	4199	1685

2.26 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT CLAIMANTS:

Question

In order for members to have a better understanding of those claiming Income Support, would the Minister provide the following information –

- (a) the number of people under the age of 18 claiming support;?
- (b) the number of people aged between 18 and under 25?
- (c) the number of people aged between 25 and 60?
- (d) the number of people aged over 60 years of age?
- (e) The number of people of working age who are medically unfit to work broken down into their gender and the following time periods of sickness absence - less than 6 months; 6 months to less than 12 months; 12 months to 3 years; 3 years to 6 years; more than 6 years but not classed as permanently unfit to work; unfit to work?

Answer

(a)– (d)

The number of individuals included in Income Support households, analysed by age, is given in the table.

	Male	Female	Total
Under 18	1894	1776	3670
18-24	368	392	760
25-59	2021	2950	4971

60+ 1588 2616 4204

- (e) There are a number of benefits associated with incapacity but not all of them are relevant to the capacity or otherwise of the individual to work. Individuals receiving Short Term Incapacity Allowance (STIA) have been certified by their GP as being incapable of work due to incapacity. STIA is available for a period of up to one year. On 31st December 2009, there were a total of 607 individuals receiving STIA where their claim had lasted up to 6 months. The great majority of these claims are in respect of very short illnesses that only last a few days. There were 197 claims which had lasted between 6 months and one year. These figures are in respect of all claims and will include individuals receiving Income Support as well as those not receiving Income Support.

For individuals with long term conditions, Long Term Incapacity Allowance (LTIA) is available. This is provided on the basis of loss of faculty as a result of a disease or injury. It is not based on the ability of the individual to work and is paid to individuals regardless of their employment status. Associated with LTIA, an Incapacity Pension is available to individuals who are below pensionable age but as a result of a disease or injury are likely to be permanently incapable of work. In very specific circumstances individuals may move from LTIA to an Incapacity Pension. Individuals receiving an Incapacity Pension are not permitted to work whilst receiving the pension. As at 31st December 2009, 9 individuals were claiming an Incapacity Pension.

Prior to the introduction of LTIA, an Invalidity Benefit was available to individuals with a high degree of incapacity. These individuals were not permitted to work whilst receiving Invalidity Benefit. Their medical condition would be confirmed by a GP every 3 months. Invalidity Benefit was replaced in October 2004 but individuals in receipt of the benefit at that time were allowed to continue to claim the benefit whilst their medical condition satisfied the necessary requirements. In total there are 681 ongoing Invalidity Benefit claims with a total duration of between 5 and 10 years and 539 with a total duration of 10 years or more. As above, these figures are in respect of all claims and will include individuals receiving Income Support as well as those not receiving Income Support.

In respect of Income Support claimants the following information is available:

Benefit Type	Number of Income Support Participants claiming this benefit
STIA	220
Incapacity pension	3
Invalidity benefit	753

2.27 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ACCESS TO AN INDEPENDENT REVIEW OF MARINE POLLUTION:

Question

Following on from a response to a written Question on 21st September 2009 (Q.4745), would the Minister provide members with a copy of the independent review of the marine pollution (by the Centre for Research for Environment and Health) mentioned in the answer to the second question?

Answer

The independent review to which the Deputy refers is available to the public and can be found on the following States of Jersey website under the title “Assessment of Bathing Water Quality for the States of Jersey 2009”.

<http://www.gov.je/PlanningEnvironment/Environment/Environmental+Protection/BathingWater.htm>

Rather than it being an independent review of Marine Pollution as the Deputy suggests in this question it is an independent report, (including figures, tables, and appendices) carried out by the Centre for Research into Environment and Health and is the November 2009 “Assessment of bathing water quality for the States of Jersey 2009”.

The Department has provided Deputy Wimberley with a hard copy of this report but as it is lengthy and in the interest of preserving resources other hard copies can be made available at the request of other States Members

2.28 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE COLLECTION OF SEA LEVEL DATA IN JERSEY:

Question

Would the Minister inform members whether sea level data is collected officially in Jersey, and if so give brief details of how it is collected, how it is made comparable year on year, how long it has been collected for, and whether the data is publicly available?

Answer

The Planning and Environment Department does not collect sea level data and utilises published UK Government reference material.

The Jersey Met Service does collect wave height information from its wave rider buoy and weather station to inform the shipping forecast but this does not provide a reference source for sea levels.

A tidal gauge station does exist on Victoria Pier in St Helier and is owned by Proudman Oceanographic Laboratories. Data is collected by Proudman on a weekly basis to compare actual tidal heights against predicted tide heights. Jersey Harbours are provided instant access to tidal readings to compare actual against predicted and free tide tables from Proudman. This equipment was installed in the early 1990s.

2.29 THE DEPUTY OF ST. MARY OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING PARENTING TRAINING AND SUPPORT:

Question

Would the Minister inform members what services currently exist to provide training and support in parenting and, if this information is not available, can the Minister inform members when it will be available?

Answer

In 2008 a multi-agency parenting strategy was developed. The starting point for this was a recognition that services already exist which support parents and families.

Parenting Support Services are currently provided at the Bridge. These are open to all parents, providing advice, guidance and practical support on matters related to bringing up children. At the Bridge, parents can also access parenting classes and one-to-one support.

Parenting programmes are also offered, in partnership with Parenting Support Services, at some schools.

Voluntary sector organisations such as NSPCC also provide group support and one to one support. The Pathways Project at Samares School is an example of this.

During 2009, parenting support services worked with approximately 300 parents through the 'Understanding Children 0-19 years' programme and a further 320 parents in programmes focused on engaging them in their children's learning

In addition to these universal services, support is also targeted to specific groups.

- The Brighter Futures Charity based at The Bridge provides early intervention to support families in need. Referrals to the 'Journey to Wellbeing' programme are accepted from all agencies and the key focus is on supporting parents to make changes in their own lives that will benefit their children.
- The Youth Action Team and Parenting Support Services undertake 'family problem solving' work with families.
- The NSPCC works with pre-school children and their families in their own homes within a specific catchment area

In addition to these services, other agencies, such as Health and Social Services, provide complementary universal and targeted services to support parents and families.

2.30 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ENERGY FROM WASTE 'CLIENT TEAM' AND 'TECHNICAL ADVISER' COSTS:

Question

Given that in his answer to a written question on 1st December 2009, the Minister referred to 'EfW Client team' costs and 'Technical Adviser costs', could the Minister explain what exactly these headings of expenditure are?

Would the Minister advise members whether any claims of any kind have been made by the contractor or contractors against the Transport and Technical Services Department, as the client, or Fichtner, as the consultant project manager, and if so, can the Minister advise the Assembly what these claims are for and the progress being made in resolving them?

Answer

The “EfW Client Team” costs are administrative overheads and staff costs associated with the project management and administration of the Energy from Waste project. These costs include salaries, accommodation, training, subsistence, furniture & equipment, other fees, travel, computer hardware and computer software.

The “Technical Adviser costs” are costs associated with specialist technical advice related to the project and cover areas such as project development, planning, consenting, enabling works, Health and Safety Construction and Design Management and specification reviews.

So far the Contractor has not formally issued any claims.

There have however been several Contract Variations. Variations are changes to the contract, which are requested by the Purchaser, or suggested by the Contractor, and can increase or decrease the Contract price.

To date Variation Orders have been issued for:-

Modifications to the bunker wall design

This variation is in relation to the height of the bunker wall. The intention had been for the front wall of the bunker to be at a height of + 1.5 metres from the tipping hall floor. Following the signing of the Energy from Waste contract, it became apparent that the Contractor considered that the front wall of the bunker was to be built at a level of + 6 metres from the tipping hall floor. This point was considered by the Project Manager, who must act independently on any dispute between the Purchaser and Contractor on matters of the contract. The Project Manager ruled that the Contractor’s proposal drawings showing the wall at +6 metres had been deemed to be accepted when the Contract was signed and therefore the Purchaser was responsible for the cost of setting the wall height at + 1.5 metres.

Welded Valve connections

The Contractor offered a cost reduction to accept a change to the Specification to allow the Contractor to install welded valves in specified positions as opposed to flanged valves.

Bulky Waste Facility ancillary services

In order to provide the workforce with a canteen that has natural light and welfare provisions that were close to the working area in the Bulky Waste Facility (BWF) to improve efficiency, the Purchaser requested that the Contractor incorporate these in the design. Following investigation, it proved more cost effective to install these amendments during construction, rather than retro-fitting them at a later date.

Use of Gabions in retaining walls

The Contractor suggested that if a section of concrete wall on the perimeter of the site were replaced with gabions there would be a cost saving. The cost reduction and scope of work have been agreed and the Contractor has been asked to amend the design.

Hydrocarbon Contamination Removal

During the site excavation, the Contractors discovered a quantity of hydrocarbon contaminated soil in the area of the site that will form the access to the tipping apron when the site is complete. After consultation with the Regulator, the area was excavated and the contaminated ground sent for remediation. Although there was no requirement to use the Contractor for removal of the

contaminated material, a scope of works and schedule of rates were agreed as offering good value for undertaking the excavation of the contaminated soil and reinstatement of the area excavated.

2.31 THE DEPUTY OF ST. MARY OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FINANCIAL SUPPORT OFFERED TO STUDENTS OF VOCATIONAL FURTHER EDUCATION COURSES:

Question

Would the Minister advise members of the Education, Sport and Culture Department's policy on supporting students financially in further education which is vocational, including part time studies off-Island?

Would the Minister advise members where the full policy and rates of support in relation to vocational courses may be found?

Answer

In response to the first question, I can advise the Deputy of St. Mary that, unlike higher education which is generally delivered by UK Universities and for which means-tested grants are available via my department, vocational further education is provided on-Island by Highlands College. A small number of students attend off-Island courses of higher education in subjects which may be considered as vocational in nature (e.g. events management), but these HND courses are equivalent to being part-way towards an undergraduate degree and are therefore classified as 'higher' rather than 'vocational' or 'further' education.

There are no charges made to local residents enrolled on full-time courses of vocational education at Highlands College. Low income families whose children remain in further education following compulsory schooling are eligible to apply for financial support via the Department through Social Security.

With regard to part-time study, the Department for Education Sport and Culture meets 75% of the course fees and the other 25% is met either by the employer or the student. The Department is not aware of any local students following part-time vocational further education courses off-Island.

In response to the Deputy's second question, I can advise that ESC policy in respect of vocational further education is that these courses are provided, wherever possible, at Highlands College. The cost of tuition fees for vocational courses at Highlands College is met by the States of Jersey, and other costs, including living expenses, are met by the student's family. With regard to levels of support, beyond fee payments, I would advise the Deputy of St Mary to address his question to the Minister for Social Security who may be able to provide more detail on how income support assists full and part time students following programmes and courses of vocational further education.

2.32 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING BREACHES OF ARTICLE 44 OF THE STATES OF JERSEY LAW 2005:

Question

Given his advice that the payment of Blackberry phone bills for Members of the Executive is simply 'a matter of interpretation' and in his view thus not a breach of Article 44 of the States of

Jersey Law 2005, can the Attorney General confirm that this also leaves the way open for cars and resultant fuel costs (for example) to also be provided for Members of the Executive?

Answer

Article 44 (1) of the States of Jersey Law 2005 provides:

“44 Remuneration of elected members

(1) No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the general revenue of the States shall provide for different elected members to receive different amounts of remuneration or allowance.

.....”

As a matter of statutory interpretation, Article 44 inhibits the payment of additional remuneration/allowances for general expenses in respect of an elected member. It does not, in the opinion of the Attorney General, inhibit the payment/reimbursement of expenses properly incurred in the course of ministerial business.

Ministers and Assistant Ministers may have access to facilities that other members do not (e.g. secretarial/office facilities) to enable their ministerial duties to be discharged.

The question asks whether or not the previous opinion “leaves the way open” for other things including, by way of an example, “cars and the resultant fuel costs”. Each such cost would need to be considered against the above test. Subject to consideration of the precise justification, it might be thought unlikely that, in Jersey, the automatic provision of a car to a Minister would be justified against such a test.

2.33 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE SUSPENSION OF THE CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

Given the concern at the manner and protracted nature of the suspension of the Chief Officer of the States of Jersey Police, specifically the part played in this by members of the Council of Ministers, will the Privileges and Procedures Chairman explain why the Committee has refused the suspended Chief Officer’s request to investigate whether the Code of Conduct procedures were adhered to?

Answer

By way of background, the Privileges and Procedures Committee may consider a complaint from any person that an elected member has breached the code of conduct under Standing Order 156. In order for the complaint to be considered by the Committee, it is clear that the Member concerned must be identifiable and the specific nature of the alleged breach of the Code understood.

Standing Order 157(1) states –

“157 Investigation of breach of code of conductⁱ

- (1) Where the PPC has information, whether or not received from a complainant, that suggests that an elected member may have acted in breach of the code of conduct it shall, without undue delay, inform the member and investigate the act.”

In his letter to the Chairman, the suspended Chief Officer of the States of Jersey Police has stated that he cannot be clear in his complaint. He stated that there was “difficulty in identifying who is responsible for what, and the possibility that one or more members of the Council of Ministers may or may not be implicated”. The writer suggests that the Committee may agree that the “general complaint against the conduct of Government falls within its remit and merits further enquiry”.

The letter did not make any specific complaint about a named member. For the sake of clarity, it is not within the Committee’s terms of reference to consider a general complaint against the conduct of Government. It is also worth noting that a “general complaint against the conduct of Government” alluded to could involve the actions of public employees, former States members as well as current States Members and therefore falls outside the remit of the Code of Conduct for States Members

If a complaint is submitted about a named serving States’ member(s) which is specific, and is capable of resolution by the PPC under its terms of reference, this will be placed on the Committee’s agenda.

In her response to the Chief Officer the Chairman made it clear that there may be ways to investigate the concerns that he has even though the matters he refers to fall outside PPC’s own terms of reference.

2.34 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE SENTENCING OF INDIVIDUALS CONVICTED OF IMPORTING DRUGS INTO THE ISLAND:

Question

Will the Minister clarify how and why reducing sentencing for individuals convicted of importing drugs into the Island will help alleviate Jersey’s drug problem and advise what evidence he has to support such a proposal?

Answer

I do not think that I have publicly claimed that reducing sentencing for individuals convicted of importing drugs into the Island would help alleviate Jersey’s drug problem directly, although there is a scenario which I will describe at the end of this answer by virtue of which this may be indirectly so.

The States of Jersey in November 2007 approved its first Criminal Justice Strategy. The section on Pillar 8 – Dealing with offenders contains the following section at paragraph number 11.18.

A review of drug sentencing policy

11.1 Over the last decade or so, the profile of custodial sentencing has changed. In 1991, a total of 549 offenders received custodial sentences in Jersey. However, the Prison never approached its maximum capacity because 90% of these sentences were for periods of less than 6 months. Over the years, the availability of a range of effective community penalties managed by a strong and professional Probation and After-Care Service has undoubtedly been a major factor in reducing significantly the number of shorter custodial sentences. By 2001, a much reduced total of 253 offenders were given custodial sentences in Jersey with only 54% serving less than 6 months. The irony, therefore, is that the marked reduction in the use of custody as a sentencing option has coincided with severe prison overcrowding due to increased sentence lengths. As the Rutherford Report highlighted, the main contributory factor has been the Royal Court’s sentencing policy on drug trafficking.

Sentencing principles were first formalised in the Court of Appeal landmark judgment of Campbell, Molloy and MacKenzie (1995) JLR 136 and there have been several judgments since which have modified the guidelines. In upholding the condign punishments meted out by the courts in Jersey, the Court of Appeal has supported the stance that such sentences are necessary to protect the social and economic fabric of Jersey society, to mark public abhorrence of drug trafficking and to deter others from indulging in the same crime. Notwithstanding the integrity of this sentencing policy and the need to deal appropriately with serious and organised crime, the Island is paying in other ways, notably with prison overcrowding and excessive cost to the tax payer. Moreover, there is no evidence that such tough sentences are having the desired effect. Trafficking of Class A drugs into Jersey is still a regular occurrence and heroin addiction still blights our society. Intelligence would also indicate that imprisoning drug traffickers together can create more powerful and elusive syndicates. Furthermore, our drugs enforcement strategy has, hitherto, resulted in a disproportionate number of couriers being incarcerated. On the other hand, we do not know whether the situation would have been much worse had the Court not adopted this sentencing policy. The fact remains, however, that there has been no measurable decline in drug trafficking as a direct result of sentencing policy. Consequently, the Home Affairs Department will be entering into discussions with the Bailiff over the sentencing policy in respect of drug trafficking in the light of the experience of the last 8 years. This was supported by the Shadow Scrutiny Panel in its review on substance misuse carried out at the end of 2004.

Furthermore, the action plan which follows this section of the Strategy includes the following action point:-

“Enter into discussions with the Bailiff over sentencing policy.”

I believe that it is clear from the contents of paragraph number 11.18 that this action point, which was agreed by the States as part of the policy, flowed from the concerns expressed in relation to the current sentencing policy in relation to drugs.

The constitutional position is that, subject to maximum sentences which may be set by the States for different offences, sentencing policy is a matter for the courts. In particular, the key sentencing case of Campbell, Molloy and Mackenzie was decided in 1995 by the Court of Appeal. I believe that this was decided by an especially convened Court of Appeal with more than the usual number of Court of Appeal judges being present. If this judgment is to be changed by the courts then that could only be by virtue of a further specially convened Court of Appeal. What I have suggested, in line with the Criminal Justice Policy, is that the time is right for such a review. However, I have confined my concerns in relation to sentencing policy to the sentencing of couriers (commonly known as “drugs mules”) who are recruited solely for the purpose of transporting drugs to Jersey. The concerns expressed in the Criminal Justice Policy extend to all those involved in the importation of illegal drugs but my concerns are narrower.

This is a controversial area. Opinions differ amongst experts in the field of criminology and amongst judges as to the effectiveness of deterrent sentences in relation to drugs couriers. In order to assist the judges in their deliberations in relation to this matter, the Home Affairs Department has sought the assistance of the Probation Department in terms of analysis of the prisoners who are currently in H. M. Prison La Moye serving a sentence as a courier. This study will provide the necessary factual analysis although of necessity there will always be a judgment to be exercised as to whether an individual prisoner is merely a courier or more heavily involved in the importation and as to whether or not they had any knowledge of the Jersey sentencing policy. It is my

contention that a policy based upon deterrent sentencing can only be effective if potential couriers know about the sentencing policy and are actually deterred by this.

As I have said before, all these are ultimately matters for the courts to decide. However, I contend that, in the light of the States Criminal Justice policy it was necessary for me as the new Minister to formulate a view in relation to this area.

There are also arguments which arise in relation to the weakness and vulnerability of many of the drugs couriers. I have, of course, personal knowledge of this by virtue of the cases with which I dealt as Magistrate and I would expect the current study to confirm my opinion. In my opinion, many of the couriers are themselves victims of the destructive effects of their own drug addiction or are weak people who have been coerced in acting as couriers. Although they remain responsible for their own actions and for the consequences to others of their acting as couriers, the issue arises as to whether such long prison sentences are still appropriate and whether these are effective as a deterrent to others.

Finally, I come to the possible scenario. If the current sentencing policy were to be reviewed and reduced in relation to couriers and this led to a reduction in the prison population then this should eventually lead to reduced costs of running the prison. If the Home Affairs Department were able to re-deploy those resources in relation to other areas such as improved enforcement by the police and/or customs or in terms of improved rehabilitation services for addicts then this would help to alleviate Jersey's drug problem.

2.35 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE COMPLETION OF WORKS AT WILLOW COURT:

Question

Will the Minister give assurances that work associated with the installation of a new entry/intercom system in the homes of the elderly residents at Willow Court will be completed as a matter of urgency, including the removal of old appliances, filling of holes and painting of walls and will he provide a date for completion?

Answer

The door entry systems at the Willows had been in place since the homes were constructed. They had over time become increasingly unreliable and are now considered obsolete. The Housing Department took the decision to replace them with more modern and more reliable technology. All of the replacement work was completed prior to Christmas 2009. The systems have been operational since that time.

There is a small amount of decorative work to complete to make good wall areas in tenants homes where the old and much larger entry phones were previously installed. This decorative work is in hand and will be complete by 28th February 2010 subject of course to access to individual homes being convenient for tenants.

2.36 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING MONITORING THE EFFECTS OF G.S.T:

Question

Will the Minister inform Members whether the Economic Development Department has monitored the effect of GST, since its implementation, on each industry sector, small businesses and the purchasing power of the consumer?

If so, what impact, if any, has been identified and how often is this monitored? If not, does the Department plan to do so?

Answer

The Economic Development Department (EDD) monitors the economy and the key sectors on an ongoing basis by analysing the wealth of data published by the States Statistics Unit (including the very valuable new Business Tendency Survey) and through EDD and specifically Jersey Enterprise day to day contacts with business across all sectors.

It is hard if not impossible to separate the impact of GST relative to all other factors impacting our economy and the businesses that comprise it in the last two years. However, based on all data and anecdotal evidence, there is little discernible reason to believe that the introduction of GST has produced a significant detrimental impact on any sector, or the economy in general.

In terms of consumer purchasing power, the introduction of GST is likely to have led to a small initial reduction in purchasing power for those not compensated by the States agreed policies to increase income support and raise tax thresholds.

Estimates suggest that 3% GST only amounts on average to 1-2% of incomes. However, this initial impact has been offset by the continued tendency for average earnings growth to exceed inflation and provide real improvements in purchasing power.

Between June 2007 and June 2009 average earnings across the economy increased by 7.5% compared to an increase of 5.2% in RPI over the same period.

3. Oral Questions

3.1 Deputy G.P. Southern of St. Helier of the Minister for Treasury and Resources regarding the Chief Minister's commitment to inclusivity in relation to the Fiscal Strategy Steering Group:

A Happy New Year to the Minister whom I have not seen since the New Year. Following his undertaking on 3rd November 2009 to follow the Chief Minister's commitment to inclusivity, will the Minister state which members of the Fiscal Strategy Steering Group he considers to be proponents of progressive taxation?

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

Running in parallel with the Comprehensive Spending Review, the aim of the Fiscal Strategy Review is to review all taxes and to consider options for tax rises, which I believe may be necessary in the future. The group will assess all options and, depending on the savings target that is achievable through the Comprehensive Spending Review, we will consult on recommended options for tax changes including any changes to Zero/Ten. The package or any proposals that will come forward will be progressive and I do not think it would be appropriate for me to express views on the individual members of the group and their views on taxation. They are a broad spread of Ministerial members including the vice-chair of P.A.C. (Public Accounts Committee).

3.1.1 Deputy G.P. Southern:

Can the Minister since he has hinted that the answers he will be producing or the consultation he will be producing will produce progressive tax measures, what those progressive tax measures might be?

Senator P.F.C. Ozouf:

It is far too early to say exactly what the package will be and what the overall extent of tax rises that will be necessary is. The work is underway, the research is underway, I have given the commitment that the package or any package that will be considered will be progressive and that is really all I can say at this time.

3.1.2 Deputy G.P. Southern:

If I may, if the Minister for Treasury and Resources is convinced that it will be a progressive package can he say what sort of progressive taxation measures he has in mind?

Senator P.F.C. Ozouf:

I am really not going to be drawn on any detail yet. The research and discussions are ongoing. When I am ready to describe and to consult on a preferred or a recommended option I will do so.

The Bailiff:

I think you have had 3 now, Deputy. Deputy Tadier.

3.1.3 Deputy M. Tadier of St. Brelade:

I am interested by the Minister's response. A moment ago he said that he affirmed that the taxation measures will be progressive, then he went on to say that it is far too early to say what those actual taxation methods will be. So surely in fact it is also too early to say whether or not the taxation measures will be progressive. Is that not the case?

Senator P.F.C. Ozouf:

Not at all, I think that you start out with the objective of a progressive system and you can apply a number of options and a number of variants of different taxes and different methodologies on that. You start with an assumption that it is going to be progressive and then work out the options.

3.1.4 Deputy M. Tadier:

Does the Minister also acknowledge that when we deal in these terms of progressive or regressive taxation we are talking about something which is subjective, and probably the Minister's view of progressive taxation is completely different to other Members in the Assembly?

Senator P.F.C. Ozouf:

It may well be so but I have been appointed and elected as the Minister for Treasury and Resources presumably with the confidence of the Assembly and I am going to bring forward any changes that matter for this Assembly to consider after considerable consultation, both with Members and the wider community.

3.1.5 Deputy T.M. Pitman of St. Helier:

It is a good game this. Could the Minister perhaps give some indication whether increasing the effective tax rate of the most wealthy on the Island might be included in his framework?

Senator P.F.C. Ozouf:

I do not regard the fiscal strategy as a game. **[Approbation]** It is a deadly serious piece of work together with the Comprehensive Spending Review and all options for taxation are going to be reviewed, all income levels are reviewed and I have also given the Assembly an indication that I will also be reviewing the 1(1)(k) policy but it is far too early for me to be drawn on any of the detail at this time. That will be a number of months away.

3.1.6 Deputy G.P. Southern:

Yes, I realise the post was somewhat heavy over the Christmas period but I have yet to receive my invitation to serve on this body and as one of those proponents - genuine proponents of progressive taxation - I thought the Treasury and Resources Minister would have done better in producing a more balanced set of Ministers or people to examine the possibilities in front ...

The Bailiff:

So what is the question, Deputy? That was not a question.

Deputy G.P. Southern:

Would the Minister comment?

Senator P.F.C. Ozouf:

Deputy Southern will have his opportunity to review any proposals that are made, from the side of Scrutiny I believe. I believe that we have set up a system of government, which is separated out at the Executive from Scrutiny. Scrutiny's role, and they do a very good job, is to review and to hold Ministers to account in the progression of their policies. That is the fertile ground in which I think that Deputy Southern will no doubt serve in any proposals to the changes to the taxation system.

[11:00]

3.2 Deputy C.F. Labey of Grouville of the Chairman of the Privileges and Procedures Committee regarding which Standing Order prohibited the Committee's investigation of the suspension of the Chief Officer of the States of Jersey Police:

Could the Chairman indicate which Standing Order prohibited the committee from answering the issues set out in the suspended Chief Officer of States of Jersey Police's letter of 13th November 2009?

The Bailiff:

Just before the Chairman replies, can I remind Members that under the Police Force Law, discussion of the suspension of the Chief Police Officer may only be carried out in camera as a mandatory matter. Having looked at the 3 questions I do not in fact consider that they relate directly to the suspension. They are all to do with matters of the Committee and the Chief Minister but I do remind Members that supplementaries must not stray into the forbidden area.

Connétable J. Gallichan of St. Mary (Chairman of the Privileges and Procedures Committee):

It is not so much that any particular Standing Order expressly prohibited the Privileges and Procedures Committee from looking at the issues set out in this letter but rather that they did not fall under the terms of reference of the Committee as set out in Standing Orders. P.P.C. (Privileges and Procedures Committee) cannot take upon itself matters, which are clearly outside the scope of its remit as agreed by the States of Jersey in the adoption of Standing Orders. There are several Standing Orders which are relevant to the subject of complaints in particular: Standing Order 128 details the terms of reference of P.P.C.; Standing Order 156 refers to complaints about the conduct of an elected Member, and the way in which a complaint is handled is set down in Standing Order 157. Standing Order 157(1) states: "Where the P.P.C. has information, whether or not received from a complainant, that suggests that an elected Member may have acted in breach of the Code of Conduct, it shall without undue delay inform the Member and investigate the act." Studying the detail of these Standing Orders in their entirety shows that there must be a certainty about the nature of the complaint, and also about the identity of the elected Member against whom the complaint is made. This certainty was not afforded by the letter in question, which included the following passage: "I am aware that the complaints, which are specific against serving Ministers should be addressed to the Council of Ministers. However, given the difficulty in identifying who

is responsible for what and the possibility that one or more members of the Council of Ministers may or may not be implicated, the Committee may agree that the general complaint against the conduct of government falls within its remit and merits further inquiry.” For the sake of clarity, there is nothing within the Committee’s terms of reference, which would enable it to consider a general complaint against the conduct of government. I should nevertheless stress that it is clear that the issues referred to by the Chief Officer might be matters of significant public importance. Should a Member or Members come to this conclusion then there is a clear process set out in Standing Orders to deal with this scenario and it does not fall under the remit of the P.P.C.

3.2.1 The Deputy of Grouville:

Could the chair indicate whose remit it does fall under, and if it is that of the Council of Ministers could she tell us if she sees something of a conflict whereby the Council of Ministers investigate themselves?

The Connétable of St. Mary:

Standing Orders, as I have said, has a procedure where a matter of clear public importance is under question. There is a procedure under Standing Orders 146 to 150 for a matter of definite public importance to be investigated mainly by the establishment of a Committee of Inquiry. It is a matter for the States to decide whether they might wish to consider establishing a Committee of Inquiry and to set the terms of reference, the constitution and the budget for such an inquiry, although advice would clearly be needed on whether any such inquiry could be commenced until any disciplinary process involving the Chief Officer has been completed.

3.2.2 Deputy S. Pitman of St. Helier:

In the chairman’s letter to the former Chief Officer of the Police she referred to: “I made this decision” a couple of times I believe, could she say whether or not that decision was made with her Committee?

The Connétable of St. Mary:

I do have a further question on this later but for the sake of clarity I received a letter addressed to me as chairman of the Committee and I discussed the matter with my officers, as is the normal procedure for all business that comes addressed to me. The matter was clearly outside the terms of reference of the Committee and did not require to be placed before it.

Deputy S. Pitman:

Is that a no?

The Connétable of St. Mary:

Yes, the letter was addressed to me and I answered the letter.

3.2.3 Deputy D.J.A. Wimberley of St. Mary:

I am a bit puzzled by this business of: “It is not within the terms reference of the Committee.” I just want to ask the chairman whether she considered carefully the remark in the letter to her from the Chief Officer of Police where he says: “The Committee will be aware that the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, P.A.C. and P.P.C.) Jersey Regulations 2006 provides the Committee with the relevant powers to investigate any alleged breach of the code.” I just wanted to ask her whether she considered this sentence very carefully and what conclusion did she reach?

The Connétable of St. Mary:

There is no doubt that the Committee does have powers as detailed by the questioner. The actual question here is whether there has been a breach of the code, which P.P.C. can investigate not

whether it has powers to investigate a breach, and as I have explained in my answer, this did not fall within the terms of reference of P.P.C. to investigate.

3.2.4 The Deputy of St. Mary:

Does that mean that if the complaint was to be more specific than it already is - because it seems to me fairly specific about certain people saying certain things - does that mean that then the P.P.C. would, or that the chairman would respond in a different way?

The Connétable of St. Mary:

If a complaint is received, which is specific and is substantiated under the terms of Standing Orders and falls within the remit of the P.P.C. to investigate then that matter would invariably be placed on the agenda of P.P.C.

3.2.5 Deputy T.M. Pitman:

I am afraid it really follows on from the Deputy of St. Mary, could the Chairman just make it quite clear for me? We have established that P.P.C. do have the ability to choose to investigate. Surely there seems to have been enough material there to warrant that they would be severely worried. So, could the chairman just hammer it home for me why they did not take that step?

The Connétable of St. Mary:

As I have said we did not receive a specific complaint about a specific Member detailing a specific breach of the code. For that reason it was outside the terms of reference of the P.P.C. to investigate.

3.2.6 Deputy F.J. Hill of St. Martin:

I would draw the chairman's attention to the Code of Conduct for Ministers, R.114 of 2006, and Article 15 says: "Compliance: Any infringement of the Code of Conduct for Ministers must be reported to the Council of Ministers and the Council will determine an appropriate penalty." The question I want to ask is that bearing in mind that there was this particular reference made and also reference to this particular Code of Conduct was made in the letter from the Chief Officer to the chairman of your Committee, would the chairman not have considered it more appropriate then if she felt she could not deal with it herself or her Committee could not, that it would then have been referred to the Council of Ministers in line with R.114 and also in compliance with what the Chief Officer was asking? So, in other words, why was it not passed on to the Council of Ministers?

The Connétable of St. Mary:

In his letter, the Chief Officer already advised that he was fully aware of the matters that needed to be placed before the Council of Ministers and which fell under the terms of reference of their Code of Conduct. The Chief Officer already specified that he was aware of that.

3.2.7 The Deputy of Grouville:

Yes, Sir. Does the chair of P.P.C. not realise that she is probably the only chair of a privileges body of any C.P.A. (Commonwealth Parliamentary Association) legislature who regards it as, and I quote: "No business of hers to investigate allegations of a serious nature against a government"?

The Connétable of St. Mary:

I have been quite specific in my answer. The terms of reference of P.P.C. do not encompass the investigation of a general complaint against government and I would point out if such an investigation were to be undertaken, would the Assembly be satisfied that it be undertaken by members of the government or would the Assembly look towards an independent inquiry? I would say that the terms of reference of P.P.C. and Standing Orders were crafted in the cool light of day after much reflection in order that impartiality could be maintained, and they were crafted for a reason.

3.3 Deputy P.J. Rondel of St. John of the Minister for Economic Development regarding the closure of the national and local Teletext services:

Following Teletext U.K. (United Kingdom) closures of the national and local teletext service for the harbour and airports as well as for the weather map pages, what action if any has been taken to enhance the existing services provided by the B.B.C. Ceefax, which currently provides a partial airport service on page 462?

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

The decision to discontinue the teletext service was indeed regrettable but it was beyond our control. For the avoidance of doubt it was also beyond the control of Channel Television. The decision was made by Associated Newspapers Limited after discussions with the regulator Ofcom. The service had been loss-making in recent years and no viable business model could be found. It had effectively come to the end of its commercial and technological life. The Ceefax service is in the same position and will also be turned off in November at the end of the digital switchover process. Ceefax has been replaced by the B.B.C. Freeview Red Button Service but the information on Teletext and Ceefax is currently still available on a wide range of other media. Both ports have excellent websites, which include live arrivals and departures information. The States website, thisisjersey, Jersey Inside, the B.B.C. and other media all display weather and travel information.

3.3.1 The Deputy of St. John:

I am disappointed in the Minister's answer. Recently the Minister had a Digi presentation on 12th January at the museum, did he think of mentioning this to Mr. Taylor who gave the presentation, because I spoke to him on that day and he did say he would look into seeing what could be put in place? Will the Minister therefore speak to Mr. Taylor - and I am sure he has got his card that he gave us all on that day because he introduced me to him, -and see if something cannot be put in place given the Island and not everybody have computers? There are an awful lot of people who do not have computers on this Island and I was disappointed in the Minister's answer in that respect.

The Bailiff:

Will you put your question then, when you speak to Mr. Taylor?

The Deputy of St. John:

May I finish the question? Given that safety at sea is paramount to this Island and a good up-to-date weather forecast is paramount. What, as the Minister has already stated by using Teletext ...

The Bailiff:

I am sorry it is turning into a statement, Deputy, I am sorry you asked the Deputy your question.

The Deputy of St. John:

I will come back on that one.

Senator A.J.H. Maclean:

I never like to see the Deputy of St. John disappointed, and indeed I was delighted that he turned up to the presentation given by Mr. Taylor who is leading the Digital U.K. switchover process, however the gentleman in question does not represent the B.B.C. and there are difficulties there. We have had conversations. We have also had conversations with the B.B.C. I am afraid, Ceefax - like Teletext - is old technology: sadly it has been switched off but there are many other alternatives.

3.3.2 The Deputy of St. John:

The Minister's alternatives given to the House this morning are far from adequate. Will the Minister instruct his officers to look around and find proper alternatives because currently if members of the public wish to get an up-to-date weather forecast on a weekend by the method he has described, by online through computerisation, you are getting something which is already 3 or 4 days old. It is not up-to-date and therefore when you go to Channelonline, *et cetera*, you are not getting an up-to-date forecast, because I have tried it several times over the holiday period, and we need up-to-date information on a screen that the public can deal with safety at sea issues, and also our arrivals and departures at the ports. This is an island, not a part of a greater continent where things can be brought in over the border.

[11:15]

Senator A.J.H. Maclean:

Of course I understand the concerns that the Deputy of St. John is explaining to Members. The department is always alert to needs and requirements to improve services but quite frankly modern technologies are far better able to give the latest up-to-date information with regard to travel information and weather than, dare I say it, the outdated current or past services of Teletext and Ceefax. We will continue of course, to answer his question, to look for alternatives to deliver the best possible service. Safety at sea and others are vitally important.

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

Following on from that, after we have gone to digital it will still be possible to pick up the Teletext signal, for instance 888 for people who are hard of hearing. Would the Minister consider talking to the transmission bodies, in effect linking-up both the harbours and the airports to the system, which will come through direct, because I understand it is a financial decision to abandon the Teletext system, and see what can be done with doing it for a direct system straight from the harbours and airports straight to the TV screen? As has been pointed out, not everyone has computers. Does the Minister not agree?

Senator A.J.H. Maclean:

Well, I certainly agree with the Deputy that not everybody has computers. Clearly computers are not the only medium, you can get weather and travel information through mobile hand sets and in other ways, and as technology moves forwards I am sure there will be many more ways in which that vital information can be gained. There have been discussions about the possibility of linking up the airport and the 2 ports. The belief is that the cost and practicality of doing such a thing is not going to make it viable so I am afraid that solution in the future is unlikely but modern technology does offer us all sorts of other opportunities.

3.3.4 The Deputy of St. John:

The Minister's response is a bit woolly. Will the Minister please confirm that he will do something about it, put an officer on it for a few hours and make something happen? Nothing is impossible even with a small cost involved.

Senator A.J.H. Maclean:

As I said to the Deputy at the beginning, we are continually reviewing and will always review ways in which vital information is made available to the public, so in that respect yes. I hope that will give him some degree of reassurance. I am very satisfied of course with the technology available at the moment but we will continue to look for other opportunities.

3.4 Deputy S. Pitman of the Minister for Housing regarding the cost of a calendar sent to all States tenants:

Can the Minister or the Assistant Minister advise Members how much the calendar sent to all States tenants cost to produce and deliver?

Deputy S. Power of St. Brelade (Assistant Minister for Housing - rapporteur):

I will answer on behalf of the department, as my Minister is not present. Could I ask, I am going to circulate 2 copies of the calendar, one to Constable Mezbourian of St. Lawrence and one perhaps Deputy Hilton might pass over to Deputy Duhamel so that they can understand what we are talking about. Keeping tenants informed and engaged is a major focus for the department and one of the more successful ways of doing that has been the issue of a quarterly tenants' magazine called *Community News*, which is delivered to each and every States tenant's home together with their quarterly rent statement. Last year the department came up with an initiative to replace the fourth quarter issue of *Community News* with a 2010 calendar, which would contain information about the services operated by the department, and if Members will have the chance to look at this over the next half an hour or an hour, it includes emergency numbers on every page. It includes all tenants' dates and all significant Jersey dates, all emergency numbers in Jersey, it is printed in Jersey and it took quite some time to design. The cost of an issue of *Community News*, which was suspended for the calendar, is £1,910.65, which equates to 42 pence per tenant. The normal cost of sending out *Community News* is £2,309.07, which equates to 51 pence per tenant or a combined cost of *Community News* of 93 pence per tenant. The cost of producing the calendar, again which is produced locally, was £4,688.40, which equates to £1.04 per tenant and the cost of posting the calendar was £2,309.07, which equates to 51 pence per tenant. The combined cost of the calendar was £1.55; the cost of *Community News* combined cost was 93 pence. So the increase in cost of distributing the calendar as distinct from the *Community News* was 62 pence per tenant.

3.4.1 Deputy S. Pitman:

To my understanding I calculated that to produce and deliver the calendar cost around £8,000. Does the Assistant Minister not think that there is indeed a cheaper way of getting this information across? Firstly there are phone numbers in the telephone book on the front pages and, secondly, in the *Community News* issues that go to tenants.

Deputy S. Power:

I am not quite sure how to answer that. I do not know how Deputy Shona Pitman has researched the cost of producing a calendar printed in Jersey. These are the actual costs from the printer and from Jersey Post. It has come out at £1.55, that includes £1.04 for the production of the calendar and 51 pence to distribute it. Unless the Deputy can show me how she gets £8,000, these are the actual costs.

3.4.2 The Deputy of St. John:

Would the Assistant Minister confirm that his Minister is away on holiday at a time when we should be in the House, and on top of that does he consider this good value of taxpayers' money to produce a calendar and 3 other publications in the course of the year in times of recession?

Deputy S. Power:

Yes, I do. I regard it as absolutely essential that we keep our tenants informed, that they know how to engage with the department, that they understand some of the ... There is a whole page on income support, there is a whole page on how getting involved..., there is a whole page on the tenants' forum, there is a whole page on emergencies, there is a whole page on high rise and on tenants' conferences, and I think it is an extremely good value way of engaging with 4,600 households or 13,000 tenants. I visited a property yesterday at the low rise at La Collette with Deputy Trevor Pitman and I was very pleased to see in the tenant's living room, one of the calendars hanging up with hand written notes in it. So, I think it is a very cost effective way of engaging with our clients.

3.4.3 Deputy S. Pitman:

Could the Assistant Minister say that this calendar will be produced next year and really was it necessary to provide all this information with nice glossy pictures of himself and the Minister?

Deputy S. Power:

I cannot answer that in January 2010. Deputy Gorst is waving round a photograph of 2 dubious looking characters on the front of the calendar. I could not possibly comment on that but I can say that this calendar was largely modelled on calendars of housing associations and council housing, right from Solihull in the Midlands to Bristol, to Essex and it is essentially a copy of what a lot of other housings associations or county councils are doing and I think it is a very useful tool.

3.5 Deputy K.C. Lewis of the Minister for Health and Social Services regarding the onward sale of unused Swine Flu vaccines:

Further to news that the United Kingdom is to sell on 60 million doses of swine flu vaccine with France and Germany also selling on, is the Minister concerned about the take up of vaccine in Jersey?

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

The answer is no. Our vaccine up-take appears to be exceptional in comparison with other jurisdictions. We are not aware of anywhere else where over 85 per cent of children have been protected by vaccine and over 80 per cent of people with existing medical conditions that place them at high risk of a more serious effect of H1N1 swine flu. So far almost 40 per cent of our population overall has had the vaccine and it continues to be on offer free of charge by G.P.s (General Practitioners) to anyone who may wish it. The surplus vaccine situation in the U.K., France and Germany, and here in Jersey but on a much smaller scale, is simply because we all purchased 2 doses of the H1N1 vaccine per head of population to be vaccinated. This was in line with the dosage schedule recommended originally by the manufacturers and endorsed by the world health authorities. The revision of this advice in autumn 2009 as evidence of lasting effectiveness of the vaccine confirmed that one dose was enough to give protection to the majority of the population. It automatically created a surplus equivalent to half of all the vaccine we had contracts for. Much of the Western World including the U.S. (United States) and Canada also have surplus, in most cases to a greater proportionate degree than Jersey as we have achieved vaccine up-take in our population higher than we have heard anywhere reported.

3.5.1 Deputy K.C. Lewis:

The Minister stated that one vaccination seemed to be enough but many people were given 2, including children, is the Minister aware that I have been contacted by quite a few aggrieved parents who have been told that if they wish their children to attend nursery they must have their children vaccinated with the follow-up booster? Would the Minister care to comment?

The Deputy of Trinity:

I understand the parents' concerns and before the department went on to the vaccination programme it held many public meetings as well as the Pandemic Hub, which was there to answer any parents' questions or even just observations or however simple it might mean. In that hub there was immediate access to the consultant microbiologist, the Medical Officer of Health (M.O.H.), the consultant paediatrician as well as the consultant in respiratory diseases as well as a lot of information sent out through the media with the M.O.H. having regular updates with them. Those children are what we call our super-spreaders because they have not built up an immunity and to get them vaccinated as soon as possible was very important as part of our pandemic structure. I would just like to say 16,000 school children were vaccinated over a period of 6 days and I think that is absolutely remarkable.

3.5.2 Deputy K.C. Lewis:

I thank the Minister for her reply. Can the Minister inform the Assembly when the approximate expiry date is for the vaccines and what are her intentions for it thereafter?

The Deputy of Trinity:

I have 2 different expiry dates, they are in 2012 and the other one is a similar expiry date. It is here somewhere, and because I want to be absolutely clear, perhaps during the next question that can be mentioned but also I would like to mention that the adjuvant in the vaccine has got a longer shelf life and that we can hang on to that bit.

3.6 Deputy T.M. Pitman of the Chief Minister regarding the involvement of the C.M.B. in discussions relating to the dismissal of the Minister for Health and Social Services in July 2007:

Did a meeting led by the Chief Executive take place after the C.M.B. (Corporate Management Board) meeting on 25th July 2007 to discuss matters relating to then Minister for Health and Social Services, and if so who was present at the meeting? Was the possible removal from office of the then Minister discussed, and if so would the Chief Minister suspend all those present from their duties pending a full investigation into the matter?

Senator T.A. Le Sueur (The Chief Minister):

The Chief Executive has confirmed that there was a meeting of some chief officers following a meeting of the Corporate Management Board on 25th July 2007 to discuss the impact, which the then Minister for Health and Social Services' criticism of Social Services staff was having on staff morale. Those present at the meeting were the Chief Executive, the Chief Officer of Police, the Director of Human Resources, the Chief Officer of Education, Sport and Culture and the Chief Officer of Health and Social Services. The Chief Police Officer did not attend the entire meeting. The Chief Executive confirmed that at no time was there discussed at this meeting the possible removal of the then Minister from office.

[11:30]

3.6.1 Deputy T.M. Pitman:

I have a copy of the file note from the Chief of Police on my desk. Could the Chief Minister just clarify, the States C.E.O. (Chief Executive Officer) stands effectively accused by the Island's most senior police officer with what he concluded was a lead involvement in an attempt to remove a Minister from office regardless of the rights and wrongs of what that Minister did? How can this not result in suspension as a neutral act while this is investigated, particularly given that the C.E.O. was later to play a major part and a contentious part in the suspension of the Chief of Police?

Senator T.A. Le Sueur:

I have to be fully careful here because I am not sure whether this file note may have any relevance to the investigation that is currently underway and I maybe urge caution in answering this but say merely that I believe that any reference to a file note, which may be contained in some blog or other source should be treated with the appropriate level of certainty.

Deputy T.M. Pitman:

It is a copy of the file note; it is not in some blog.

The Bailiff:

Sorry, what is your question, Deputy? Deputy what is your question? Deputy, this is question time, were you asking a question? Deputy, I am speaking to you, please stand up when I am speaking to you.

Deputy T.M. Pitman:

I was not aware you were talking to me, Sir, apologies.

The Bailiff:

Well I am not sure who else I was talking to, but anyway ...

3.6.2 Deputy T.M. Pitman:

I was just quite shocked at the dismissive nature that everything comes from a blog; it is a proper file note so perhaps my question would be, would the Chief Minister perhaps now take that more seriously?

Senator T.A. Le Sueur:

I will treat it to the extent that I need to treat it at this stage, with the appropriate level of seriousness, yes.

3.6.3 The Deputy of St. Martin:

We have heard the positions of certain people who were kept behind, will the Minister explain as to why the majority or the whole of the Corporate Management Board were not asked to discuss this particular issue?

Senator T.A. Le Sueur:

I made it clear that the purpose of the meeting was the effect of criticism on staff morale. The meeting was directed at those officers directly concerned with staff morale.

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

Just following on from Deputy Pitman's question, first of all has the Chief Minister seen the file note, which the Chief of Police recorded at police headquarters after his meeting with the Chief Management Board? Has he seen this first of all and, secondly, if he has not, if he takes a copy of it will he please act on it? Because it does seem to indicate there was far more to that meeting than meets the eye.

Senator T.A. Le Sueur:

I have not seen the original file note, I have seen a copy of it and as I have previously said it will be treated with the appropriate level of seriousness.

3.6.5 Deputy S. Pitman:

I would like to refer to that file note on 25th July from the former Chief Officer and he does say coming back from that meeting: "I was left with the clear impression that they were attempting to draw me [that was the C.M.B.] in my capacity as the Chief of Police into a Civil Service-led attempt to remove a Minister from office." I add there that the Chief Executive was also there. Bearing that in mind - and the Chief Executive was also involved in the organisation of Operation Blast and he burnt the notes of the meeting that was held in the Chief Officer's suspension - surely the Chief Minister should be taking some leadership and looking into these issues of the Chief Executive? He should be taking them very seriously.

Senator T.A. Le Sueur:

The file note in question and contents of it may form a matter of the disciplinary investigation. I do not feel inclined at this stage to make any comment on the content of that file note.

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

If, as the Chief Minister alleges, the meeting was held in respect of staff morale, why was the Chief of Police not requested to leave the meeting? Why was it a matter of his own choice to leave the meeting? Secondly, were any notes taken of the meeting?

Senator T.A. Le Sueur:

The decision of the Chief of Police to attend or not attend is a matter for the person concerned and not for me. To the best of my knowledge no notes of the meeting were taken; it was an informal meeting.

3.6.7 The Deputy of St. Mary:

The question will be what is the Chief Minister saying was not discussed? I just want to refer to the file note. The discussion was led by B.O. (Bill Ogley), who we know is the Chief Executive Officer, who disclosed: "The Child Protection Committee will this afternoon be discussing a vote of no confidence in the Minister ... Attempts were made by the C.E.O. to draw me into this. I was told that my people were part of the Island's arrangements and I should show collective support by opposing the criticisms of the Minister." Could the Chief Minister tell us what was not being discussed?

Senator T.A. Le Sueur:

I do not think I can. I do not believe it is appropriate to speculate on the content of that file note, as I say, while there is still a disciplinary process ongoing.

3.6.8 Deputy T.M. Pitman:

I stand to be corrected, but I believe I heard the Chief Minister imply that this could not be looked at because there was an inquiry into the suspension of the Chief Officer. Could he just clarify how the 2 are in any way related? How can that stop him taking action to investigate allegations against another senior civil servant?

Senator T.A. Le Sueur:

My comment was that the content of the file note might form part of an ongoing disciplinary investigation.

3.7 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Economic Development regarding the total cost of the recently installed Airport security fence:

What is the total cost of the recently installed airport security fence and what was the legislative requirement, if any, for its installation?

Senator P.F. Routier (Assistant Minister for Economic Development - rapporteur):

The total cost of the installation of the security fence at Jersey Airport is £439,000. The legislative framework is set out in the provisions of the Aviation Security Act 1982, which was extended to the Bailiwick of Jersey under the Aviation Security (Jersey) Order 1993. The requirements to establish secure boundaries are set out in the National Aviation Security Programme and reinforced in the direction to Single Aerodrome Managers SDAM1/06, which came into force on 1st January 2006, which is pursuant to specific Articles under the Aviation Security (Jersey) Order 1993. Jersey Airport faces up to 5 annual inspections by the U.K. Department of Transport to ensure that it continues to comply with its aviation security obligations. Over the years it has been identified that the former fencing around the airport did not meet its regulatory requirements; a fact that has been also highlighted by many airlines who serve the Island. Jersey Airport plays a role in international aviation and there is no escaping our responsibilities or our wish to do so. Civil Aviation is under constant and increasing threat and the installation of safety-compliant security

fencing around our perimeter is an essential part of the protection framework put in place for those who use our airport.

3.7.1 Deputy R.G. Le Hérissier:

I thank the Minister for that extensive list of legislation. Would he confirm that within the legislation there is an express provision that a fence of the current kind must be installed? Could he confirm that the provision exists? Secondly, could he confirm that there were representations made that its appearance would have been saved had it been put, as was the path of some of the old fence, within trees and within bushes and therefore its stark effect minimised?

Senator P.F. Routier:

Firstly, the installation of a fence has to be there. The Department of Transport, which visits us on a regular basis, have written to us on several occasions requiring us to have a standard fence in place. I think I share the view of the questioner about the view that people see of the fence. I think it is abominable. I think it is disgraceful. But unfortunately we have to meet our safety requirements. The comment about it being within the trees: there is a requirement to have a 3-metre area clear so it can be visible from either side, so there are requirements that need to be met, the standard requirements like that, otherwise the ... When the planning approval was gained I know there were people who made objections to it and the Parish of St. Peter also made some comments known, but the planners looked at it and were satisfied and gave permission for it to be put into place.

3.7.2 Deputy M.R. Higgins:

Following on from the Assistant Minister's replies, could he possibly explain then that, first of all, when this requirement had to be met by and, secondly, why it is that Guernsey Airport and even Gibraltar Airport, which you would imagine would also come under similar sort of regulations to what you are talking about, have got no fences whatsoever of the standard that is laid down here?

Senator P.F. Routier:

Guernsey Airport are currently installing ... they have just got permission to install their fencing and they will be doing that over a period of time while they are doing work on their runway as well. There is a requirement to have this type of fencing. What we have to be concerned about is the airlines do themselves want the security fencing put in place; particularly for the ones that are overnight in the Island. There has been concern for a number of years that ...

The Bailiff:

I am sorry, I think you are drifting off the question, which was the exact date of the legislative requirement.

Senator P.F. Routier:

Sorry. Well, there has been an ongoing stepping-up of the security requirements over the years. The most recent letter from the Department of Transport I have in front of me here, which instigates this latest replacement of fence dated 30th May 2008, if I just quote very briefly from it: "As you know, over the last couple of years we have both inspected the R.Z. (restricted zone) and the perimeter fencing at Jersey Airport. The fence has been gradually replaced, but several areas of vulnerability were identified as a matter of urgency if the airport were to continue to offer an acceptable level of protection to the travelling public." It goes on: "The requirements to establish boundaries are set out in section 10 of the U.K. N.A.S.P. (National Association of Security Professionals) and reinforced in the direction SDAM1/06, which is mandatory." There is no getting away from it. We are required to ...

The Bailiff:

I am sorry, can you give us a concise answer, Minister?

Senator P.F. Routier:

There we are.

3.7.3 The Deputy of St. John:

Could the Minister repeat the cost of installing this fence? Also, do the airlines ...

The Bailiff:

I am sorry, Deputy, he has given that already. You cannot ask ...

The Deputy of St. John:

I have asked him to repeat it. At the same time ...

The Bailiff:

Well, you cannot ask him to repeat it; he has given it already.

The Deputy of St. John:

In giving his reply could he also tell us what the airlines contribute towards that sum?

The Bailiff:

All right, the latter part of your question is in order, yes.

Senator P.F. Routier:

Because the airlines do pay landing fees that would all be subsumed within the overall cost. But certainly there are costs of providing the service in Jersey and we have to ensure that we have a safe airport otherwise airlines will not come to Jersey.

3.7.4 The Deputy of St. John:

Could the Assistant Minister review what he has just said, given that the airlines are obliged to pay certain costs, whether it is to do with security, i.e. the cost of going through the security as you arrive into the airport? I would presume this is part of the security they would have to contribute to?

Senator P.F. Routier:

The security fencing is included within all our overall capital costs of providing a safe and secure airport. The general landing fees and all the rest of it obviously help to recover that cost. There is not a specific item to ask an airline to pay for security fencing as there is with regard to security going through the airport.

3.7.5 The Connétable of St. Peter:

Given that the planning document for the airport fence said it was going to be installed along the lines of the fence existing on the southeast boundary - that between the terminal and the Aero Club, which is built on the airport side of the hedges - why was it not followed when the fence has been installed on the southwest boundaries on the outside of the hedges? If it requires a 3-metre visibility on both sides I can guarantee there is extensively more than 3 metres on the public side, because the areas it is supposed to be secure from and who should be able to see it cannot be seen because of the hedging that is already there.

[11:45]

Deputy M. Tadier:

This is filibustering. This is clearly filibustering. This question does not need to be that long. We have got other urgent questions on the agenda, so ...

The Connétable of St. Peter:

Well, listen and you might learn.

Senator P.F. Routier:

My understanding is the Planning Department did approve the positioning of the fence and I would be surprised if it is not in the place where Planning had approved it.

3.7.6 Senator A. Breckon:

I would like to ask the Assistant Minister who sanctioned the spending of £439,000 for a wire fence with concrete posts?

Senator P.F. Routier:

It would have been the Accounting Officer of the Airport Department.

3.7.7 Deputy R.G. Le Hérissier:

Very quick, building on Senator Breckon, does the Assistant Minister believe that that was the most cost-effective solution, £439,000?

Senator P.F. Routier:

It was certainly the necessary solution. The other options that were available to us were to build concrete walls, which would obviously have been more expensive. There are a very limited number of options which are available from the Department of Transport and we have taken the cheapest option.

3.8 Deputy T.A. Vallois of St. Saviour of the Minister for Economic Development regarding the additional wireless telegraphy licence fee income of £360,527:

Further to Ministerial Decision MD-E-2009-0162, could the Minister advise how the additional wireless telegraphy licence fee income of £360,527 was identified within the Economic Development Department, why there was no awareness of this for the 2009 Business Plan budget and how £160,527 of these monies will support the pressures in the finance industry due to the global financial crisis?

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

The 2009 E.D.D. (Economic Development Department) Business Plan was agreed by the States in December 2008. It was not until February 2009 that my department was contacted by the responsible U.K. department about this unexpected payment. It resulted after changes to the funding mechanism for the regulator, Ofcom. As the responsible department for broadcasting, Economic Development received £360,527 along with other Crown Dependencies and devolved administrations. These funds were treated as a windfall income outside of the budget process. An allocation was agreed with the Treasury. Our initial view on distribution of this funding is captured in MD-E-2009-0162; however, following discussions with Treasury officials, in light of the budgetary pressures and rapidly changing economic conditions, a revised distribution was agreed and confirmed by Ministerial Decision; £200,000 was therefore transferred to Home Affairs to support unfunded court and case costs; £75,000 was transferred to the Chief Minister's Department to fund the Financial Services Advisory Board Risk Review; £75,000 was given as an additional grant to Jersey Finance to commission a detailed analysis of the implications of a new E.U. (European Union) directive that could have impact on Jersey's funds industry. Finally, the balance of £10,527 was used to fund activity across Economic Development that was unfunded in the E.D.D. 2009 Business Plan. Thank you.

3.8.1 Deputy T.A. Vallois:

Could the Minister explain why that form of breakdown could not be provided on the full report on the Ministerial Decision?

Senator A.J.H. Maclean:

As far as I am aware, the initial decision gave a breakdown, or headline, of the amounts that were being allocated. Further decisions that come under further M.D.s (Ministerial Decisions); there was the Home Affairs one, which was MD-HA-2009-215, that had the detail in it. The Chief Minister's allocation, which was MD-CM-2009-130, also had the details in it, as indeed did the additional grant to Jersey Finance, which was MD-E-2009-108. So all the information, as far as I am aware, is fully available.

3.8.2 The Deputy of St. Mary:

I just want to know how this matches up with transparency; that we are expected to hunt around through Ministerial Decisions in this department and that department when it could be in one place where the windfall occurred?

Senator A.J.H. Maclean:

All I can say, the information is available. If the Deputy would like it dispensed in a different format then I am more than happy to listen to his concerns.

3.8.3 Senator S.C. Ferguson:

Does the Minister not think that it would have been helpful to have cross-referenced his decision with the decisions by the other departments so that it was a quick and easy matter to identify the various decisions? Will he consider, or will he agree, to doing this in future?

Senator A.J.H. Maclean:

Again, I do not think that the information was that difficult to ascertain, but if the Senator feels that the information could be better displayed then I am certainly happy to have a conversation with her and gain a clearer understanding as to how she feels that might be achieved.

3.8.4 Deputy T.A. Vallois:

I believe in the full report it states that these monies were received every 5 years. Could the Minister explain why they were not acknowledged, therefore, in 2009 due to them being received by the department every 5 years?

Senator A.J.H. Maclean:

As far as I am aware, the 5-year indication is not entirely accurate; in fact, it is we believe an annual determination. But in fact this particular sum of funding was not and has not in the past been paid. It was unexpected. We believe it came about from the devolution process where the true cost of the licence fees based against the funding from the U.K. Government to Ofcom, which comes from the U.K. Government's consolidated fund, led to this additional funding being identified by the U.K. Government. It was indeed, as I have earlier said, a windfall payment for Jersey and, clearly, we are very thankful to have received it.

3.9 Deputy M.R. Higgins of the Minister for Transport and Technical Services regarding Bellozanne chimney temperature readings:

Will the Minister advise when the Transport and Technical Services Department intends to respond to my repeated requests over the last 6 months for information concerning the Bellozanne chimney temperature readings and outline the reasons for the delay?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

We do not monitor chimney temperatures for the Bellozanne incinerator; therefore, the information that Deputy Higgins requested does not exist. However, my department has been trying to meet with Deputy Higgins since March last year to explain this and to explain what data we have available and how he wants it presented. In addition, we are happy to offer Deputy Higgins the opportunity to view any of the thousands of log sheets which we have for the operation of the incinerator over many years. My department has provided the Deputy with the economiser outlet temperatures for the more modern Number 3 stream as this information is on a database. For streams 1 and 2, this information has been manually recorded. Analysis and collation of this data will involve substantial officer time, which I cannot reasonably sanction until we understand the Deputy's requirements. In March, copies of log sheets were provided. Unfortunately, Deputy Higgins has declined the numerous invitations to discuss his requirements. I personally ensure that my department provides information for all States Members and welcomes any reasonable request. I would suggest that any delays intimated could have easily been alleviated by the questioner agreeing to meet. I am committed to running T.T.S. (Transport and Technical Services) in an open and transparent manner and would like to offer Deputy Higgins yet another invitation to discuss his request and how best we can provide him with the information he requires.

3.9.1 Deputy M.R. Higgins:

I will just make one comment on that. The department did provide me with information showing temperature readings, first of all, and that is the information which I requested yet again. I asked for an expanded range of temperature readings. The one I had was for a 2-week period; I wanted a longer period. The idea of being invited to attend meetings at the department is a standard tactic that has been used by his predecessor, the Chief Officer, and the current one, to try and not provide the information. I believe the department is hiding the fact that the temperature ...

The Bailiff:

Are you going to ask a question, Deputy?

Deputy M.R. Higgins:

Sorry, okay. Would you not accept that the fact that you are not providing the information gives rise to suspicion, speculation that the reason why you are not providing it is the fact that the temperature is operating below the temperature required to destroy dioxins and toxins and therefore the department is endangering the health and wellbeing of the people affected by the plume at Bellozanne?

The Connétable of St. Brelade:

I consider the Deputy's approach... and it seems to be extremely aggressive, and I am keen to provide the information that he wishes, but he has to understand we have limited officer time and I have to allow that to be proportionate in response to questions. We are keen to provide information. The Deputy will understand the whole system far better if he were to attend and speak to the officers about the technicalities of the operation, which I consider he does not understand by the questions he is putting. I really would urge him to come to a meeting so that we can get this sorted out. We will have to do ...

The Bailiff:

Very well, you have made that point. Deputy Southern?

3.9.2 Deputy G.P. Southern:

I am shocked and horrified that the Minister should be suggesting - I believe he did - and can he confirm that he has not got accurate, up-to-date and detailed information on what temperature burn is being ... he succeeded in producing in chimneys 1 and 2? The third chimney is monitored.

Surely it is a matter of essential public concern that these temperatures are monitored in order that toxins and other pollutants are ... in order that the public is assured that toxins and other pollutants are not being emitted in even greater amounts from the 3 streams?

The Connétable of St. Brelade:

Yes, I explained earlier on that the older streams are monitored manually and there are thousands of sheets available for those who wish to look at them, should they so wish. I would emphasise the point that we are well aware that the Bellozanne plant is in need of replacement. We are well aware of emissions coming from the chimney and the construction of the new plant at La Collette will remove that. As soon as that is done, in my opinion, the better.

3.9.3 Deputy G.P. Southern:

Will the Minister agree to come to the House with sufficient detail on temperatures achieved to prove that his department is doing its best to minimise toxins and pollutants in the atmosphere around Bellozanne where I indeed live?

The Connétable of St. Brelade:

Of course. We are, at present, doing that. No, I cannot come to the House with sheets of information because it would be totally meaningless. The only way to put meaningless information across to Members is for Members to come and discuss exactly what they want. I contend that those asking the questions do not understand what they are asking.

Deputy G.P. Southern:

Sir ...

The Bailiff:

No, I am afraid you have asked your questions. Deputy Hilton?

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

It is obvious that there is very grave concern in the House about the level of pollutants coming out of the chimneys at Bellozanne. The question I wanted to ask the Minister was whether he was able to confirm that ongoing testing of workers at Bellozanne Valley is taking place and whether the testing of residents and, importantly, children who attend the local schools - First Tower School and Haute Vallée School - whether there has been any offer of testing of those people to check levels of pollutants, possibly, in their blood?

The Connétable of St. Brelade:

No, I am not aware of that. Maybe this has taken place. I am happy to research this for the Deputy, but I cannot give an answer to that.

Deputy J.A. Hilton:

I would welcome that opportunity, thank you.

3.9.5 Deputy A.K.F. Green of St. Helier:

A yes or no answer really from the Minister. Is the Minister aware that the amount of toxins, dioxins and the like that come out of the chimney is dependent upon the operating temperature of the burn? Therefore, is it not totally irresponsible to be burning without knowing the temperature? Would the Minister confirm that we still burn tyres and plastics in that chimney? We are putting our youngsters at risk. We have a school directly above the chimney. Will the Minister do something about it now?

The Connétable of St. Brelade:

We are constructing a new plant at La Collette to replace the outdated Bellozanne plant, which I am aware is producing emissions below the E.U. standards. Yes, we are still burning tyres and we are fully aware of the base temperature, the economiser temperatures, at the outlet of the actual burning plant. If any Member, as I repeat, would wish any further information, you are welcome to come down.

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

All the Deputies are very much involved in the district as you appreciate with the residents. Can I ask that we arrange for all the Deputies and any other States Member who lives in the district to have a meeting so that we can once and for all sort out where we are at again, because things obviously need updating, and what is required?

The Connétable of St. Brelade:

I would be delighted and I will put arrangements in forthwith.

[12:00]

3.9.7 Deputy M.R. Higgins:

Would the Minister agree to an independent scrutiny of those records, someone independent of the department? Because I do believe that ... also, secondly, would the Minister not admit, or confirm, that if the temperature is not meeting the requirement to kill off those dioxins people's health is being affected? It is no use for the incinerator to be built, a new one. Will he admit that if the temperature is not being met at the present time that they are endangering the health of the public at the present time?

The Connétable of St. Brelade:

Yes, I am fully cognisant of that fact.

3.10 The Deputy of St. Martin of the Chairman of the Privileges and Procedures Committee regarding the Chairman's response to a letter dated 30th October 2009 from the suspended Chief Officer of the States of Jersey Police:

Will the chairman inform Members whether the response she sent on 13th November 2009, to a letter dated 30th October 2009 from the suspended Chief Officer of the States of Jersey Police, was discussed by members of the Committee and, if not, why not? Will she inform Members whether she discussed the letter with elected or non-elected members and, if so why? Did she forward the letter to any Ministers or officers and, if so, to whom and when?

The Connétable of St. Mary (Chairman of the Privileges and Procedures Committee):

My response dated 13th November 2009 to the letter of the suspended Chief Officer of the States of Jersey Police was not circulated to the Committee. Standing Order 128 is quite clear on the terms of reference for the Privileges and Procedures Committee and Members will be aware of these. They do not include the review of a general complaint against the conduct of government as referred to in the Chief Officer's letter. Standing Order 155 says that any person may complain to the P.P.C. that an elected Member has breached the code of conduct. In order for the complaint to be considered by the Committee it must contain the name of the person who is being complained about. In his letter the suspended Chief Officer of the States of Jersey Police stated that he could not be clear in his complaint. He stated that there was difficulty in identifying who was responsible for what and the possibility that one or more members of the Council of Ministers may or may not be implicated. The letter of the suspended officer did not identify specific States Members and therefore the Committee does not yet have a complaint which it is capable of investigating. Turning to the second part of the question, I discussed the matter with the Greffier of the States and

the Deputy Greffier of the States in formulating my response. I did not discuss the letter with other States Members, either elected or otherwise. I did not raise the matter with the Committee as the matters it raised were clearly outside the terms of reference of the Committee and it would not therefore have been appropriate to place it on a Committee agenda. Although they have now been circulated to members of the P.P.C., neither the letter nor the reply was forwarded by me to any other elected or non-elected States Member or any other officers.

3.10.1 The Deputy of Grouville:

If the chair felt that P.P.C. could not investigate the complaint which I have an issue with - having read the letter I think it is far more specific than she is alluding to - what exactly precluded her from setting up an independent body to investigate the complaint or bringing P.P.C.'s planned action forward to the States for approval?

The Connétable of St. Mary:

I believe that clearly it would have been inappropriate of me, as the chairman of P.P.C., to give advice to a suspended Chief Officer or to take any further action myself with this complaint as that might have been perceived to damage the impartiality of my role in the event of any future specific complaint coming forward which might well have fallen under the terms of reference of the P.P.C. Therefore, the questioner will have seen from my response that I had noted that the Chief Officer had already involved another States Member and I suggested to him that he might discuss a possible political remedy with that States Member.

3.10.2 The Deputy of St. Mary:

The suspended Chief Officer of Police in his letter to the chairman of P.P.C. wrote that the Minister for Home Affairs had this power of suspension. His power of suspension should only be exercised through due process and the proper consideration of evidence. He further wrote: "Finally on this issue but certainly not least, there is the question of the integrity of Government and the degree of trust we can place in the statements made and assurances given by those in executive positions." Now, I quote that just to help us all see just how important these matters are. So my question to the chairman is, first of all, does she agree that this is a matter of the utmost seriousness? Secondly, does she agree that in the letter there are specific charges of possible cover-up, possible bad practice and possible falsification and alterations of documents and that individuals are named? Thirdly, in the light of those 2 points, why should the correspondence not have been referred to her Committee and the documents as requested by the suspended Chief Officer of Police?

The Connétable of St. Mary:

I will do my best to answer that. I am sorry; there was a lot in that question. Firstly, the questioner made reference to acts potentially undertaken in the course of Ministerial action. Those are quite clearly under the terms of the Ministerial Code of Conduct. The questioner also gave rise to there are people mentioned in the documentation which were not necessarily States Members. There was the potential to involve Chief Officers or certainly civil servants and perhaps former Members of the States of Jersey. I would simply say that, as I have tried to indicate, the terms of reference for the P.P.C. are specific. The code of conduct which we are charged to enforce is the code of conduct for elected States Members. We require specific complaints in the terms of the Code which fall under the remit of the Privileges and Procedures Committee in order to be able to investigate. I would simply refer to the earlier answer I gave where, if Members feel these items are matters of specific public importance, there are remedies available through the Standing Orders of the States. They are quite clearly set out. They do not fall under the terms of reference of the P.P.C.

3.10.3 The Deputy of St. Mary:

Can I ask a supplementary about the chairman's reference to the Code of Conduct for Ministers? At Article 12: "Ministers shall co-operate when requested to appear and give evidence before or

produce documents to (a) (b) and (c)", P.A.C. and Scrutiny Panels and: "(d) the P.P.C. for the purpose of an investigation of a suspected breach of this Code or to any person appointed by the P.P.C. to investigate a suspected breach." So Article 12 clearly says that P.P.C. does and can investigate failures to meet the code for Ministers. So would the chairman like to comment on that? There is there in the code of conduct ...

The Bailiff:

You have asked the question.

The Connétable of St. Mary:

I believe the Code of Conduct referred to is the Code of Conduct for Ministers (R.14/2006). It must be quite clear all Ministers are elected Members of the States. Some of their actions will fall under the Code of Conduct for Members, some of their actions will fall under the Code of Conduct for Ministers; dependant on whether they are acting in a Ministerial capacity for example. Therefore, the actions need to be specific and need to be identified as falling under the terms of reference for elected States Members.

3.10.4 Senator A. Breckon:

Regarding the process, I would like to ask the chairman of P.P.C., she said that she did not circulate the letter to members of the Committee; is this is the usual practice not to circulate something like that? Because if she is asked to investigate then who is ... she is not the person being asked to investigate, it is in her position as chairman of P.P.C. I would ask why she thought it appropriate to make that judgment in isolation?

The Connétable of St. Mary:

Firstly, I did not make the judgment in isolation. The terms of reference of P.P.C. are clearly set out and clearly defined in Standing Orders. The officer involved with the P.P.C., the Greffier of the States, and I discussed the matter. I made an initial review of it and then I took more time to have a more thorough review to see whether I could apply anything towards Standing Orders. I did take several days to do this. As regards whether this is normal practice, I believe that in all committees and panels various matters may be put towards them that do not fall within their terms of reference. It is normal practice for committees and all other panels and bodies to act within their terms of reference.

3.10.5 Senator A. Breckon:

On a number of occasions the chairman of P.P.C. has talked about being impartial. Would she agree with me that to be impartial, regardless of whom the complaint is about, then the policy must be consistent?

The Connétable of St. Mary:

Yes. I would entirely agree, which is why I have applied the usual consistent policy.

3.10.6 Deputy T.M. Pitman:

The Deputy of St. Mary really stole my thunder but, nevertheless, I would ask with the value of hindsight - which we know is a wonderful thing - would the chairman concede that for her members of her Committee apparently to learn of this letter from the blog site Voice for Children, does that promote good practice and would she take that same action again; because if she would, what is the point of a committee?

The Connétable of St. Mary:

I will take the last point first. The point of a committee is to fulfil the remit of the committee and that is quite clear and I have maintained that. What would normally happen is that the letters I produce are circulated for information to the Committee. For one reason or another, perhaps due to

time factors or whatever, this did not happen. The letters were on the agenda to be circulated at the next meeting in fact and that was accelerated in view of media interest. However, the course of action that was taken was the normal course of action. My only hope is that in future the Committee would receive the copies of the letters in a more timely fashion and that I acknowledge.

3.10.7 The Deputy of St. Martin:

I would say to the chairman that, given these were 6 pages of serious allegations and also on her Committee was the Minister for Home Affairs and also Deputy Higgins who had got a proposition before the House on Operation Blast, I have been rather disappointed with her answers. Given now that we know what these correspondences are, will she now reconsider that letter and then discuss with her Committee so it can be a Committee decision not hers alone?

The Connétable of St. Mary:

I am quite astounded to think that the Deputy would not think that I had not given this a lot more consideration. I have given it more consideration. I have discussed it again with the officers. The position is still the same. It has now been discussed by the Committee. It is quite clearly outside the remit of the Committee.

3.10.8 The Deputy of St. Martin:

Could I just get confirmation? Could I ask when that letter then was discussed by the Committee?

The Connétable of St. Mary:

The Committee met yesterday.

3.11 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the stockpile of H1N1 vaccine and Tamiflu:

Given that the U.K. Chief Medical Officer recently predicted that there will not be a third wave of H1N1 flu, could the Minister indicate how much of the stockpile of vaccine and Tamiflu remains, in quantities and monetary terms, and how much of the emergency spending agreed at the last sitting of the States has been drawn down? I think it was the last but one sitting; I apologise for that.

The Deputy of Trinity (The Minister for Health and Social Services):

I shall ask my Assistant Minister, who has financial responsibility, to answer.

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Health and Social Services - rapporteur):

The U.K. predictions have little bearing on Jersey. Our experience to date with the H1N1 pandemic has been very different to that in the U.K. and, as such, we may yet experience a second wave in Jersey. The World Health Organisation is still in alert level 6 for the H1N1 swine flu pandemic and has not changed from alert level 3 for the H5N1 avian flu pandemic. The following quantities of Tamiflu are still in stock: 12,577 packs with an expiry date of January 2012, cost £130,046; 75,000 packs with an expiry date of September 2013, cost £775,000. The amounts of vaccine that remain: 4,000 doses of G.S.K. (GlaxoSmithKline) vaccine currently in stock but with a commitment to receive approximately 80,000 more doses. The latter is subject to ongoing negotiations with the manufacturer. The cost cannot be disclosed subject to the commercial confidentiality restrictions in the contract. A further 22,200 doses of the Baxter vaccine is in stock with no further commitment. Similarly, commercial confidentiality restrictions in the contract mean that I cannot disclose the cost to the House. Regarding the emergency spending agreed at the last States sitting or the sitting before last, a Ministerial Decision has been signed to request a drawdown of the sum of £478,000 for the vaccines.

[12:15]

The Bailiff:

The reason for saying not going slowly is that technical questions, I think, should be better done by way of written questions. Oral questions are for concise short answers.

3.11.1 Senator S.C. Ferguson:

Yes, Sir. I do appreciate that I will not do that again in future. Since the U.K. Government have revealed the costs, I am surprised at that. But what I would like to know is will there be a report on the outbreak, the problems, the adverse reactions to Tamiflu and the vaccine and will the Minister or the Assistant Minister ensure that such a report is made to this House before publication in a professional journal?

Deputy E.J. Noel:

It is the intention of the Health and Social Services Department to conduct a thorough debrief of the pandemic outbreak when it has ceased, purely so we can gather the information and learn lessons. I am sure that a report will be produced at that time for public circulation.

3.11.2 Deputy D.J. De Sousa of St. Helier:

Bearing in mind that I believe around £10 million has been put aside by the States to cover the cost of Tamiflu for the H1N1, can the Assistant Minister circulate to Members exactly the cost to the States thus far on the funding for Tamiflu? Also, I believe there have been cases of bird flu in China. Has the States got an agenda to keep any eye on this and a watching brief?

The Bailiff:

I am going to disallow the second part. I am sorry; that does not arise out of the question. Can you just answer the first part, Assistant Minister?

Deputy E.J. Noel:

I think the good Deputy is slightly confused here. The spending on Tamiflu does not come anywhere near £10 million. The spending on the pandemic comes to a similar amount and all those amounts have gone through this House. I believe that a full report is being compiled to match what funding we voted for and how it has been spent and that is an ongoing piece of work. That, again, will be published.

3.11.3 Senator J.L. Perchard:

Could the Assistant Minister inform the House, bearing in mind 85 per cent of school children have received the swine flu vaccine, what percentage take-up of the swine vaccine there has been among the population of the Island and can he confirm that he did say there are 80,000 unused individual stocks of the inoculation in the department?

Deputy E.J. Noel:

The first part of the Senator's question, just over 40 per cent of the Island's population in total have been given the vaccine and, therefore, have inoculation against the H1N1 virus. With regards to the 80,000 doses that he referred to, they are doses that are committed to on order. We do not have those in stock. We are currently in negotiations with the manufacturer to see if there is a way that we can mitigate our exposure to the cost of purchasing those 80,000 vaccines. The reason why it is 80,000 vaccines is that, along with virtually every other jurisdiction throughout the world on advice that was consistent throughout the world, we entered into contracts to purchase 2 doses per head of population. Subsequently only one dose, in the majority of cases, has been required and, therefore, the sums speak for themselves.

3.11.4 Senator S.C. Ferguson:

The Assistant Minister says that we are not like the U.K. and we cannot consider that there will be no third wave. Would the Assistant Minister like to outline the grounds on which he says that? I cannot see that there will be so much difference between us and the U.K. in this particular instance of a panic epidemic.

Deputy E.J. Noel:

We are very different to the U.K. because we managed to contain the virus. It did not get out of control. We succeeded where other jurisdictions failed.

3.12 The Deputy of St. John of the Minister for Transport and Technical Services regarding the Connex bus service provision in snow conditions:

Given that Connex have cancelled Island bus services on a number of occasions in 2010 because of snow and left children stranded on routes and at schools, what action, if any, is the department taking to ensure that the service continues for as long as possible in times of bad weather? Is the Minister satisfied that the Connex provision is robust enough to deal with snow conditions?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

In the event of snow and ice T.T.S. are responsible for salting and gritting the main roads and ensuring they are as safe as possible for traffic. During the worst of the adverse weather last week T.T.S. staff worked 24 hours a day in extremely challenging conditions to ensure that priority routes remained open to vehicles and to provide timely highway condition information to the travelling public and commerce. By and large they were extremely successful in this end and should be applauded. However, there is an inevitable lag between snow falling and T.T.S. being able to treat roads where conditions are marginal and T.T.S. communicate closely with Connex to ensure sufficient information is available for informed decision-making. However, it nevertheless remains Connex's sole responsibility as bus operator to make the final judgment as to whether to suspend services and to liaise with schools, customers and the media to publicise the decision. In making this decision Connex must also take into account the general limitations of their fleet in view of the conditions and their duty of care to protect passengers and other road users. My offices have been in constant communication with Connex throughout the period of snowy conditions and have now started to conduct a thorough debrief of events. This will consider all options available to maintain services during adverse weather in the future including alternative bus routing and timetabling, driver training, improvements to existing communication procedures and contingency planning for significant bus pickups and destinations, particularly those at schools. The experience of the last 2 weeks has been vital in informing the development of a more resilient contingency strategy for the Island in the future.

3.12.1 The Deputy of St. John:

This would have been useful if we had a Teletext working. [Laughter] Will the Minister explain if the Connex contract contains bus use in inclement weather and, if it does, will he please tell Members why people were left on the side of the road? We listened to what he said about what his department have done and they did an excellent job but I am talking about the responsibility he has for the fiasco that we had in Jersey. In Jersey terms, it is equivalent to the Eurotunnel fiasco of England and France over the last couple of weeks. Can the Minister tell us, within the contract, if it covers inclement weather?

The Connétable of St. Brelade:

I am unable to respond to that particular question because I have not got the answer but I would also point out that it is very easy, while one is sat in an armchair at home, to comment on why the buses should or should not be running. But one has to consider the responsibility of the driver who must not only have responsibility to his passengers on the bus but other road users and to have 18

tonnes of bus charging around down a slippery slope is quite a responsibility, which I would not wish to have myself.

3.12.2 The Deputy of St. John:

Will the Minister agree that having hundreds of additional motor vehicles on the road going to collect children at school is far more unsafe for the travelling public and the children in those vehicles than it is having one properly-prepared or a number of properly-prepared buses?

The Connétable of St. Brelade:

I wish it was such an easy thing to say and regrettably I cannot define nature. The fact is that ice comes and goes in these conditions and we have to be prudent in our approach. Notwithstanding that comment, I would say that it is imperative that my department liaises closely with Connex and schools to ensure we keep the buses running as long as possible and perhaps longer than took place over the past few days.

3.12.3 The Deputy of Grouville:

Given that on one of the days last week children had lessons cut short, schools closed early and then the buses refused to even let them sit on the buses to wait for a decision to be made, does the Minister believe this constitutes a good public service and good co-ordination with the schools?

The Connétable of St. Brelade:

No, the Deputy is quite right and I am aware of that situation. I am also aware that my Chief Officer spent a considerable amount of time resolving that situation on that day. Clearly there are lessons to be learned. I believe we are learning them and we are in the process of robust discussions with Connex to ensure that these situations do not arise in the future.

3.12.4 Senator J.L. Perchard:

Can I add my congratulations to the Minister for Transport and Technical Services for his staff's efforts during the period of icy snow and for the way that they conducted themselves and kept the roads as safe as possible. **[Approbation]** That bouquet I do not offer to Connex. Does the Minister share my view that Connex took a belt-and-braces approach to stopping their services when, quite frankly, on many occasions, certainly on the last occasion on which they suspended services, it was nothing more than rain? When Connex suspended their services the drivers were invited to pull over. They created huge amounts of havoc. Is the Minister aware that buses just pulled on to the side of the road, creating one lane of traffic for people leaving St. Helier and will he undertake, during the review with Connex, to give them a firm warning that this type of public service is not acceptable to the Jersey taxpayer?

The Connétable of St. Brelade:

I confirm that robust discussions have already taken place regarding these matters and will continue to do so to ensure it does not happen in the future.

3.12.5 The Deputy of St. John:

Will the Minister explain what has now been put in place so that if schools are closed early over this winter the parents will be told and how is he going to produce that information?

The Connétable of St. Brelade:

The communication channels are being discussed in conjunction with my department, Connex and Education and we will come up with a suitable channel, I am sure, which will be acceptable to all parties.

3.13 Deputy G.P. Southern of the Minister for Housing regarding the failure to address concerns raised within the Whitehead Report Summary Document:

Before I address the Assistant Minister, I wonder could he satisfy my curiosity as to why I am addressing the Assistant Minister and not the Minister concerned?

The Bailiff:

No. Ask your question, please, Deputy.

Deputy G.P. Southern:

In any case in his answer I am sure he will refer to it. Will the Minister advise why his 2010 Business Plan fails to address the concerns raised in sections 6.1 and 6.2 of the Whitehead Report summary document, particularly regarding the shortfall in maintenance funding, the gaps in the research into household numbers, tenure requirements and unmet housing needs among the low income groups and the decline in the scale of the social sector and state when he will address these issues?

Deputy S. Power (Assistant Minister for Housing - rapporteur):

I run the risk of going into too much detail here, both on the Whitehead Report and ...

The Bailiff:

Please do not. [Laughter]

Deputy S. Power:

I am prefacing my answer, Sir, by pleasing you by saying that I will draw the Deputy's attention to page 26 of the housing section of the Business Plan which says in relation to Whitehead: "Recommendations will be brought forward as a result of Whitehead to look at changes to rent levels and structures, including a mechanism for regular rent reviews and changes to the management and operation of the States-owned social rental stock and any changes to facilitate the implementation of a regulatory function." That includes some of the areas that the Deputy has referred to. I have to also say to the Assembly and to the Deputy that the *Review of Social Housing* is a consultation document that is still out at the moment and will be out until 5th March 2010. At the conclusion of this process my Minister will consider all of the submissions and feedback and will draw up a document for consideration by this Assembly. That includes the future size of social rented stock, whether access to social housing should be extended to meet the needs of those who do not presently qualify, social housing rents, regulation and indeed the future management of States-owned social housing stock.

[12:30]

3.13.1 Deputy G.P. Southern:

I note that the Minister does not answer the question. He does not say when he will address these issues. In particular, he avoids mentioning the fundamental issue which is the shortfall in funding for maintenance and refurbishment which is a chronic problem. It does not matter if he consults until the cows come home about the 5 options he is presenting to the public. If he has not got the funding right, none of those will work. When will he address and will he come to this House seeking additional funding to put right the chronic underfunding that his Minister has allowed to take place over the last decade?

Deputy S. Power:

I rise in tremor to reply to that. [Laughter] I have to remind the Deputy that we are out to consultation at the moment and the public have expressed a lot of views with regard to the Whitehead review. The Housing Department has been very surprised with the amount of feedback that has come into the department and I cannot really go into any detail with regards to that until

that consultation period is over. However, Deputy Southern makes a number of allegations about the lack of maintenance funding that the Housing Department has not been able to disburse. I have a very short list here. It is going to take about one minute. The projects that are ...

The Bailiff:

No, I am sorry. That is too long. We have a large number of questions. [Laughter]

Deputy S. Power:

The Deputy makes allegations about lack of maintenance. In the last year and a half the Cedars, Ann Court demolition, La Grande Pièce, Le Marais low rise, Le Squez demolished, the new Le Squez regeneration masterplan and the La Carriere refurbishment and Clos de Quennevais, we have spent £27.61 million. There are another £15.5 million in work in progress including Clos de Roncier, Salisbury Crescent and Le Geyt. Sir, I could go down but I can see I am irritating you so I had better shut up.

3.13.2 Deputy G.P. Southern:

Supplementary, if I may. These are not my allegations. They are the findings of the Whitehead Report; £5 million of chronic underfunding that needs to be put right. When is he going to address that essential issue?

Deputy S. Power:

I have just accounted for £50 million and there is another £50 million in the pipeline which will include a number of other estates. So by the time we get to the end of 2011, beginning of 2012 the Housing Department will be committed to spending about £100 million on the renovation, repair and construction of new social rented housing. I think in any fiscal period this is a significant amount of money.

3.13.3 Deputy M. Tadier:

Does the Assistant Minister agree that until we address the speculative nature of the housing market in the private sector we will just be fiddling at the edges and will be increasing the chasm between those who can afford to buy in Jersey and those who cannot?

Deputy S. Power:

I am not really sure if that falls into my responsibility in social rented housing.

The Bailiff:

I think it arises out of the question.

Deputy M. Tadier:

I can explain. I believe it does because I think until we solve the issue we are going to be forcing people to be more dependent on the States, forcing more people into social housing. What we need to be doing - I would ask the Assistant Minister if he agrees - is to be letting people help themselves so they can afford to buy and not rely on the public sector, which will fall in his responsibilities.

The Bailiff:

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

3.13.4 Deputy G.P. Southern:

Will the Assistant Minister admit there is substantial funding for what he has talked about, this £100 million has come from sales of stock and that during recessionary times demand for social rental housing is likely to go up rather than down?

Deputy S. Power:

That is not true. The returns from the sale of social rental housing does not compare to the amount of money that the Housing Department has to spend in future on social rental housing. Might I also add that the alignment of housing stock is a very significant exercise that the department is undertaking at the moment in lieu of the Housing Needs Survey of a year ago, the new Jersey Annual Social Survey and indeed what Professor Christine Whitehead has summarised for us. So there is a huge difference between what we have to spend and what has been produced by the sale of 105 houses to date. That produced less than £30 million.

Deputy G.P. Southern:

I thank the Minister for his answers and I will pick them over.

3.14 The Deputy of Grouville of the Minister for Treasury Resources regarding the accountability of public expenditure:

Would the Minister confirm to the Assembly that the Treasury and Resources Department is able to identify, quantify and justify, in respect of existing public policies, every expenditure of public monies, including that of non-Ministerial functions, and that if asked, with reasonable notice, each specific head of expenditure could be so accounted for?

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

I think this is an excellent question. I am trying to work out whether the Deputy wants me to answer... but I will answer in the generic sense. Within reasonable notice, the Treasury should be able to identify and quantify every item of expenditure in the States. Obviously what the Treasury cannot do is to justify every single item of expenditure made by individual departments. Every States-funded body, including the non-Ministerial functions, have, of course, an accounting officer who I appoint under the Finance Law. The functions of accounting officers are set out in the Finance Law and accounting officers are personally accountable for the proper financial management of their departments, to ensure that their departments are administered in a prudent and economic way and to ensure that all resources under their control are dealt with efficiently and effectively. So there are some specific items of expenditure proved under Article 11(8) of the Finance Law where I seek additional assurances from accounting officers. It has been my practice, for example, in agreeing Article 11(8) requests, that any department should have additional reporting of expenditure to ensure that every item is within the area which has been approved by this Assembly and there are stricter controls to ensure that money can only be drawn down from the Treasury. All departmental accounting officers of course also have to adhere to financial directions in respect of all expenditure.

3.14.1 The Deputy of Grouville:

I would like to reassure the Minister this is not a trick question. So could he just reassure the Assembly that all the public money is spent according to the standards and requirements of the Treasury Codes of Direction and he can in fact identify items? He said that it may not be possible to identify items, but with reasonable notice he can identify all the items spent.

Senator P.F.C. Ozouf:

Financial management is something that is constantly evolving and constantly improving, and the Treasury restructuring plan is designed to make further changes in improvements to the finance function across the States of Jersey. The question she asked was whether or not every single item of expenditure can be justified under a policy. Now, to create an accounting system that would account for every single item of expenditure under a policy that was approved in the Business Plan is clearly a Herculean administrative burden which we would not want to do. Certainly, individual departments and accounting officers have a business plan and they have to account for that expenditure within the agreed limits.

3.14.2 Deputy M.R. Higgins:

The Minister is constantly stating to this House that he is seeking efficiency savings. I would like to ask him why he could not then answer my written question, question number 5 here today, on archiving by States departments and agencies, because I happen to believe that a great deal of material is ignored and forgotten, at great cost to the States. I would just like to ask, following on from this, if he cannot answer the question for this sitting, can he please do so for the next one because I believe a lot of money is being spent wastefully and it would help him achieve his efficiency saving.

Senator P.F.C. Ozouf:

I am delighted that the Deputy agrees with me that we need to work to be more efficient, and indeed, efficiency and savings are going to be the dominant issue of my work in the Treasury over the next few months. We are going to have to save tens of millions of pounds over the next few months. The Deputy must, I am sure, understand that compiling a set of information on the question that he asked in relation to archive storage, if that is going to take hours of work in order to produce a written answer, I am going to say to my officers: "Is that a priority? Is there a better use of your time to do that?" I am advised by my officials that this will be a burdensome piece of work for Property Holdings to do. If there is an issue about the use of archive storage and efficiency thereon, we will look at it, but I am not going to have tens of hours, days of time, spent on answering a question where we need to be doing productive work on driving efficiency on a much higher level and a much higher scale.

The Bailiff:

Deputy Grouville, do you wish a final question?

3.14.3 The Deputy of Grouville:

Yes, Sir, just briefly. Would the Minister agree with me or would he not agree with me that it is not unreasonable to account for items of expenditure under States policy?

Senator P.F.C. Ozouf:

If it is accounting for it under a States policy, then clearly the whole of the JD Edwards system is going to have to allocate each voucher of expenditure under a policy. That clearly is not going to be possible to do. I understand, and it is important that the point that she made is understood and accepted, that every single item of expenditure should be under a States policy. Obviously if she has areas of saying: "What does that particular policy or initiative cost?" if she is asking any Minister that, they should be able to answer that retrospectively by looking at where that allocation of expenditure is.

3.15 The Deputy of St. Mary of the Chief Minister regarding contingency planning to deal with the issues raised on Senator Syvret's blog posting of 23rd December 2009:

Would the Chief Minister inform the Assembly whether any contingency planning is in place or being considered to reduce the possible negative impact on Jersey's tourism and finance industries of national media coverage arising from the issues raised on Senator Syvret's blog posting of 23rd December 2009?

Senator T.A. Le Sueur (The Chief Minister):

I am not aware of any national media coverage of issues raised in the Senator's blog post on 23rd December 2009, nor am I expecting any. Therefore, no contingency planning is being considered and I see no reason for any negative impacts on the tourism or finance industries in Jersey. If it was felt at any time in the future that there was potential negative impact on any sector of the Island's

economy due to any individual's blog, then contingency plans would be developed and implemented in such a way as to counter those effects.

3.15.1 The Deputy of St. Mary:

Can I ask a supplementary? Thank you for that answer. I am a bit surprised that the contingency plans will be put in place later, some day, but the issues are out there now. What I would ask the Minister is... I would just take 2 issues, the Civil Service-led attempt possibly to remove an elected Minister from office and secondly the failure to pursue an alleged serial murder case at the hospital. Now, those 2 issues are very, very serious. Would the Chief Minister not agree that it would be better to be representing Jersey as being proactive with these issues to the outside world rather than waiting for it to become an open season that Jersey is trying to cover these things up? Which is the preferred strategy?

Senator T.A. Le Sueur:

I think I should begin by deploring the use of privilege in this House to cast aspersions on civil servants or others in the course of these investigations. **[Approbation]** Turning to the relation of this to the original question, without knowing what the issues might be, it is very hard to make contingencies against any unknown, speculative idea. Certainly if there are matters which cause concern, whether they be on blogs or more likely out of any policy arising by the States, then contingency plans can be made, but to suggest that we should set contingencies on any particular hypothetical blog, which may or may not have any substance behind it, is to me a waste of time.

3.15.2 Deputy M. Tadier:

First of all, I feel like people like the Member of St. Mary's is forced to use privilege because perhaps he... but certainly a vast majority of the Island simply do not have the confidence in justice in this Island. I am not saying that is a view that I share or not, but that is simply a fact and that is why questions like this do have to be raised. The question is, I would ask of the Chief Minister, he said that he was not aware of any national media coverage, but does he not acknowledge, and perhaps he is not up to date with the times, that a blog site in itself is national media coverage? Indeed, it is international media coverage and it would be foolish to believe that it is simply civil servants and Ministers in Cyril Le Marquand House who log-on religiously every day because I am sure, as the absent Senator Syvret would tell us, that it is one of the most read political blogs of its kind in Britain and there are people who log on every day.

[12:45]

Senator T.A. Le Sueur:

Frankly, what is the main contingency against any potential blog however insignificant, inaccurate or misleading it may be? I am not saying that anyone that the Deputy is talking about falls into that category, but if one may have such blanket policies, we would need a Civil Service of thousands to achieve nothing.

3.15.3 The Deputy of St. John:

Would the Chief Minister agree with me that if Senator Syvret is making all these accusations and he has evidence as having been the former Minister for Health, then any evidence he may have about any murders, *et cetera*, should be passed to the police and not aired in public through his blog?

Senator T.A. Le Sueur:

Absolutely, and I have called upon the Senator in the past to provide evidence. So far it has not been forthcoming.

3.15.4 The Deputy of St. Mary:

The evidence came from the police, but the question is - and I suppose it is a reiteration really - does the Chief Minister really believe that these issues do not have potentially serious consequences for Jersey or does he think they really will just disappear and go away?

Senator T.A. Le Sueur:

I hope that ultimately they can be dealt with and refuted on an evidence basis and the sooner the better.

The Bailiff:

Very well. Then we come to the next question which Deputy Shona Pitman will ask of the Minister for Education, Sport and Culture. Sorry, just before that is asked, I should put to Members it is 12.45 p.m. According to my watch, there is approximately 8 or 9 minutes or so left of question time. Do Members wish to continue to finish that?

Senator T.A. Le Sueur:

Yes, Sir, I propose that we carry on until the end of oral questions and then leave the others until after lunch.

3.16 Deputy S. Pitman of the Minister for Education, Sport and Culture regarding the usage of the Youth Service:

Would the Assistant Minister advise why such low numbers of young people are using the Youth Service, as demonstrated in the 2009 Annual Social Survey, and outline what plans, if any, he has to increase the usage of this facility?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

I have asked my Assistant Minister, Deputy Green, to respond to this question.

Deputy A.K.F. Green (Assistant Minister for Education, Sport and Culture - rapporteur):

The figures in the survey do not fully represent the contribution that the Youth Service plays in support of young people. The department's figures indicate that just over 28 per cent of young people aged between 12 and 18 engage with the Youth Service. This benchmarks well compared to the U.K. of 30 per cent, particularly when considering that Jersey's Youth Service is only one of the opportunities available to young people. Many take advantage of activities through the arts, culture, sports and other uniformed groups. This was the first time that the Jersey Annual Social Survey has included questions about the Youth Service which identified the need in the future for a survey solely aimed at young people. The department has already discussed this with the Statistics Unit and is now looking to develop a young people's survey that could have a multi-agency approach and link to the development of the Children and Young People's Plan. The Youth Service does and will continue to ask young people what they want from their youth service, listen to the suggestions on how to improve what is provided and, in addition, the department will continue to promote the service and ensure that all youth activities are recognised as part of the overall provision for our young people.

3.16.1 Deputy S. Pitman:

Could the Assistant Minister inform Members at the moment how the department advertise the Youth Service to these young people?

Deputy A.K.F. Green:

We reach out to young people in a number of different ways. We have information at the schools, we have information at Highlands College, and we also run regular spots with the media as well and, in particular, the media that the young people listen to, perhaps the alternative to the radio that

we are being published on at the moment. So we are attempting to reach young people, but it must be remembered that a lot of the young people who say that they do not have the time to engage, that is because they are already engaged with, as I say, services that are not part of those that are provided by E.S.C. (Education, Sport and Culture) but are facilitated, such as the arts and sports.

3.16.2 Deputy M. Tadier:

Will the Deputy advise the Assembly whether the drop-in café at the Weighbridge has been re-opened or, if not, whether it is planning to be re-opened any time soon?

Deputy A.K.F. Green:

Regretfully, I can advise the Assembly that it is probably going to be some time before the drop-in café is open, and that has been through no neglect or through no fault of the department and we have been beavering away and indeed the Chief Minister has assisted us in trying to get this moving, but because of that, we have now purchased a van which will be stationed around the harbour area to provide some sort of focus for the outreach people to work. So we are aware of the problem. We regret that the Move-On Café is not open and we are pushing as hard as we can to get it done, but it has taken rather a long time with the contractor.

3.16.3 Deputy D.J. De Sousa:

When I was involved in the citizenship programme last year with secondary schools, one of the first things that came out in that exercise was that students are not fully aware of the youth provision, and I did speak to the Minister about it at the time. We do need to raise this. Would the Assistant Minister look at raising this so that more youths are aware of what is available to keep them off the street?

Deputy A.K.F. Green:

Yes, I fully understand the need to keep our young people fully engaged, and indeed many of them are. This is the whole basis of the young people's survey that we are going to carry out. We will use the information gained there to ensure that we reach out to more people. It must be remembered that the service engages and uses quite a lot of its resources to engage with people that are having difficulty. We do a lot of work through the Prince's Trust and other such organisations to reach out to people who really need the service, but we will be working very hard to ensure that we reach all young people or as many as possible.

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

From the Jersey Annual Social Survey, a fixed 21 per cent said that they do not know enough about the Youth Service. What is the department proactively doing to inform the Members? I am interested in what is being implemented to educate and update. Thank you.

The Bailiff:

Concisely, please, Deputy.

Deputy A.K.F. Green:

I think part of the problem is that a lot of the activities we provide are not regarded as part of the Youth Service, for example, in sport and culture. We will be reaching out. We are going to carry out the survey and we will be reaching out to ensure that we can reach young people as easily as possible.

3.16.5 Deputy S. Pitman:

There are obviously serious reasons why people want the Youth Service to be utilised more, and I refer to the Annual Social Survey on page 54 when it talks about crime. It talks about antisocial behaviour, and it says of those people questioned, 66 per cent of them identified young people being involved, aged 18 and under being involved in antisocial behaviour. When we look at the

figure or even if it is 28 per cent, it is still a very low usage among these young people. So would the Assistant Minister confirm that indeed, after this survey of young people has been carried out, that drastic action will be undertaken to get the message across to young people about what the Youth Service can do for them?

Deputy A.K.F. Green:

Yes, I can confirm that we will be ensuring that the people are aware - the young people particularly but also their guardians and parents - of what we can do to provide services for young people.

The Bailiff:

I think we just have time for the question from Deputy Le Hérissier of the Chief Minister, but he is not here. Very well.

Deputy J.A. Hilton:

Deputy Le Hérissier had to leave early to attend a funeral and he asked if I would request the Assembly to allow the question to be put back later this afternoon.

The Bailiff:

We have run out of time, I think, but no doubt an answer can be given in writing.

Deputy J.A. Hilton:

If that is not possible, yes, he did request that the answer be given in writing.

The Bailiff:

Very well.

Deputy J.A. Hilton:

Thank you.

3.17 The Deputy of St. Mary of the Minister for Planning and Environment regarding alleged pollution incidents during construction of the incinerator at La Collette:

Would the Minister inform Members why the investigation into an alleged pollution incident or incidents during construction of the incinerator at La Collette, which has now been ongoing for 8 months, has taken so long; whether it is intended that the matter will be referred to H.M. Attorney General for decision on whether to prosecute; and, if so, when?

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

The Deputy raises an important question which allows me to clarify the issue to Members. As for any on-Island criminal investigation, officers from Planning and Environment are bound by strict protocols with regard to the appropriate rules of evidence, police procedures, human rights obligations and dissemination of information that may influence investigations, ensuring that their work complies with these protocols takes a great deal of care, professionalism and time. Investigations are not time-limited and our officers are progressing well to ensure that a case file can be submitted for review by the Law Officers. Establishing substance behind allegations by collecting evidence, interviewing subjects and witnesses in preparing case files takes a significant amount of time, even in simple cases, and I would therefore ask the Deputy to continue to support our officers by understanding that in more complex cases such as this, timescales are likely to be longer. I have full confidence in my officers and in the work they are undertaking in respect of this issue. I urge the Deputy to allow them to continue their work until they are able to bring it to a satisfactory conclusion. Thank you.

3.17.1 The Deputy of St. Mary:

I thank the Minister for his reply and I accept some of that explanation for how long it takes, but would the Minister care to comment on the fact that the person who might be regarded as the main witness, that is the project site manager who was sacked in July, has still not been seen by the person or persons conducting a review?

Senator F.E. Cohen:

With great respect to the Deputy, this is a criminal investigation and I think it would be inappropriate if I commented further at this stage.

The Deputy of St. Mary:

With respect, the question was about process. I was simply asking if there is any explanation why the person who probably knows more about it than anybody else has not been spoken to in a formal fashion.

Senator F.E. Cohen:

I can assure the Deputy that my officers will be speaking to all those who are essential to the inquiry at the appropriate time, and I am satisfied to leave it to my officers, who are experts in this area, to choose when that appropriate time is. Thank you.

The Bailiff:

Very well. I think that brings questions-on-notice to an end.

Deputy T.M. Pitman:

Sorry, Sir. I apologise if you were grilled on this before, but could I ask before we adjourn ... there are only 3 questions left. If I were to offer to defer one of my 3 propositions this week to save the time, is there any way Standing Orders can be lifted to allow those 3 questions to be asked?

The Bailiff:

No, unfortunately my predecessor ruled that it was not possible to do that as it involved lifting a part of the Standing Order and then everything to do with questions fell away, so it is not possible.

The Deputy of St. Martin:

I would very much like to have an answer of mine to question 20 of the Chief Minister. I wonder if the Chief Minister could make it in writing so I could have it available and maybe it could also be made public. It is rather an important question and it is unfortunate we have been out of time.

Senator T.A. Le Sueur:

I am happy to put my answer in writing, yes.

Deputy J.A. Hilton:

May I request on behalf of Deputy Le Hérissier that the Chief Minister answers his question as well, please?

Senator T.A. Le Sueur:

Yes.

Deputy J.A. Hilton:

Thank you.

The Bailiff:

Very well. Yes, the Chair has to strike a balance between allowing Members to ask supplementary questions and explore matters fully and keep matters moving along at a reasonable pace, and it is

not always possible to get to the end. What I would say from the Chair is this. I detect a tendency on the part of Ministers to lengthen their answers and I remind Ministers that answers are to be concise, and I think certainly some of the answers are longer and more detailed than need to be, and the Chair may become rather stricter on that in the future. Conversely, the Standing Order also says that questions must be concise, and there has been a singular lack of concise questions on occasions and the Chair may get rather stricter on that as well so that we can proceed through and try and deal with as many questions, in a reasonably thorough manner, as possible. So we will try and strike that balance, but I remind the questioners and the answerers that matters must be dealt with concisely.

Deputy T.M. Pitman:

Could I also ask that the Attorney General answers my question in writing, if that would be possible?

Mr. Timothy John Le Cocq QC., H.M. Attorney General:

Yes, I am quite happy to do so.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well. So we will adjourn until 2.15 p.m.

[13:00]

LUNCHEON ADJOURNMENT

[14:17]

4. Questions to Ministers Without Notice - The Minister for Social Security

The Bailiff:

We come next then to questions without notice, and the first period is to the Minister for Social Security.

4.1 Deputy J.A. Hilton:

Is the Minister able to tell the Assembly what measures the Social Security Department are taking against those persons who are currently receiving low-income support but should be out at work, through laziness that they are not bothering?

Deputy I.J. Gorst of St. Clement (The Minister for Social Security):

As part of the income support benefit, there is a requirement for those who are able to work to sign an agreement with the department which in effect means they are registered as actively seeking work and they have to come into the department and look for work and show that they are seeking work. There are some exemptions, not least of which is if one is a main carer for children under 5; then they can be exempt from that requirement, but on the whole if people are medically fit and able, as part of their agreement, they are expected to look for work.

4.1.1 Deputy J.A. Hilton:

So the Minister is saying that he believes that the system is robust and those people who are physically able to work are actively seeking work?

Deputy I.J. Gorst:

What I am saying is that it should be. Of course, in these difficult economic conditions, it is not as easy as it once was, perhaps 2 years ago, to be certain that all the jobs available are being filled

because there are not the same jobs available that there once were, so it is difficult for people to prove that they are seeking work perhaps in the same way that we would like them to.

4.2 Deputy S. Pitman:

Could the Minister inform us as to what components of the income support, the equivalent to the educational grant is under, please?

Deputy I.J. Gorst:

I am not certain. I think what the Deputy is asking is the money that Education used to provide in a very small way - I think it was £200,000 - was subsumed into income support. Could she confirm that is what she is referring to?

Deputy S. Pitman:

Yes.

Deputy I.J. Gorst:

Yes, it is my understanding that it is in the general adult component.

4.2.1 Deputy S. Pitman:

Supplementary, please, Sir? This is my understanding. But as all the components of income support, including the adult component, are all bunched together and paid towards rent, a recipient of income support may have some left over; they may not. To encourage young people to take up courses locally, how can he then say or how can this be conducive to encouraging students to go to further education when they might not be seeing any of this money?

Deputy I.J. Gorst:

The Deputy is right to a certain extent. Income support is component in its nature. There are adult components, there are household components, there are children components, and there are components for medical requirements as well. If a household who is in receipt of income support is living in States accommodation and has to meet that rent, then the Deputy is right; yes, the department can and does pay that rental payment to the Housing Department. In the case that she refers to where that takes up the whole amount of what is, in effect, left to pay from income support, I would suggest that there must be other income in that household that means that the whole amount that income support is able to pay goes to meeting that rent and therefore I would suggest that perhaps it is that other income that could be used for these purposes.

4.2.2 Deputy S. Pitman:

He has not really answered the question. This amount of money is equivalent to the former educational grant which goes to help young people or whoever to study locally and I am not talking about necessarily people with other income. This is a certain amount of money, it is supposed to go to these people, studying; is it conducive to encouraging recipients of income support to go to further education?

Deputy I.J. Gorst:

I am not certain quite what I am being asked here because as I have just said in my previous answer, income support is component in its nature. I would not want to get into a technical answer discussion how we add up those components that a family might be entitled to and then, in effect, net off any other income that the household might be receiving. The remainder of that income in the first instance may go to pay the rent. If they do not have to do that then that individual family will see it in their pocket. Where households are able to access income support and are low income there would be money available for young adults in that household to be able to access, for example, the Advance to Work schemes. Those individuals who are on that scheme are able - or the households are able - to access income support at the same time.

4.3 The Connétable of St. Peter:

Thank you. Just wonder what measures does the Minister have to withhold income support payments to those who may continually fail to take up employment?

The Bailiff:

That sounds quite similar to a question that has just been asked.

Deputy I.J. Gorst:

Indeed it does. That is particularly difficult, as I have tried to say, in the current economic circumstances because there is within the law the ability to reduce down someone's income support if they do not meet those requirements. Members might remember that there was a debate at the time of the approval of the law about the length of time that one should be given as a grace period before they do show that they are seeking work. But obviously that is quite difficult in the current climate because there are not the jobs for people to be moving into necessarily, but those procedures are still in place.

4.4 Senator A. Breckon:

I wonder if the Minister could tell the House if he is aware of the current practice of collection of contributions whereby employers submit returns by say 15th January, the department then evaluate that and a bill is sent out whereas previously employers used to submit their returns with the money attached. I wonder if the Minister could comment on why this has changed and if he thinks it should change back?

Deputy I.J. Gorst:

The Senator raises a very good point. It is my understanding that in actual fact one of the reasons that potentially has changed is that there is no penalty now as there used to be for the late submission. I believe that the law was amended. I can only imagine that it was amended by this Assembly prior to my entry it and it is something that we will be considering in the Social Security Law review this year.

4.4.1 Senator A. Breckon:

With another hat on, with the Minister's profession as an accountant, does he believe it is good practice if millions of pounds are outstanding to allow people to do that for 2 or 3 months or should we not be proactively seeking the money in as soon as possible for the benefit of the fund?

Deputy I.J. Gorst:

We do send out reminders to people so that they are aware of their liability and the law does place the liability upon those who are required to contribute to make those contributions. Having said that, as a department some - and I have to be careful how I phrase this - companies are encountering difficulties and I will just go so far as to say that we are understanding in those cases.

4.5 Deputy R.G. Le Hérissier:

Indeed building on the original question of Deputy Hilton, could the Minister tell us at what point in a claimant's job search does the department say: "Enough is enough, we will now take action"?

Deputy I.J. Gorst:

As I said in answer to, I am not sure if it was Deputy Hilton or some other Member, there is a 4-week window where an individual has to prove that they have continued to actively seek work during those 4 weeks. If they are not able to prove that to the satisfaction of the department then, as I said, the income support claim can be stopped and they are then expected to prove for another 4 weeks that they have sought work before it is reinstated.

4.5.1 Deputy R.G. Le Hérissier:

Supplementary. Is this work in a chosen area of choice? For example if someone says they are a circus performer and cannot get work, is that an acceptable excuse to the department?

Deputy I.J. Gorst:

I expect it would not be an excuse if the Deputy or I went in saying that was our chosen profession. Again, we have to approach this in an even-handed and careful manner. If someone is made redundant and they have long experience in a particular professional then it is only appropriate that they are given a reasonable amount of time - I think that currently stands somewhere between 3 and 6 months - to find work in that particular field. If they are not able to but there are other jobs for which they would have ability, but not necessarily a history, then we would in time expect them to broaden their search and look for any work.

4.6 The Deputy of St. John:

Can the Minister give details of when the Health Department will be reintroducing prescription charges and how much is currently being lost annually by his department?

Deputy I.J. Gorst:

I am sorry that I cannot give the numbers that the Deputy requests, however if he wishes to submit a written question then I would be more than happy to do that. I have checked this morning, because I suspected that the Deputy might challenge me on this once again and he is absolutely right to do just that. I expect to have the full details which will accompany any decision that I make in April of this year. The reason it is taking some time is because, as I have tried to say in the past, I do require information regarding not only age groups but conditions, and those in receipt of benefit to be able to make a full and informed decision about what the appropriate level of a reintroduction charge would be and to which group.

[14:30]

4.6.1 The Deputy of St. John:

Does the Minister believe it was right to have withdrawn the prescription charges?

Deputy I.J. Gorst:

I think the Deputy is asking the wrong Minister, perhaps if he would ask the previous Minister.

4.7 Deputy M. Tadier:

The Minister will no doubt acknowledge that cross-departmental communication and co-operation can always be improved in any department and that the key to the success of his department does depend very much on the communication. Does the Minister acknowledge that currently clients are being let down in certain cases, they are not always being given the help because communications is not there across the departments? How is communication and co-operation between the departments currently being improved?

Deputy I.J. Gorst:

The Deputy is aware of a particular case where that has been the case and I have openly admitted that departments in the past have not worked in the way that we would expect them or want them to work for the benefit of not only individuals but for the community at large. I endeavour, as far as possible, to ensure that we do - particularly with the Health and Social Services Department - and will be working much closer in the future. We, in 2010 as part of our Business Plan, will be rolling-out a communications strategy and part of that will be ensuring that communication between our 2 departments is robust in the way that it should be.

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

We debated recently the release of information on individuals over the age of 75 with regards to the digital switchover, and I had some concerns about that information being made known to third parties in effect. Will the Minister advise please whether he has now put in procedures whereby that information will only be released with the prior written consent of the individual?

Deputy I.J. Gorst:

I thank the Connétable for that particular question because, as she will be aware, it was initially considered that bringing legislation to this Assembly would fulfil the requirements of the Data Protection Law. There has now been a suggestion that that is not the case and in actual fact anybody whose name is going to be forwarded on to Digi UK - I believe the company is - needs to be contacted individually as well. I am discussing that with my officers about how we might go about doing that because it is a large piece of work, as I said during that debate. With regard to whether we would ask for written confirmation that they are happy for their details to be released, I suspect that it would be couched in the negative. In effect if you do not want us to release your information then please contact us and let us know rather than in the positive. Thank you.

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

I wonder if the Minister could tell us what he is doing in his department to bolster the skills and the support mechanisms that people that are out of work are in need of. I went to see the Minister 6 to 8 months ago to suggest some issues, some skill centres that he could perhaps look at: what is he doing in his department to help those people who are unemployed in these times and does he, in particular, have any courses that are ongoing in relation to such things as retail sales training?

Deputy I.J. Gorst:

Yes, I thank the Deputy for his question. A large amount of money has been put forward from the economic stimulus package towards skills, not least of which is apprenticeships, the Advance to Work scheme, something that is called Career Strengthening which is in the careers and work zone areas. So there is extra money in there for advisers and to help with courses, *et cetera*. I personally would like to see the Advance to Work scheme extended. It is currently for 16 and 17 year-olds, I would like to see it raised up the age chain, as it were, so that we are capturing other people into a very similar scheme because so far it has been very successful. People from that scheme have been given full-time work opportunities, and they are not only having the training but they are having on-the-job training as well so it is a mixture; it is not just theoretical, it is practical as well. So I would like to see that extended. There is some money currently sitting with the Skills Executive, whether that is going to be enough or whether I am going to have to go cap in hand to the Minister for Treasury and Resources again. But the Deputy raises excellent points. We need to do that we can do because it is imperative that we try and get as many people back to work as we possibly can, and that is one of the main aims of my department in 2010. I should also say that my Assistant Minister is working on more proactive job-matching and that we will be looking at in 2010 as well, together with Economic Development and skills to make sure that we are recording data in a manner that will allow us to be much more joined-up in that area.

Deputy P.V.F. Le Claire:

A supplementary, please.

The Bailiff:

I am sorry, Deputy, I am afraid time has come to an end on that. So we move then to questioning of the Minister for Planning and Environment. Deputy Hilton.

5. Questions to Ministers Without Notice - The Minister for Planning and Environment

5.1 Deputy J.A. Hilton:

The Minister will recall he attended a meeting back in October concerning all the problems that the residents of Le Clos Vaze in St. Helier No. 3 District have encountered since they have moved into their new homes almost 3 years ago now. We managed to get an assurance out of the developer that the play space, which has stood unfinished for the 3 years, would be completed by 17th November. I contacted the Minister just before Christmas to inform him in fact absolutely no work had taken place. So my question today to the Minister... I was up at the estate on Sunday, it is still unfinished, please can he bring some pressure upon the developer to complete that play space so those children who could have used it when they moved in 3 years ago might actually still have an opportunity before they are too old.

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

I thank the Deputy for her question. I have been involved in trying to sort this matter out. I have corresponded with a senior officer who is dealing with the issue and he has been assured by the developer that the play space will be installed in the very near future. But I am afraid that I cannot give a specific date. I have been assured it is weeks rather than months.

5.1.1 Deputy J.A. Hilton:

I am sorry I just do not think that can be good enough. We were given the assurance that it would be completed by 17th November and 8, 9 weeks later it is still incomplete. It is just not good enough and it is not fair on the residents of Le Clos Vaze.

Senator F.E. Cohen:

If I could install it myself I would do so, but I am not very good at D.I.Y. (do-it-yourself). I will do my best to ensure the developer completes the work as soon as is humanly possible but I am afraid it is rather out of my hands.

5.2 Deputy K.C. Lewis:

If I may, I would like to ask the question that timed-out this morning, number 21. Further to news that the number of puffins at Plémont are down to 12 breeding pairs due to a high population of rats in the area, what action, if any, will the Minister take to instigate the eradication of rats on the property by the landowners with immediate effect?

Senator F.E. Cohen:

The simple answer to the question is that killing the rats is unlikely to deliver any benefits in terms of increasing the population. The population of puffins has declined in line with the puffin populations in many other parts of the English Channel. The Jersey Seabird Watch Group has been formed to try and monitor this but simply killing the rats results in rats repopulating from surrounding areas. Unless you are able to kill the rats in a huge area over a very long period of time you simply will not successfully eradicate the rat problem. So I am afraid that we have to keep monitoring the situation, but resolving it is not down to killing the rats.

5.2.1 Deputy K.C. Lewis:

Supplementary. I have been informed by reliable sources that once the building ... if and when the building concerned is demolished, the rats will immediately run off to the coastal area and will decimate the puffins that are left. Does the Minister not think that to ask the landowners to eradicate the rats that are there is a fair comment?

Senator F.E. Cohen:

I can certainly ask the owners to eradicate the rats but, as I have said, there has been considerable work done on rat populations elsewhere and simply killing rats in one area results in an invitation to rats in the surrounding area to repopulate. But I will certainly raise the issue with the developers and seek an assurance from them. But, as I have said, the department's view is that it will not solve the problem.

5.3 Deputy T.M. Pitman:

Perhaps the Minister could employ Deputy Lewis with his tank to go down there. Given that the planning application supported by both residents, crucially the police and Harbours to install a manned barrier system near Albert Quay Apartments at the harbour was recently refused, clearly without full knowledge of the facts, such as the 3-figure number of complaints to the police, is the Minister happy that his departmental officers respond adequately with people behind these applications in regard to being kept informed of how and when their case will be heard? I ask this question because Harbours have told me they felt they were not kept informed.

Senator F.E. Cohen:

Firstly I must apologise to Deputy Pitman; he did raise this matter with me by email. I did raise it with officers so I could be fully briefed but I failed to revert to him and I apologise to him for that omission. The position with this application was that it was an application to cordon-off an area of the harbour at night by the introduction of a barrier and a small kiosk. It was felt by the department that the barrier would not deliver what was expected and that it was not something the department could support. There was no political representation at the public hearing so, as I understand it, the panel simply followed the officer advice, having given careful consideration to the matter. I would like to invite the Deputy to come to see me and we will try and find a way of resolving the matter which will deliver what the residents wish and something the Planning Department can support. So I look forward to speaking to him about this shortly.

5.4 Deputy A.K.F. Green:

I just wonder if the Minister could enlighten us, I have had a number of complaints, as indeed the other Parish Deputies have, about what would appear to be unauthorised development at Brixton House on Paris Lane. There is a large ventilation unit gone in there and I gather this is to be reopened as a restaurant. Could the Minister confirm whether this development has been authorised or not?

Senator F.E. Cohen:

I am afraid I do not know the answer to the question. I have passed the emails on to the relevant officers and I am awaiting a response. When the response is received I will, of course, inform the Deputies that have expressed an interest but at the moment I do not have a detailed answer.

5.5 Deputy P.V.F. Le Claire:

Could I ask the Minister what the reason, rationale and requirement is for individuals, architects and developers to produce models in support of their applications to the planning process. If he is able to do so, would he also be able to combine that rationale, reason and process to the Island Plan so that while the extended consultation takes place Islanders can benefit themselves of a model that they can view.

Senator F.E. Cohen:

I think that the introduction of a physical model has been one of the most important improvements in the planning process in the last few years. Particularly for a layman, and many of us who have to make planning decisions are laymen, there is nothing better than seeing a physical model and you can get a proper perspective of what is proposed and get a greater understanding of the effects of the proposed construction on the surrounding buildings. So I think while models can be expensive they are a relatively small part of the profit of large development schemes. They are only required for larger schemes, not for small schemes, and I stand behind the introduction of models. I am not quite sure what sort of model the Deputy is suggesting in relation to the Island Plan but a model of the whole of the Island showing all the buildings in, for example, a 3-dimensional form of the 18th century Richmond map would be enormously expensive to produce and we simply do not have the resources, albeit that it would be a very good addition to the planning process.

5.6 The Deputy of St. John:

Could the Minister confirm or otherwise the length of time a permit for development can be left open once a building is started or development is started? If it is left open-ended can it be ... can a property be occupied by any person once it is left open?

Senator F.E. Cohen:

Planning permits are now usually issued for 5 years, albeit that I have dealt with a number of reapplications where effectively an existing permit was open-ended. As far as when a building has to be completed once a start has been made, I am not entirely sure of the law in this matter but as I understand it once a substantive start has been made it is pretty much open-ended. You can take a considerable time to complete your building but I am not certain whether you can occupy the building during that process. I will have to come back to the Deputy with more detailed information and I will probably have to go to the Law Officers.

[14:45]

5.7 The Deputy of St. Mary:

Can the Minister tell the House whether he thinks that rushed consultation never delivers a good result?

Senator F.E. Cohen:

I am not sure that rushed consultation never delivers a good result but from my perspective I do my best to have lengthy consultation processes, often to the frustration of officers. I have recently extended the Island Plan consultation process for a period of 3 months for this very reason. But there is a limit to consultation and just endlessly extending consultation does not necessarily produce better responses or more responses.

5.7.1 The Deputy of St. Mary:

Thank you. Can I have a quick supplementary? Following on from Deputy Le Claire's question, would the Minister like to comment on the desirability of having scaffolding profiles for sensitive and/or large applications? Because they do help people to see on the ground, on the site, what might happen.

Senator F.E. Cohen:

Sometimes a scaffold profile is quite a good idea but they are only for very specific applications where the impact of, for example, light is to be considered. There is one case at the moment where a scaffold has been erected at my request in relation to a particular application. I have kept a track of how many times I visited the property to make my mind up and so far we are up to 23 visits. So they are useful occasionally.

5.8 Senator A. Breckon:

R&O 134/2009 which was before us this morning has got building applications and planning application fees increasing by up to 25 per cent from 1st January of this year. Can the Minister say what is the reason for this? Are more staff to be employed? Quicker applications? Is it something to do with users pays? Could he give the House some more information?

Senator F.E. Cohen:

The increases were included in previous plans brought to the House but the reason for the increase is quite specifically that we are fundamentally under-resourced, our budget has been cut and we have been forced to raise £350,000 approximately. We have a total budget of £10.4 million with about £6.9 million as staff costs. We are not seeking to employ more staff, in fact we have a number of unfilled posts at the moment, but it is simply a case of matching our income with our expenditure. If Islanders want to have a competent planning service then it simply does cost a

certain sum to run it and the only way we have got of restoring the hole that has been left by the cuts is by increasing fees. We raise approximately £3.6 million a year from fees, about a third of that is from building fees, a little more than a third of that is from building control fees and the balance is a variety of things such as the Met. Office. So with a budget of £10.4 million and only £3.6 million as an income source, clearly any decrease we see in the amount we are expecting from central funds requires a large percentage increase.

5.8.1 Senator A. Breckon:

I wonder if it is a user pay policy, if that is what the Minister is saying, if it should not have come before this House?

Senator F.E. Cohen:

I think the regulations are quite clear that it is down to the Minister to set the fees and of course the general proposals were included in the Business Plan.

5.9 Deputy R.G. Le Hérisier:

Would the Minister acknowledge that he has been very sparing in his use, I think, of Article 84 of the law requiring an owner of land or a property to tidy it up should such a property have fallen into dereliction? Would he tell the House how many times he has exercised this power during his tenure as Minister and why it appears to be very, very infrequent?

Senator F.E. Cohen:

You can require a landowner to keep their property wind and watertight under certain circumstances but you can do little more. You can require the landowner to keep the property safe. To my recollection I have only required this on 2 occasions, and both were in relation to disused glasshouse sites where there was broken glass that I considered was a danger to the public.

5.9.1 Deputy R.G. Le Hérisier:

A follow up? Does that mean in order to keep it safe, safe from vandalism?

Senator F.E. Cohen:

I am not sure that it would include safe from vandalism. I think it would merely be safe from the perspective of the public generally. That may include that.

5.10 Senator J.L. Perchard:

Does the Minister agree that the old Odeon Cinema should remain on the register of historic buildings, and does he share my view that it is unfortunate that the Hopkins Masterplan sees a future for that hideous building in the North of Town Masterplan?

Senator F.E. Cohen:

The Odeon Cinema building is a difficult conundrum. The Odeon was one of the very last of the Odeon-style buildings, it was built out-of-period and many would argue that because it was built out-of-period its listed building status is not warranted. Others would argue it is a building of outstanding importance and even matters such as the rendering and the patent rendering are of significant importance. I think it is a carefully balanced matter and I would not like to come down one way or another finally on the floor of the House without very careful consideration. Thank you.

The Bailiff:

Very well, that brings questions to the Minister to a close. There are no matters under J or K so we come to Public Business.

PUBLIC BUSINESS

6. Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P141/2009)

The Bailiff:

The first item on the Order Paper is the Draft Gambling (2010 Fees) (Jersey) Regulations 200-, projet 141, lodged by the Minister for Economic Development. This is the matter where Members may recall that the principles and Regulation 1 have already been adopted but the Assembly agreed to move to the next item of business during the course of the debate over Regulation 2. Accordingly, the way to proceed therefore is to ask the Minister to propose, once again, Regulation 2, which is where we had got to when the Assembly decided to move on. So I invite the Minister to propose Regulation 2.

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

I forwarded supplementary documentation to Members last week to help clarify these proposed increases and the various permits and registrations to which they apply. Members will also find a hard copy on their desk of the same documentation. In a moment I will explain the nature of the permit and registration provisions. First of all I would like to comment on a general concern that I recall during the last debate. That concern related to a wish by Members for commercial and social events to be separated. By social I specifically mean those social events which are used solely to raise funds for charitable causes. However, under current legislation this is not easily achieved. In reality many categories can be operated both as a commercial activity or socially for fundraising events. Crown and Anchor is a good example. There is no doubt that all forms of gambling should be regulated, whether commercial or in the form of a fundraising event. Although gambling activities as part of fundraising events must be regulated, that regulation should also be proportionate to the activity in question. Senators Breckon and Shenton and others raised concerns during the last debate over the impact of permit and registrations on small fundraising ventures and I have to say I agree with them. It is also an area that the new Gambling Commission will be reviewing with the aim to reduce any unnecessary bureaucracy. It is certainly not my intention or that of my department to hamper or harm good causes and their ability to raise much needed funds by proposing these fee increases, but I would ask Members to remember that we are working with outdated legislation. A sliding scale of fees for fundraising would be a sensible and pragmatic solution for the future, a risk-based determination if you like. There is also a need to overhaul the registration and permit process and, where necessary, simplify it. However, current legislation does not permit much degree for discretion. What it does do is remind us of the urgent need to modernise our outdated gambling laws. New gambling legislation will, indeed, be brought before this Assembly during the course of this year, but for today I would ask Members to focus on the fact that we are proposing modest increases in an area where most fees have not been increased for more than 10 years. In that regard, although the fees are being increased by what appears to be a large margin, in purely percentage terms most start from a very low base indeed. In other words, from £10 to £20, £5 to £10 and so on. My department has a duty to look at every area of its activity and move towards fair cost recovery to remove any burden from the taxpayers. These proposed increases in fees represent a stepped approach to that goal that has been accepted by the industry following constructive discussion. Under Regulation 2 Members will see the various activities listed and explained (a) through to (k). I propose to briefly explain each one. I would like to draw Members' attention firstly to the detailed explanation of the fees in the hard copy which is on their desks. This explanation also includes comparisons to the 2 amendments which we will shortly hear. Under Regulation 2, (a) is for a gaming as an event permit, that is Regulation 7(3), for which the proposed increase is from £15 to £50. This permit allows gaming to be supplied but only as a supplementary attraction to a main event such as part of the entertainment at a dinner dance; (b) is for a Crown and Anchor permit and under Regulation 9(4) it is proposed to increase the fee from £55 to £110. This, of course, is a well-known activity, it is a fast turnover banker's game using dice and board. The next item details the requirement to register with Gambling Control under (c) for a bingo certificate or registration or a cinema racing certificate of registration and the intention

is to increase that particular fee from £10 to £20. It is a requirement of all societies and charities wishing to promote either bingo, lotteries or cinema racing to be registered with Gambling Control and they must be registered before applying for such a permit. Under (d) it relates to a cinema racing permit which the intention is to increase from £28 to £50. This again allows betting on pre-recorded races at an event such as a dinner dance and participation is limited to members of a society and their guests. Under (e) it is a bingo permit (private), the intention is to increase this from £10 to £50. Now, the private bingo, like cinema racing, is limited in that it may only be conducted by a society. These are generally held as promotional events to get members to attend an event such as a dinner, hence the private, where the club raises funds on the food and beverages. Bingo can be held fortnightly and the permit fee covers all events for the year. Under (f), that is a bingo permit (public), with the intention to increase that fee from £5 to £10 per event. As the title suggests, this is an offering of bingo to the public and hosted by one or more registered societies. Under (g) for a lottery permit the intention is to increase from £10 to £20. Lotteries remain strictly the domain of fundraising for charitable or society purposes. Under (h) for a lottery certificate of registration, the intention is increase from £10 to £20. As with bingo and cinema racing a society must be registered with Gambling Control prior to applying for a permit to promote a lottery. Registration lasts for a year and, as a matter of interest, during 2009 the number of combined registrations was £119. Under (i) for an amusement with prizes permit (commercial event), the intention is to increase from £55 to £110. This permit allows operators at commercial events, for example fetes and fairs, to offer prize winning machines. While generally of low stake and prize, these machines may be operated at an event alongside, for example, Crown and Anchor. For an amusement with prizes permit (amusement premises), the intention is to increase from £220 to £1,000. This fee covers the siting of low stake prize machines within an amusement premises, such as the old Funland premises. I maintain the proposition.

The Bailiff:

Is Regulation 2 seconded? [Seconded]

6.2 Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009): amendment - Article 2 (P.141/2009 Amd.)

The Bailiff:

Now, there is an amendment to Regulation 2 lodged by the Deputy of St. Martin and I will ask the Greffier to read paragraph 2 of the relevant amendment.

The Deputy Greffier of the States:

On page 11, Article 2, in paragraph (a) for the amount £50 substitute the amount £22.95; in paragraph (b) for the amount £110 substitute the amount £84.16; in paragraph (c) for the amount £20 substitute the amount £15.30; in paragraph (d) for the amount £50 substitute the amount £42.85; in paragraph (e) for the amount £50 substitute the amount £15.30; in paragraph (f) for the amount £10 substitute the amount £7.65; in paragraph (g) for the amount £20 substitute the amount £15.30; in paragraph (h) for the amount £20 substitute the amount £15.30; in paragraph (i) for the amount £110 substitute the amount £84.16; in paragraph (j) for the amount £1,000 substitute the amount £336.64.

[15:00]

6.2.1 The Deputy of St. Martin:

Rather than bore Members too much with what I am proposing, this is a re-run from what we had in December and it was, as the Minister said, put back to give better clarification of what is being proposed. Really what I was going to propose is that each one would be voted individually but I would speak collectively for them because the principle is the same. I am arguing really that while the Minister may well say that we want full costs recovery, how can he have full cost recovery when you are going to have different fees for different licences when there is no additional work?

It does not seem to stack-up. Also the fact is that when we look at full cost recovery, once you remember here we have the Economic Development Department employing one member of staff to run the State Lottery, it employs 4 people ... remember 4 people because we had all these notes, and Members may well have forgotten but we were given the green sheet here with a breakdown of how many people it takes to run 29 betting shops and in fact how many it does to issue one licence here for gaming. In fact none at all. So one would hope that during the year, the Christmas break, the Minister may have had a re-think and think: "Well, really I am being a bit greedy, I will accept that what the Deputy of St. Martin is saying" because what I am proposing is a logical increase. I am not asking for cost of living, which would be even less, what I am asking for is R.P.I. (retail price index) over the course of time. That would be much simpler. Why be greedy? We will be coming later on to the bookmakers. We have got to be very careful that we do not price people out of their job or their enjoyment. So what I am asking for really is a common sense approach. Why should we be looking for something which we should not be asking for and why has E.D.D. not had a long look at seeing really do they need to employ 4 people to gather such a small amount of money. So my amendment really is R.P.I. and with that I would like to make the amendments.

The Bailiff:

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

6.2.2 Senator A.J.H. Maclean:

Thank you. The Deputy of St. Martin has a point of view with regard to fees that I respect but I am afraid I cannot agree with. While it is not the fault of the industry that they have had their fees overlooked for so long, neither is it a defence that should protect them from starting to meet the costs of regulation, appropriate regulation. I have been both considerate and, if I may say so, generous in this area. Considerate because my Assistant Minister met with representatives of the industry a number of times and agreed to slightly reduce our initial estimates of the proposed increases. Generous, because there have been calls from the Treasury for a move to full cost recovery in one go. In fact Deputy Noel is proposing just that in his amendment which we will shortly hear. However, I believe that a stepped approach in fees is a fair and proportionate way forward. It balances the need to remove the current public subsidy that finances the regulation of this industry with the need of the industry to adjust and absorb these costs over an acceptable period. The regulatory cost whether to the industry alone or to the industry and public combined is still a necessary cost. The Deputy of St. Martin has raised concerns about the cost of regulating the industry. I, however, am confident that the Gambling Commission and my department are appropriately resourced to regulate the gambling industry proportionately and, importantly, fairly. But if we do not take the sensible stepped approach now the Commission will have little choice in the future but to increase fees disproportionately and move much more quickly to a full cost recovery which is not, in my view, particularly acceptable. I do not think it is a situation that would be good for industry or for the Commission as the inevitable negotiations and recriminations will be resource hungry. I would urge Members to accept the middle ground which I am proposing with this particular option. I believe it is the right way forward, I believe it is a pragmatic and sensible way forward and I believe following that the new Gambling Commission we will be in a position for the future to modernise the gambling legislation appropriately to ensure that both private events and indeed commercial events are properly regulated and the cost of the regulation is fair and proportionate. I would urge Members to reject this particular amendment.

The Bailiff:

Does any other Member wish to speak on the amendment? Very well, I call upon the proposer to reply.

6.2.3 The Deputy of St. Martin:

I thought we were not proposing the increases for the bookmakers and the betting officers because I thought that was schedule 3.

The Bailiff:

We are not dealing with the schedule at the moment. We are simply dealing with Regulation 2.

The Deputy of St. Martin:

That was the point I was making because the Minister spoke of an industry. I think he was ahead of himself because really we are not ... what we are really talking about here is the ordinary club, *et cetera*, which raises money for their bingo, for their Battle of Flowers functions or maybe the organisation that runs a raffle. That is what we are looking at and I am asking do we really need to double them all rather than having an R.P.I. which, again, had the department come forward with it annually they would be getting around what I am asking for on R.P.I. As it is, because the department did not come annually with them, they are looking now really to double an easy way out. So really it is quite straightforward but there is one little area I would like to talk about and that is - and it was not mentioned - about the Crown and Anchor tables. Here we have a ... there used to be 14 operators, we are now down to 2. When one looks at the Crown and Anchor one asks why do we need to have a different fee? Why is it going to cost £110 to issue a Crown and Anchor permit and yet £20 for something, or £50? There has been no review whatsoever of these fees. They are just an easy way out. We have had a Gambling Commission operating for 3 years, one would have thought that coming to the House now, where they have had 3 years to put something together ... this an easy option. I would ask Members to be fair. Fair to those clubs and organisations who are running functions to raise money and here I am asking for R.P.I. increase not what is being asked for by the Minister. I maintain the amendment. If we could vote for them one by one.

The Bailiff:

Very well. Did you ask for the appel or not?

The Deputy of St. Martin:

Yes, please.

The Bailiff:

So the appel is called for then in relation the amendment to Regulation 2 lodged by the Deputy of St. Martin and Members will be invited to vote separately on each subparagraph so I will say which one it is on each occasion. I invite Members to return to their seats. The first vote, therefore, is on paragraph (a), so for the amount of £50 substitute the amount of £22.95. The Greffier will now open the voting.

POUR: 13		CONTRE: 28		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy S.S.P.A. Power (B)		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of St. Brelade		
Deputy M.R. Higgins (H)		Connétable of St. Saviour		
Deputy A.K.F. Green (H)		Connétable of St. Clement		
Deputy J.M. Maçon (S)		Deputy R.C. Duhamel (S)		

	Deputy R.G. Le Hérisssier (S)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A.N. Le Fondré (L)		
	Deputy S. Pitman (H)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy A.E. Jeune (B)		
	Deputy T.M. Pitman (H)		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy D. De Sousa (H)		

The Bailiff:

The Greffier will now reset the voting machine in order that we can then move to paragraph (b). So we will open the voting on paragraph (b) which is substitute £84.16 for £110. The Greffier will open the voting.

POUR: 15		CONTRE: 27		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Peter		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy S.S.P.A. Power (B)		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy A.E. Jeune (B)		Connétable of St. Brelade		
Deputy of St. Mary		Connétable of St. Martin		
Deputy A.T. Dupré (C)		Connétable of St. Saviour		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy A.K.F. Green (H)		Deputy R.C. Duhamel (S)		
Deputy J.M. Maçon (S)		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy T.M. Pitman (H)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy D. De Sousa (H)		

The Bailiff:

The Greffier will then reset the machine in order to move to paragraph (c) which is to substitute for £20 the sum of £15.30. The Greffier will open the voting.

POUR: 11		CONTRE: 30		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Lawrence		Senator P.F.C. Ozouf		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy J.B. Fox (H)		Senator J.L. Perchard		
Deputy J.A. Hilton (H)		Senator S.C. Ferguson		
Deputy S.S.P.A. Power (B)		Senator A.J.D. Maclean		
Deputy M. Tadier (B)		Senator B.I. Le Marquand		
Deputy of St. Mary		Connétable of St. Ouen		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy J.M. Maçon (S)		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy D. De Sousa (H)		

The Bailiff:

Then we move to paragraph (d) which is to substitute for the sum £50 the sum of £42.85. The Greffier will open the voting.

POUR: 10		CONTRE: 31		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Lawrence		Senator P.F.C. Ozouf		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy J.B. Fox (H)		Senator J.L. Perchard		
Deputy J.A. Hilton (H)		Senator S.C. Ferguson		
Deputy S.S.P.A. Power (B)		Senator A.J.D. Maclean		
Deputy of St. Mary		Senator B.I. Le Marquand		
Deputy A.K.F. Green (H)		Connétable of St. Ouen		
Deputy J.M. Maçon (S)		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		

		Connétable of St. Clement		
		Connétable of St. Peter		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy D. De Sousa (H)		

The Bailiff:

Then we move to paragraph (e) which is to substitute for the amount of £50 the amount of £15.30. The Greffier will open the voting.

POUR: 13		CONTRE: 28		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Martin		Senator P.F. Routier		
Connétable of St. Peter		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy S.S.P.A. Power (B)		Senator B.I. Le Marquand		
Deputy of St. Mary		Connétable of St. Ouen		
Deputy A.T. Dupré (C)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy A.K.F. Green (H)		Connétable of St. Saviour		
Deputy J.M. Maçon (S)		Connétable of St. Clement		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		

The Bailiff:

We then move to paragraph (f) which is to substitute for the sum of £10 the amount of £7.65. The Greffier will open the voting.

POUR: 13		CONTRE: 29		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Martin		Senator P.F. Routier		
Connétable of St. Peter		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy S.S.P.A. Power (B)		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy A.E. Jeune (B)		Connétable of Grouville		
Deputy of St. Mary		Connétable of St. Brelade		
Deputy T.A. Vallois (S)		Connétable of St. Saviour		
Deputy J.M. Maçon (S)		Connétable of St. Clement		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D. De Sousa (H)		

The Bailiff:

We then move to paragraph (g) which is to substitute for the amount of £20 the amount of £15.30. The Greffier will open the voting.

POUR: 11		CONTRE: 30		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Lawrence		Senator P.F. Routier		
Deputy of St. Martin		Senator P.F.C. Ozouf		
Deputy J.B. Fox (H)		Senator F.E. Cohen		
Deputy J.A. Hilton (H)		Senator J.L. Perchard		
Deputy S.S.P.A. Power (B)		Senator S.C. Ferguson		
Deputy M. Tadier (B)		Senator A.J.D. Maclean		
Deputy of St. Mary		Senator B.I. Le Marquand		
Deputy M.R. Higgins (H)		Connétable of St. Ouen		
Deputy A.K.F. Green (H)		Connétable of Trinity		
Deputy J.M. Maçon (S)		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		

	Connétable of St. Saviour		
	Connétable of St. Clement		
	Connétable of St. Peter		
	Deputy R.C. Duhamel (S)		
	Deputy R.G. Le Hérisssier (S)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A.N. Le Fondré (L)		
	Deputy S. Pitman (H)		
	Deputy of St. John		
	Deputy A.E. Jeune (B)		
	Deputy T.M. Pitman (H)		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy D. De Sousa (H)		

The Bailiff:

We then move to paragraph (h) which is to substitute for the amount of £20 the amount of £15.30. The Greffier will open the voting.

POUR: 12		CONTRE: 31		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Martin		Senator P.F. Routier		
Connétable of St. Lawrence		Senator P.F.C. Ozouf		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy J.B. Fox (H)		Senator J.L. Perchard		
Deputy J.A. Hilton (H)		Senator S.C. Ferguson		
Deputy S.S.P.A. Power (B)		Senator A.J.D. Maclean		
Deputy M. Tadier (B)		Senator B.I. Le Marquand		
Deputy of St. Mary		Connétable of St. Ouen		
Deputy M.R. Higgins (H)		Connétable of Trinity		
Deputy A.K.F. Green (H)		Connétable of Grouville		
Deputy J.M. Maçon (S)		Connétable of St. Brelade		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		

		Deputy T.A. Vallois (S)		
		Deputy D. De Sousa (H)		

The Bailiff:

Then we come to paragraph (i) which is to substitute for the amount of £110 the amount of £84.16 and I will ask the Greffier to open the voting.

POUR: 11		CONTRE: 31		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Connétable of St. Peter		Senator F.E. Cohen		
Connétable of St. Lawrence		Senator J.L. Perchard		
Deputy of St. Martin		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.D. Maclean		
Deputy J.A. Hilton (H)		Senator B.I. Le Marquand		
Deputy S.S.P.A. Power (B)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of Trinity		
Deputy J.M. Maçon (S)		Connétable of St. Brelade		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D. De Sousa (H)		

The Bailiff:

Finally we come to paragraph (j) which is to substitute for £1,000 the amount of £336.64. The Greffier will open the voting.

POUR: 10		CONTRE: 33		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		

Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy S.S.P.A. Power (B)		Senator B.I. Le Marquand		
Deputy A.E. Jeune (B)		Connétable of St. Ouen		
Deputy J.M. Maçon (S)		Connétable of Trinity		
		Connétable of St. Brelade		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D. De Sousa (H)		

The Bailiff:

So then we return to the debate on Regulation 2. Does any Member wish to speak on Regulation 2? Very well, all those in favour of adopting Regulation 2, kindly show. Those against. Regulation 2 is adopted. Then we come to Regulation 3 and I invite the Minister to propose Regulation 3 together with the schedule, Schedule 1.

6.3 Draft Gambling (2010 Fees) (Jersey) Regulations 200- Regulation 3 (P.141/2009)

6.3.1 Senator A.J.H. Maclean:

I will give Members some details on the Regulation and the Schedule. First of all amusement premises licence: the proposal is to increase this from £1,290 to £3,000. Referring to my previous comments regarding licensing in arcades, such as the old Funland, an amusement premises licence should be increased to £3,000 to reflect the equitable cost approval subject to satisfactory due diligence leading to the award of this form of licence.

[15:15]

The cost is, in my view, proportionate and reflects the establishment of an administrative inspection regime in line with the Gambling Commission's licensing objectives should an arcade be established on the Island. For example, the monitoring of the licensed premises to ensure responsible gambling is promoted in adult only areas. There are currently, however, no licences in operation of this particular type. The betting office licence: the proposal is to increase from £1,290 to again £3,000. This fee is charged to cover the cost of awarding a licence to a betting office. These are professional commercial entities and, as such, the regulatory burden is much higher. Department staff have to monitor opening times, advertising and promotions, investigate and

approve their managers, resolve complaints from the public, discuss matters arising from the law and so on. The current fee does not match a cost to the department of undertaking these roles and the fees need to be increased in order to offset the cost to the taxpayer. I appreciate that there are concerns that some of the group of operators with overseas parent companies may be able to absorb the cost of the increase more readily than the smaller local firms. The modernisation programme will recognise this disparity and move to pursue a licensing regime based on market share and turnover. However, the fact cannot be overlooked that the industry have enjoyed an accidental licence freeze for close to a decade and this increase brings the cost a lot closer to reality than it has ever been in the past. The simple aim is to move to cost recovery as quickly as we possibly can. The next category is bookmakers licence. The increase is from the current £258 to a new fee of £375. This fee is charged per bookmaking company to cover the cost of clerical work involved in their annual registration and renewal. This is a modest amount of work which is why the proposed fee increase is quite minor. The next category is track licence. The increase is from £387 currently to a new proposed fee of £500. Betting regulations place various provisions for the conduct of racecourse or track. A track licence means a licence granted under the provisions of the Gambling Licensing Provisions (Jersey) Regulations 1965 authorising, subject to the permission of Bailiff under the provisions of Regulation 3, the provision of facilities for betting on the track, which includes the operation of a totalisator or provide other means of gambling on course at a live event. This fee was not levied previously as over time it became confused with a Bailiff's permit. Operators of the racetrack have been consulted and have agreed to apply for licence for future events. Unfortunately gambling matters have not always been considered of sufficient importance in the past to merit being kept under review and up to date. But this is not a position that I am prepared to allow to continue. The fact that fees have not been increased for so long is clearly no fault of the industry. It is precisely for that reason that I am not proposing a move directly to full cost recovery. Not only would this be a significantly larger increase, it would also be an unreasonable burden, especially on smaller local businesses. In fact, I have already reduced the fees from the scale originally proposed. This followed representation from the industry where we listened to their concerns and agreed to moderate the proposed increases to the levels that Members see before them today. To reduce them even more, as further amendments such as this seek to do, does not recognise the work undertaken by the department and structurally reinforces the subsidy that the industry currently receives from the taxpayer; a position that I believe is unacceptable. I hope that later this year Members will support a new Gambling Law that, among other things, strongly addresses this important question of user pays. We have heard the claim of self-regulation but to suggest that a professionally-operated commercial bookmaker should be considered in the same manner as a sports social club or charity is completely unrealistic. The industry does not self-regulate, it never has. The precise reason for the industry being a compliant and acceptable one is because of the understanding within these professional businesses of what their duties and obligations are. These are not left to their whim. They are in the Law and Regulations. I maintain the proposition.

The Bailiff:

Is Regulation 3 seconded? **[Seconded]** Then there are 2 amendments, in fact, to the Schedule which is proposed with Regulation 3. In accordance with normal custom we will take that first which makes the biggest change to what is proposed, that is the amendment of Deputy Noel. So I will ask the Greffier to read his amendment.

6.4 Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009): second amendment (P.141/2009 Amd(2).)

The Deputy Greffier of the States:

On page 13 of the Schedule, (a) in the entry relating to an amusement premises licence, for the amount £3,000 substitute the amount £8,000; (b) in the entry relating to a betting office licence, for

the amount £3,000 substitute the amount £8,000; (c) in the entry relating to a bookmaker's licence, for the amount £375 substitute the amount £1,000.

6.4.1 Deputy E.J. Noel:

In light of our workload over the coming days and the fact that I am sure many Members know how they intend to vote on this straightforward matter, I will therefore be brief. Like a well-known wood preservative, my amendment does what it says on the tin. My amendment attempts to bring the full cost of recovery from day one and in doing so stop the taxpayers from subsidising betting shops within the Island. I must stress that the Minister for Economic Development, his team and I are not at divergence here in our aim. We all share the wish to have full cost recovery, it is just that I wish to have it from day one and not phased-in over a period of years. I am sure that some of the current costs in regulating this industry can be trimmed-back but not to the level required to make this full cost recovery within 12 months. I promised to be brief. I invite Members to support this amendment. To those who do not intend to support it, dare I say briefly, complete the following sentence when facing their constituents: "I voted for continuing to support betting shops in Jersey with taxpayers' money because ..." I make the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?
The Deputy of St. John.

6.4.2 The Deputy of St. John:

As much as I would like to be supporting the Minister on this one, I cannot. I believe that if people want to gamble it should be their choice, but at the same time it should not be at the cost of the taxpayer of Jersey. Like the proposer of the amendment I believe that they have had it too good for too long and therefore full cost recovery should be the status that we are looking for. I am surprised that the Minister is still willing to use taxpayers' money at the time of a recession to support the gambling industry. I am not supporting the Minister because I believe we have too many other areas in which we require money over the next several years and the Island in no way should be supporting gambling because it is not of benefit to us, it will create problems. I believe - and I may have to adjust those words, it may be of benefit but ... I see the Minister is writing something down there. **[Laughter]** But the benefits could be quite easily outweighed by the problems that it causes and therefore I will not be supporting the Minister and I will go with the amendment because I think it is sensible.

6.4.3 Senator A.J.H. Maclean:

Thank you. I was interested with the Deputy of St. John's speech then. I understand and I agree with the sentiments of what he is saying. It did strike me as he was talking that a very well-known and renowned bookmaker is located in his very Parish, so I am sure he will be popular with his local community. Treasury and Resources and Economic Development have exchanged, as I am sure you would imagine, some healthy views on the subject of increasing fees to reflect full cost recovery. During the last debate I think there was one Member - I cannot remember who it was - who joked that you rarely see a poor bookie. However betting offices like any other retail business rely on steady footfall and, given the nature of the trade, lose when the punter wins. The punter can and does win from time to time on long odds, if I can draw Member's attention to the recent Grand National result. But nevertheless in all seriousness we have to bear in mind the main operators in town, the single operators, either in the country or the fringes of St. Helier, and this naturally translates into varying levels of profitability for different businesses. After a meeting with the Jersey Bookmakers Liaison Group chaired by my Assistant Minister last summer, it became apparent that, while profitable, the industry could not shoulder the burden of full cost recovery in one tranche. I therefore agreed to reduce the proposed increases to a fairer and more proportionate figure that I present today. I remain convinced that Deputy Noel's proposed amendment would

have an adverse impact on most operators to the extent that their viability could indeed be challenged. We have to remember on that particular point that more than 100 people are employed in this particular industry locally, all of whom are contributing tax take to the Island, and at a time of recession when people are losing jobs I think it is important that the balance is right and proportionate and fair. We have to ensure that we keep these businesses profitable. We have to ensure that by being profitable they can continue to employ the level of people that they currently do. I have no doubt that we need to move to cost recovery. I just believe we need to take a fair, stepped and proportionate way in which we achieve it. It is, of course, the duty of my department to regulate the industry. On the other is, of course, the duty to protect the sector as I have just been pointing out. I believe that an increase to £8,000 will damage the sector and indeed it runs the severe risk of a loss of businesses and a loss of jobs. We have to go slightly more slowly at this and I do urge Members to reject this particular amendment. Thank you.

6.4.4 The Deputy of St. Martin:

Thank you. It is interesting about this cost recovery. No one yet has told us what it is. We know that there are 4 people employed in E.D.D., we know there is one looking after the lottery as well and we have got 3 commissioners. If anyone was running a business would they employ 4 people to look after 29 betting shops? No way. I just wonder where this figure comes from, where this £8,000 that the Deputy of St. Lawrence is saying, Deputy Noel. We have not heard what it is, possibly he could tell us. He knows more, no doubt, than the Minister for Economic Development. I do agree with the Minister when he says about pricing people out of business. This is what I was given ... let me get this in right way, I had it in the right way before. Dropping like flies. While we all know that people do go into betting shop, in fact can I say now I have never, ever been into a betting shop and laid a bet in my life. I keep out of the way of them. But, again, what I do know is it is like a lot of these things when we talked about extending the hours for drinking that what we ought to be doing, if people are going to gamble they ought to gamble within a controlled licensed establishment. Now, if you priced betting shops out of operation what you are going to get is you are going to get underground betting and you are going to get more and more people going online gambling, betting with their credit cards. Well, if that is what you want, please vote for Deputy Noel's proposition. In fact if you want that do not vote for the Minister's when it comes to it because you have got a better one up the way. Really, I was with the Constable of St. Clement when we had that meeting with the industry. It was made quite clear that even under £5,000 it was likely that those smaller businesses certainly would go out, and even the larger companies, and I think there are about 7 larger companies who have by far the largest number of betting shops, they are going to make cuts because quite clearly they cannot absorb the cost. There is not that amount of money and I am not pleading on their behalf, all I am pleading really is a commonsense approach. If you want to see what the prices are in the U.K., Deputy Noel, you will see that in the U.K. a small licensed betting shop ...

The Bailiff:

Through the Chair, please, Deputy.

The Deputy of St. Martin:

Through the Chair... would pay £1,646. That is the fee and it has not gone up this year simply because they were aware of the damage that they would be doing to a small shop. In Guernsey, they manage on £1,500 a year. So why should we want £8,000 in Jersey. I would ask Members to vote against this particular amendment.

6.4.5 Deputy D.J. De Sousa:

I am just going to speak briefly along the lines of the Minister. In the current economic downturn I would find it very, very difficult to support an increase of such magnitude as this amendment. The consequences of accepting this amendment on the industry and on the people that work within that

industry, this week alone we have heard of 94 further redundancies on the Island, if not more. For that reason I will be voting against this amendment and I will be going with the original proposition from the Minister. I would urge other Members to consider that too.

[15:30]

6.4.6 Deputy A.E. Jeune of St. Brelade:

As I understand it, the fee that we charge these businesses is woefully inadequate, but that I believe is the fault of successive and previous Assemblies. Is it fair that we should now hit such businesses with something of sledgehammer in hiking the fees without real good notice? I will not be supporting this amendment and will probably go for middle of the road. Thank you

6.4.7 Deputy M. Tadier:

In a similar vein I think I have heard several things today which leave me in some ways none the wiser. I can see that there are compelling arguments on both sides. I think first of all we have to maybe confront the elephant in the room and admit that bookmakers or betting shops, gambling... they are not set up for the benevolence of society. They are set up to make money and they are set up for a very good reason, because the bookkeepers get to control the odds, they know that the odds that they are giving in most cases are not particularly fair. In some cases they are grossly unfair odds and they are designed to extract money often from working class people who are bad at maths. That is basically the fundamentals of it, and they do a very good job too. Nonetheless still offering a service, even to those who are perhaps better at maths and should know better have engaged in the occasional flutter, sometimes at our peril. So for the Minister to stand up before and say people do win, we know in fact the house always wins and there is a reason that the expression has been coined over time. But on the other side of the coin, if you will allow the analogy, we are told that why should full cost recovery not be enforced. As the good Deputy of St. Martin has told us, is the actual cost involved justified? Are we confident that the staffing and the whole process is not overkill. I am certainly not 100 per cent convinced that is the case and so to ask an industry to go from paying what is maybe a fee which is too low to one which is full cost or excessive cost is perhaps too much too soon. I also have reservations as to who will pick up the additional fees. Will it be the owner, the bookkeepers who are doing perhaps okay themselves or will it be your ordinary Joe Punter who will be suffering from perhaps even worse odds in having to pay for it? That is one concern that I have. Again, on the other side let us have a look ... I was concerned by the Minister's comments that it is his job to protect the sector. I am quite wary when I hear comments like that about protectionism. I would ask whether the Minister would also think that is the case if it was to do with a milkshake company that is going out of business. Is it his job to step in there and protect that particular industry? I would say we do live in a free market and to the credit of Deputy Noel I think that we should be moving towards a States where full cost recovery is actually incurred. But I think it is too much too soon and I do think that we do need to go for the middle of the road approach here, so I will not be supporting the amendment, though I would hope in a few years' time we would all be able to decide what is suitable enforcement, what is suitable regulation and I would hope that the industry does pay for the full amount.

Senator A.J.H. Maclean:

If I may, could I just clarify a point there? The Deputy made a comment about the fact that I was supportive of protectionism. In fact I could not be more against protectionism. Protecting businesses and supporting businesses is obviously the role of Economic Development, I am very supportive of that but not protectionism, there is a distinct difference.

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

Just briefly if I could ask the proposer if he would accept separate votes on (a), (b) and (c) if that is possible. I take the point of the Minister for Economic Development which I presume would mainly relate to part (b) which would be the increase from £3,000 to £8,000. Part (a), to an extent,

is not relevant because there is no-one in existence. So to be honest it does not matter. In other words, if we are going to increase the fee, increase it to the full whack, someone knows what they are going into. I do not see any problem with that. Part (c) I can live with because although it is an increase up to £1,000 in absolute terms it is not a huge amount of money relative to the business. Part (b) is the one that is the issue really that we are focusing on which seems to be that there is a number of entities out there, there is a risk that has been highlighted as to whether there would be the same number of operators out there, it is quite a large increase of per retail unit and therefore I would probably - on the advice of the Minister and also on the basis there will be an increase next year so we are phasing in - be happy to vote against (b) but to votes for part (a) and (c). So if the proposer would be prepared to do a separate vote I would be very grateful.

6.4.9 The Deputy of St. Mary:

I just want to make a quite comment on subsidies. People have talked about subsidising the gambling industry and then asked a question both of the Minister and of the proposer of the amendment. In principle I agree, and I think we should all agree, with driving out subsidies for the technical reason that subsidies distort a market so they encourage the behaviour that is subsidised and therefore discourage other behaviours. Now, if you are looking at behaviour you are trying to encourage, behaviour that may be future-friendly, slightly ahead of the direction we want to go in then there is an argument for subsidy. For instance subsidising the bus service until the point where it takes off. That is a different question from the one here, though, is it not? Here we are being asked by some of the versions in front of us to subsidise, to promote gambling. That is very odd and it is indefensible and people have said that and I think we all agree that in the long run it is indefensible to subsidise this particular activity. Which leaves us with the question what is the true cost of recovery? That is the question I want to put to the proposer of the amendment, where does that £8,000 figure come from? We do need to move to full cost recovery but the suspicion is, and I quote from the Deputy of St. Martin's amendment, although we are not talking about it, he does say: "It is strongly suspected that one of the principal motives for the Gambling Commission is to develop online gambling. However, no legislation has been drafted let alone approved." That is what worries the back of my mind that this is about getting in a bit of extra money so that we can prepare this legislation which has never been approved by this House, even the direction has not been approved by the House. So I am very wary of over-cost recovery, if you like, cost over-recovery. So that is where I am coming from with the question about the £8,000, just what sums go into that regulatory figure £8,000 for the betting office and, well, for the amusement premises which we are told that there are not any. Similarly to the Minister, if we go for his option, how fast will he move to full cost recovery? He says: "We would move to full cost recovery" but how fast would that happen? I accept a stepped approach is what he wants but how tall are the steps, how many years to get there because the position where we subsidise the industry is not acceptable either. We should not overcharge and we should not undercharge.

6.4.10 Deputy I.J. Gorst:

I must admit to suffering a little bit of confusion this afternoon. The Minister started out in opposing this amendment by telling us that it really was not the right thing to do to charge the gambling industry this sort of fee, they could not at this point in time suffer it. The reason I am confused by that argument is because it is my belief that before the year is out, in fact before the winter is out, the Minister will be proposing extending the gambling industry on Island and that is to internet gambling and one of the main thrusts of his argument will be: "What a jolly good thing it is because it is going to bring a lot of money to us, we are going to be able to raise fees from that particular industry." I am not sure that they go together. Either gambling is a jolly good thing for the economy and we can recover not only costs but make money out of licences or we cannot. I do not believe that the Minister can have one argument today and the opposing argument later in the year. **[Laughter]** But I will look forward to that argument on the day. Other Members have asked the question about whether this amendment of Deputy Noel's is about full cost recovery. This

Assembly last year, as it is now, approved a Gambling Commission because it felt that that was right and appropriate that we should have legislation, that we should have control over that particular industry and that it should be appropriately governed, and that money should be put aside for those who unfortunately become addicted and suffer because of their taking part in this particular activity. We were, as Members, concerned about the cost of that Commission but we were assured by the department that the costs that are currently incurred in running the shadow Gambling Commission were the costs which are currently incurred. That is important because it is my understanding that Deputy Noel has quite simply looked at the charging mechanisms which are in place and apportioned out the current costs of the gambling industry to the department. Therefore, we were assured that we needed the Commission in the form proposed for the current industry, there might be a slight saving if we do not go down the internet gambling route, but if we are honest in actual fact those costs will increase if we go down that route. Therefore it is a little bit disingenuous if we now come along and say: "We do not think those costs are appropriate." It is my understanding from all that we have been told that the current costs incurred are the costs associated with running a Shadow Commission. The Shadow Commission, we have agreed, ought to become the real Commission and therefore these amendments are simply ensuring that those costs are met from the industry as it currently stands. Should we as an Assembly decide in future that internet gambling is appropriate then one would hope that there would be other costs which could be apportioned to that arm of the gambling industry as well. In response to Deputy Tadier, I thought he made some excellent points. I believe that gambling is one of those pastimes where for the participants, in their world hope springs eternal. But he was absolutely right to say that the house always wins and therefore I, for once, am finding it very difficult to believe that the gambling industry cannot wash its own face and I believe very strongly and adamantly that it should, and therefore I will be supporting Deputy Noel. Thank you.

6.4.11 Connétable L. Norman of St. Clement:

I am pleased to follow Deputy Gorst but there was a phrase at the very beginning of this debate, the Deputy of St. John said that bookmakers have had it too good for too long. Well, I do not know how good he really thinks it is out there. Last year Deloitte did a report on the financial performance of the licensed betting offices in Jersey since 2004 and they discovered that the machine growth win in the period 2004 to 2008 had dropped by 30 per cent. We know why that is, or the main reason for that and we discussed that when we had the machine debate in December. I shall say something more about machines in a moment. During that period, 2004 to 2008, over the counter stakes had dropped by 13 per cent. Trading costs in the licensed betting offices have increased by 10 per cent per annum during that 4-year period. Net operating profit has dropped by 50 per cent during that period. In 2008 4 licensed betting offices in Jersey operated at a trading loss. Now, whether these are part of a large multi-national or whether they are owned by private local individuals I do not know. But whichever ones they are, they are not going to do that for long. So the predictions of Deputy De Sousa are correct, that the number of betting shops will drop with the associated unemployment and the risk of increased back-street illegal gambling. Now, it has been well said a number of times that the fees have not increased for around about 10 years because of the benign neglect by the various committees and Ministers over that period, but the Minister has made it quite clear that we want to achieve costs recovery within 5 years.

[15:45]

I believe that we will achieve full cost recovery within 2 years at the absolute maximum because of some of the decisions we made last month. As I said at the beginning of my comments, machine growth win had dropped by some 30 per cent because the machines that were allowed to operate in Jersey were falling to bits and could not be replaced, could not be repaired, so the punters were not using them because they were simply unusable. The department has clearly done its sums, the Minister has done his sums and I have helped the Minister to do his sums to work out what the

actual cost of the regulating the gaming industry is. It is around about £320,000 per annum with the Commission and so on. Now, with the changes that we have made we have estimated prudently that for this next year we will get close to £300,000 income, and that is mainly because the introduction of these new machines that we agreed last month will attract a licence fee of £4,000 each. We have prudently, in our calculations, allowed for some 28 of these machines in the 29 betting shops. Now, that means an average of less than one per licence betting shop. The industry tell me ... or the Minister when he made his statement last month said he would allow up to 2 in each betting shop. The industry have told me that they would expect there would be at least 50. Now, if they are right that is going to be another ... that is £200,000 so around about an extra £80,000 so if that happens, full cost recovery will happen and excess cost recovery will happen next year. If it does not happen and the 28 is correct, they will be very close to cost recovery almost immediately and certainly there the following year. So Deputy Noel has come up with this £8,000, based on what we do not know because it will not be ... if we remain with 29 betting shops and they are all paying £8,000 cost recovery will ... it will be more than cost recovery, the department will be making a very, very large surplus so it is not a fee, it is not a licence fee, it will simply be a stealth tax and we should not be supporting that at this stage. We should wait and see what happens over the next 12 months and if we have got our sums wrong, fine they can go up higher, if Deputy Noel is right then that is the time that we need to deal with it but not now.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Noel to reply.

6.4.12 Deputy E.J. Noel:

Thank you. I would like to thank all those Members who have spoken and I would especially like to thank all those who have not. **[Laughter]** Deputy Le Fondré's question of whether or not I would be willing to take this in separate votes, yes, of course I will for my fellow Parish Deputy. The Deputy of St. Martin and the Deputy of St. Mary, and indeed in a round about way the Constable of St. Clement, have asked where the £8,000 in my amendment has come from. It has come from the officers at Economic Development. I asked them what would be the charge required to get full cost recovery in year one and I was told between £8,000 to £10,000 would be required. Deputy Jeune queried whether or not the betting shops had been given sufficient notice. Due to the timing of this debate these increases that I propose will probably not come into effect until the latter part of 2010. I believe that is sufficient notice. I appreciate that some have expressed that the small operators in this industry will no longer find it cost effective and may close their businesses. I am surprised at such claims because all I am asking for, in reality, is an additional £5,000 per year, per betting shop and one would have thought bookmakers are more profitable than that. I heard a claim that they provide a community service and as such do not operate for profit as their primary objective. If that is their rationale then they should simply close as a bookmakers and reopen as a coffee shop, and in doing so provide the community service to a much broader cross-section of the community, and very possibly make more money. I maintain the amendment.

The Bailiff:

Very well, and you take the vote as a whole, Deputy?

Deputy E.J. Noel:

No, separately. Could I have the appel, please?

The Bailiff:

Separately. The appel is called for then in relation to the amendment of Deputy Noel and I invite Members to return to their seats and we will take the first paragraph (a) which reads: "In the entry relating to an amusement premises licence, for the amount £3,000 substitute the amount £8,000." I ask the Greffier to open the voting.

POUR: 17		CONTRE: 31		ABSTAIN: 0
Senator P.F.C. Ozouf		Senator T.A. Le Sueur		
Senator F.E. Cohen		Senator P.F. Routier		
Senator B.I. Le Marquand		Senator J.L. Perchard		
Deputy of St. Ouen		Senator A. Breckon		
Deputy J.A.N. Le Fondré (L)		Senator S.C. Ferguson		
Deputy of Trinity		Senator A.J.D. Maclean		
Deputy K.C. Lewis (S)		Connétable of St. Ouen		
Deputy I.J. Gorst (C)		Connétable of St. Helier		
Deputy of St. John		Connétable of Trinity		
Deputy A.E. Jeune (B)		Connétable of Grouville		
Deputy of St. Mary		Connétable of St. Brelade		
Deputy A.T. Dupré (C)		Connétable of St. Martin		
Deputy E.J. Noel (L)		Connétable of St. John		
Deputy T.A. Vallois (S)		Connétable of St. Saviour		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy A.K.F. Green (H)		Connétable of St. Peter		
Deputy J.M. Maçon (S)		Connétable of St. Lawrence		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy M. Tadier (B)		
		Deputy T.M. Pitman (H)		
		Deputy D. De Sousa (H)		

The Bailiff:

Then we will move on to paragraph (b) which reads: “In the entry relating to a betting office licence, for the amount £3,000 substitute the amount £8,000.” I ask the Greffier to open the voting.

POUR: 10		CONTRE: 38		ABSTAIN: 0
Senator P.F.C. Ozouf		Senator T.A. Le Sueur		
Senator F.E. Cohen		Senator P.F. Routier		
Senator B.I. Le Marquand		Senator J.L. Perchard		
Deputy of St. Ouen		Senator A. Breckon		
Deputy of Trinity		Senator S.C. Ferguson		
Deputy K.C. Lewis (S)		Senator A.J.D. Maclean		
Deputy I.J. Gorst (C)		Connétable of St. Ouen		
Deputy of St. John		Connétable of St. Helier		
Deputy E.J. Noel (L)		Connétable of Trinity		
Deputy A.K.F. Green (H)		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Saviour		

	Connétable of St. Clement		
	Connétable of St. Peter		
	Connétable of St. Lawrence		
	Deputy R.C. Duhamel (S)		
	Deputy of St. Martin		
	Deputy R.G. Le Hérisssier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		
	Deputy M. Tadier (B)		
	Deputy A.E. Jeune (B)		
	Deputy of St. Mary		
	Deputy T.M. Pitman (H)		
	Deputy A.T. Dupré (C)		
	Deputy T.A. Vallois (S)		
	Deputy M.R. Higgins (H)		
	Deputy D. De Sousa (H)		
	Deputy J.M. Maçon (S)		

The Bailiff:

Finally we come to paragraph (c) which is: “In the entry relating to a bookmaker’s licence, for the amount £375 substitute the amount £1,000.” I ask the Greffier to open the voting.

POUR: 16

Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator B.I. Le Marquand
 Connétable of St. Brelade
 Connétable of St. Peter
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)

CONTRE: 32

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)

ABSTAIN: 0

Deputy P.V.F. Le Claire (H)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.E. Jeune (B)
Deputy T.M. Pitman (H)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

6.5 Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009): amendment - Schedule (P.141/2009 Amd.)

The Bailiff:

Very well, then we turn to the amendment of the Deputy of St. Martin to the same schedule, paragraph 3 of his amendment and I will ask the Greffier to read that part of the amendment.

The Deputy Greffier of the States:

Page 13, schedule (a) in the entry relating to an amusement premises licence, for the amount £3,000 substitute the amount £1,748.57; (b) in the entry relating to a betting office licence, for the amount £3,000 substitute the amount £1,748.57; (c) in the entry relating to a bookmaker's licence, for the amount £375 substitute the amount £349.71.

6.5.1 The Deputy of St. Martin:

I do not think I need to speak too much on it but I would like to compliment the Connétable of St. Clement on what he had to say because he really, I think, told us all that the industry is not as rosy as people like to think it is and I think we want a bit of realism in here. What I am concerned about is that we will price people out and I think, it is unfortunate, as I said before, the Commission has been in place for 3 years and I really feel that they could have dissected the way in which the industry would be paying, certainly ... as indeed the U.K. have. The small operators only pay £1,600 a year and here we are asking for £3,000 in Jersey and we are told that it costs much more in Jersey. But what I would ask Members to do is vote on these individually; all I am asking for is R.P.I. which I think should have been ... that would be what they would have been paying for anyway if they had paid every year. So I maintain the amendment and ask they be voted on individually.

The Bailiff:

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

6.5.2 Senator P.F.C. Ozouf:

I hesitated to speak on the previous matters. I am not alone in the Minister for Treasury and Resources' world of needing to in 2010 deal with States expenditure. The *Financial Times* today has the U.K. Chancellor pictured on a red sofa with a caption that he is sharpening his axe. I am afraid to say that I have got to do some axe sharpening. It is quite obvious I think to Members that I have had some forthright discussions with the Minister for Economic Development about fee increases and to the Deputy of St. Martin, I am afraid that this is not enough cost recovery in terms of the fees and charges that are a necessary expense by Economic Development to recover. I am afraid it cannot be right that taxpayers continue to subsidise to the extent that they do oversight of gambling legislation. In a previous remark which the Deputy of St. Martin did not speak about in his proposal of this he said ... he made a comparison of the U.K. charges. I am sure he did not want to attempt to mislead the Assembly but he is not comparing apples and apples. There are other charges in relation to betting tax and other costs which U.K. businesses have to pay and, indeed, I

am going to be looking with the Economic Development Minister at arrangements and potential taxes for the gambling industry in order for it to contribute to public finances. If I am honest I would have preferred, and indeed the Minister and I did discuss, a 2-tiered system of betting office because clearly I think one of the reasons why one of the previous proposals by the Assistant Minister for Treasury and Resources, who had been a fly on the wall on some of the discussion between E.D.D. and the Treasury ... we would have preferred a 2-tier system, there are some and I do not want to name names, but I think we all are aware of there being some small betting offices which are very different in terms of their business compared to the large betting offices in town, which frankly I think can now and into the future take a much higher burden of cost recovery. The oversight required for one betting office is different to the other and it should be on a size or a turnover basis, that is how the tax in the system in the U.K. works. So this is too low even having regard for the small betting offices in terms of cost recovery. The Minister has come forward with a middle road, the States have accepted that, this is too low and I am going to ask the Deputy of St. Martin, and indeed I am going to ask all Members, over the next few months to share in the understanding of some of the challenges that the public finances have. We are going to have to make difficult decisions over the next few months about income and expenses in the States. We are going to have to go through a difficult but comprehensive spending review and we are going to have to look at areas where we should cost recovering, where it is not acceptable for taxpayers to be subsidising oversight or regulation or for the public to be providing services. This is one such example. The Deputy of St. Martin is proposing a significant cost subsidy to the gambling industry and to betting offices and he is going too far. I urge Members not to have a large debate on it but to reject the amendment.

6.5.3 Senator A.J.H. Maclean:

I will be very brief on this. I think we have covered most of the ground. A moment ago we were aiming a little too high, now, with the greatest respect to the Deputy of St. Martin, we are aiming a little bit too low. We have had consultation with the industry, we have broad support, and I am sure Members will appreciate the industry are not over the moon about having their fees increased, certainly by the percentage we are talking about, but they recognise that they have had the best part of a decade's holiday in fees and they accept that they have to increase. We have to move to cost recovery, we have to do it as quickly as we sensibly can but equally we have to protect the businesses and ensure that they remain profitable and, of course, that they can keep the employees that they have in jobs. That is absolutely essential. Moving into the future, of course we have already at the end of the last year approved a Gambling Commission and it will be the role of the Gambling Commission to look very closely at issues such as these and to ensure that an appropriate fee structure is put in place. There are a number of areas for improvement, both on the social side as I have already mentioned but equally for the commercial sector within the Island. We have to look at areas like market share, turnover and so on to ensure that there is no discrimination in fees between perhaps larger operators and more modest operations. It is important for the balance of the economy that all sizes of business have an equal opportunity to prosper and are not unfairly discriminated against, certainly with regard to fees for very necessary regulation. But in final conclusion I would simply say to Members, please appreciate that Economic Development have looked very closely at this. We have talked to the industry, we are moving towards cost recovery and I have to say within the department every area of Economic Development is having the torch shone very brightly, we are going to drive out any unnecessary costs, we are going to ensure that we deliver efficient services at appropriate prices, and this is an example of moving in that particular direction. I would encourage Members to reject this particular amendment. Thank you.

[16:00]

6.5.4 The Deputy of St. John:

It is a shame, the Minister for Treasury and Resources stole my speech.

The Bailiff:

Well, then you do not need to make yours. [Laughter] [Approbation]

The Deputy of St. John:

In the interim I have made a few more notes because I know you would love to cut me off at the knees. That said, I do have concerns and I think we do need to put as much back into the exchequer over the next several years as possible, given that things are not as rosy today as they were several years ago. But we heard at the end of last year from the Minister when he brought some of the other legislation forward that a number of fruit machines were being operated illegally in some of these betting shops. I sincerely hope that any of the funds, profits, that were made within those betting shops from these machines, the funds were confiscated. I certainly hope that is how it was dealt with. If they were, I would like the Minister to tell us how much was confiscated. That being the case, it proved that the industry itself could not regulate itself given that these illegal machines were in operation and therefore I was more than willing to support Deputy Noel earlier on with his proposition because if a number of these machines had been operating, we do not know for how long illegally, there is revenue there that should have been returned to the exchequer and plus it was illegally obtained from the people using the machines. I will be supporting the Minister on this occasion as the figure is higher but I am really sorry that he did not peg it somewhat higher still. Thank you.

6.5.5 Deputy A.K.F. Green:

I will be very brief. This is the second time today that we have referred to cost recovery. The first time was earlier this morning when we learnt about cost recovery for cremations. A substantial increase in cremations have been announced and nobody batted an eyelid. It was right that we should support the Minister for Health and Social Services in recovering all the costs of providing services, and yet here we are discussing whether we are going to subsidise the gambling industry. One laughs at the other and I urge people to reject this amendment.

6.5.6 Deputy M. Tadier:

I think what we have seen today is that gambling is a very grey area and there are a couple of things that I have heard which Members may want to consider while they make their decision as to whether or not to support the amendment. We heard earlier today that we need a healthy gambling industry in Jersey. The very words there I find very strange. What is a healthy gambling industry or bookkeeping? Surely if we wanted a healthy gambling industry we would not have any gambling at all because that would be the most sensible thing you would have thought. I ask rhetorically the Minister for Social Security and the Assistant Minister to my left, I presume they would be a lot happier if they knew that people were not going out with their income support cheque and possibly fluttering it away at the bookies and then coming back the next week because they have got no money. But these are perhaps the more broad issues which are not immediately salient today. We have also heard talk about the fact that if the industry is put under more and more pressure that people are going to be gambling at home and gambling would become illegal as if this is some kind of bad thing. From a consumer point of view we do want people to be gambling in their own homes because if they go on the internet they can get better value for money. They can compare odds on various sites and they know they are less likely to get ripped off. We know that also if you want truly fair odds, that are odds which are one-to-one, what you want people to do is be playing poker in their own home with their friends, putting some money into the pot and knowing that they get money so we have got to be wary about knee-jerk comments because in fact an illegal industry for gambling, if it were to occur, is the only true free market in terms of gambling, if you like, because that is when you do get proper competition for odds. But, as I have said, perhaps these are marginal considerations. I do think that this does need to be supported, the figure of £3,000 seems to me to be fairly reasonable. As we have heard, the industry can wash its

own face and we should be looking to make sure that it does that and I would hope that we can all support what is essentially a reasonable request so I will be rejecting the amendment.

The Bailiff:

Does any other Member wish to speak? Very well then, I call upon the Deputy of St. Martin to reply.

6.5.7 The Deputy of St. Martin:

I thank those who spoke and I just ask the Minister for Treasury and Resources why the fees did not go up for the last 3 years, and then ask him who was the Minister for E.D.D. for the last 3 years? It might be the same person. I would like to clarify a comment that the Deputy of St. John made, and I am rather disappointed he made it really and did not check his facts earlier, about the illegal gambling machines. It was mentioned in the debate before Christmas that there were some machines which we have now approved and they were operating between August 2003 and were removed in December 2004 and the reason why they were removed was because the establishments believed that the licence or the law change permitted them to use those machines. Indeed, I think, as a result of being referred to the Law Officers it was decided that they could not operate and they have been waiting those number of years to operate. So if I could just remind the Deputy of St. John that is where the error was.

The Deputy of St. John:

A point of correction. That is still illegal use.

The Deputy of St. Martin:

Yes, 6 years ago, not of recent time. But, as I say, there is no point to labour this. I would pick up a bit on what the Deputy Tadier did say. I believe, not before time, that the odds are going to be looked at and I think they are being looked at in the U.K. to make sure the odds are much fairer, so again that is something to be welcomed and no doubt the new Commission will do so. I would like to maintain the amendment and ask they each be voted on individually.

The Bailiff:

Very well. Do you call for the appel or not, Deputy?

The Deputy of St. Martin:

Yes, individually.

The Bailiff:

Very well the appel is called for in relation to the 3 parts of the amendment of the Deputy of St. Martin. I invite Members to return to their seats, and the first vote will be on paragraph (a) which says: "In the entry relating to an amusement premises licence, for the amount £3,000 substitute the amount £1,748.57." The Greffier will open the voting.

POUR: 3		CONTRE: 44		ABSTAIN: 0
Deputy of St. Martin		Senator T.A. Le Sueur		
Deputy S. Pitman (H)		Senator P.F. Routier		
Deputy T.M. Pitman (H)		Senator P.F.C. Ozouf		
		Senator F.E. Cohen		
		Senator J.L. Perchard		
		Senator A. Breckon		
		Senator S.C. Ferguson		
		Senator A.J.D. Maclean		
		Senator B.I. Le Marquand		
		Connétable of St. Ouen		

	Connétable of St. Helier		
	Connétable of Trinity		
	Connétable of Grouville		
	Connétable of St. Brelade		
	Connétable of St. John		
	Connétable of St. Saviour		
	Connétable of St. Clement		
	Connétable of St. Peter		
	Connétable of St. Lawrence		
	Connétable of St. Mary		
	Deputy R.C. Duhamel (S)		
	Deputy R.G. Le Hérisssier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy of St. Ouen		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy M. Tadier (B)		
	Deputy A.E. Jeune (B)		
	Deputy of St. Mary		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy M.R. Higgins (H)		
	Deputy A.K.F. Green (H)		
	Deputy D. De Sousa (H)		
	Deputy J.M. Maçon (S)		

The Bailiff:

Very well, then we come to paragraph (b): “In the entry relating to a betting office licence, for the amount £3,000 substitute the amount £1,748.57.” The Greffier will open the voting.

POUR: 2	CONTRE: 45	ABSTAIN:
Senator A. Breckon	Senator T.A. Le Sueur	
Deputy of St. Martin	Senator P.F. Routier	
	Senator P.F.C. Ozouf	
	Senator F.E. Cohen	
	Senator J.L. Perchard	
	Senator S.C. Ferguson	
	Senator A.J.D. Maclean	
	Senator B.I. Le Marquand	
	Connétable of St. Ouen	
	Connétable of St. Helier	
	Connétable of Trinity	
	Connétable of Grouville	
	Connétable of St. Brelade	

	Connétable of St. John		
	Connétable of St. Saviour		
	Connétable of St. Clement		
	Connétable of St. Peter		
	Connétable of St. Lawrence		
	Connétable of St. Mary		
	Deputy R.C. Duhamel (S)		
	Deputy R.G. Le Hérisssier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy of St. Ouen		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy M. Tadier (B)		
	Deputy A.E. Jeune (B)		
	Deputy of St. Mary		
	Deputy T.M. Pitman (H)		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy M.R. Higgins (H)		
	Deputy A.K.F. Green (H)		
	Deputy D. De Sousa (H)		
	Deputy J.M. Maçon (S)		

The Bailiff:

Then finally paragraph (c): “In the entry relating to a bookmaker’s licence, for the amount £375 substitute the amount £349.71.” The Greffier will open the voting.

POUR: 2	CONTRE: 44	ABSTAIN: 0
Senator A. Breckon	Senator T.A. Le Sueur	
Deputy of St. Martin	Senator P.F. Routier	
	Senator P.F.C. Ozouf	
	Senator F.E. Cohen	
	Senator J.L. Perchard	
	Senator S.C. Ferguson	
	Senator A.J.D. Maclean	
	Senator B.I. Le Marquand	
	Connétable of St. Ouen	
	Connétable of St. Helier	
	Connétable of Trinity	
	Connétable of Grouville	
	Connétable of St. Brelade	
	Connétable of St. John	

		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D. De Sousa (H)		
		Deputy J.M. Maçon (S)		

6.6 Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P141/2009) - resumption

The Bailiff:

Very well, so we return then to Regulation 3 and the Schedule. Does any Member wish to speak on the Regulation and the Schedule? Very well, all those in favour of adopting Regulation 3 and Schedule 1, kindly show. Those against. They are adopted. Do you propose Regulation 4 then, Minister? Seconded? **[Seconded]** Does any Member wish to speak on Regulation 4? All those in favour of adopting Regulation 4, kindly show. Those against. Regulation 4 is adopted. Do you propose the regulations in Third Reading, Minister? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the regulations in Third Reading kindly show. Those against. The Regulations are adopted in Third Reading.

7. Plémont Holiday Village: acquisition by the Public (P.144/2009)

The Bailiff:

We move next to Plémont Holiday Village: acquisition by the public - projet 144 - lodged by the Connétable of St. Ouen. I will ask the Greffier to read the proposition.

The Deputy of St. Mary:

Sir, can I make a point of order. I do not know whether it should come before or after reading the proposition but it is a point of order.

The Bailiff:

Tricky for me to know without knowing what the point of order is. [Laughter]

The Deputy of St. Mary:

In that case, Sir, I will let you know what the point of order is. It is that Members were given the comments of the Chief Minister by email yesterday and in paper form today, 3 months after the proposition was lodged, and I have a number of questions, like simple factual elucidations which would help certainly me understand the debate better and possibly others and I find it very difficult because a debate is not the format. So what will happen is that I will ask questions and with any luck they might be answered and then I cannot come back to those things anyway. So I am just asking how that problem can be solved because I would like there to be a mechanism for clearing these things before we debate the matter.

The Bailiff:

I am not sure I can help you, Deputy. The format for debate is clearly established, it is a debate and not a question and answer session. Clearly you can, during the course of your speech raise such queries as you wish to ask and hope that they are answered by the person to whom you are directing them.

The Deputy of St. Mary:

I would just like to register my dissatisfaction with the fact that we are not able to ask questions in this way because we have been given this information so late.

The Bailiff:

Very well, I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – (a) to approve, subject to the availability of the necessary funds voted by the Assembly, the acquisition by the public of the site known as the Plémont Holiday Village site as identified on drawing number 1505/06/101 (as attached at the Appendix); (b) to agree that the Minister for Planning and Environment should be empowered, in exercise of the powers conferred by Article 119 of the Planning and Building (Jersey) Law 2002, to acquire the land and any interest therein by compulsory purchase on behalf of the Public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961; (c) to authorise the Attorney General and the Greffier of the States on behalf of the Public to pass any contracts which might be found necessary to pass in connection with the acquisition.

Connétable J.L.S. Gallichan of Trinity:

Can I just say as chairman of the Planning Applications Panel who will be determining this application, I will take no part in this debate and I will be withdrawing, and I think the panel will also withdraw on this debate.

Senator F.E. Cohen:

I have been involved in numerous discussions over the current application and will be continuing to take a close involvement so I will also withdraw and not participate in the debate.

The Bailiff:

Very well, Connétable, I invite you to propose it.

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

Before I start I would like to voice my support of the Deputy of St. Mary in his comments about the fact that the comments only arrived on our desks this morning, because I am aware that those

comments had, in substance, been prepared at the beginning of December and so Members could have had them before. I have to say that it has been raised before and I personally raised it with the Council of Ministers in the autumn about comments arriving on the day of the proposition. It is certainly discourteous to the proposer that such comments should arrive so soon before the debate. Having said ...

The Bailiff:

All I was going to say, Connétable, to assist you and the Deputy, of course, you at any rate do have a remedy in the sense that you could not proceed with the matter because you have not had enough time but that is the only remedy really.

The Connétable of St. Ouen:

Thank you, Sir. [Laughter]

The Bailiff:

It was not a suggestion.

[16:15]

The Connétable of St. Ouen:

As I pointed out I was fortunate enough to have seen them at an earlier date but it is, I still maintain, discourteous to Members. Nevertheless, to start with I think it is necessary for me to tell Members why I felt it necessary to bring this proposition to the States. I think that the Minister for Treasury and Resources, in a brief conversation we had this morning, said that it was important because it is a matter of public interest. It is a matter of very divided public interest but it is, nevertheless, a distinct matter of interest to the public. I felt that I should bring it because I was frustrated at the failure of this and previous Council of Ministers to properly address the issue which I had raised about the Plémont headland. Despite 2 successful propositions which charge the Council of Ministers with undertaking work on behalf of the States, nothing constructive has been brought forward, other than the somewhat negative comments produced in response to this proposition which I will refer to later, and a report which has appeared on our desk this morning from the Minister for Treasury and Resources, which I have read over the lunch hour and which is pathetic. That is the only word for it. That any Member worth their salt wanting to know about this particular debate could have found that information without the necessity for the Minister to waste taxpayers' money by producing that report. If I can briefly, for the benefit of new Members, describe the history of this sorry saga, which they will see in that report if they take time to read it. In 2006 I brought my first proposition which sought to get the agreement of the States and I quote: "That it would be in the public interests for the headland at Plémont to be preserved as an open space for the enjoyment of the public of the Island." Also: "To request the Council of Minister to consider all options to preserve the land." I do not believe that this is what they have done. We are here today with no action following that particular proposition and, as I said, a report which does nothing to give us an idea of what the Council of Ministers have even considered. I said at the time that the whole issue hinged on Article 2, paragraph 1 of the Planning and Building (Jersey) Law 2002 which stated: "The purpose of the Law is to conserve, protect and improve the Island's natural beauty, natural resources and general amenities, its character and its physical and natural environments." I maintain that the Plémont headland ticked all the boxes in this respect. As long ago as 1998 the first application to redevelop the site was made. That application was refused in March 1999 for the following reasons, and if I can quote those reasons: "The site lies in the green zone on the Island Plan in which there is a presumption against all forms of new development for whatever purpose; (2) the surrounding rural roads are inadequate to service a residential development and the necessary highway improvements would adversely affect the existing character and appearance of the rural area; (3) notwithstanding the existing use of the sites as a seasonal holiday accommodation, the proposed use for permanent residential development would

be an inappropriate use which would detract from the existing character, appearance and tranquillity of an area of outstanding scenic value on the north coast of the Island; (4) the proposal to create a residential village on this remote coastal location, without adequate nearby community facilities, would constitute an inappropriate use to land, contrary to States objectives for sustainable development.” The proposition was accepted by 36 votes in favour, 9 against and 5 abstentions. I maintain that the same reasons for refusal of that application on this site remain valid today but that the Council of Ministers has chosen to ignore this fact in favour of pushing the problem on to the hands of the Minister for Planning and Environment. This as a means of avoiding making any decision. Maybe at this point I should point out that although I have sat as chairman of the Connétables on both the previous and present Council of Ministers, I have never been involved in any discussions which have taken place regarding the Plémont headland. Two years later in 2008, following a series of questions to the then Chief Minister, which had not received adequate answers, I brought a further proposition which, and I quote: “Requested the Minister for Treasury and Resources to open negotiations with the current owner with a view to ascertaining their willingness to sell the site and, if appropriate determining an agreed value for it. Further to present the outcome of the negotiations to the States to enable Members to decide what further action, if any, they might choose to take.” Again, this proposition was accepted by a large majority giving a clear message to the Minister and the Council of Ministers what the Assembly wanted. What has happened since? From Council of Ministers minutes I have to presume that the Council maintained its stance that the Minister for Planning and Environment had to decide on an application before the Council would even consider anything further. Considering the 2 States decisions, a cop-out in my opinion. Today’s report does not say that anything of any particular significance took place. Nevertheless in the report the Minister for Treasury and Resources does point out that a meeting of officers of Property Holdings with the owner’s agents took place in order to obtain a valuation. The owner’s response was a valuation of £14.7 million: surprise, surprise. Now, on Sunday talkback, Deputy Green said that when he heard the figure he nearly choked on his cornflakes. Well, I suggest to Members that the officers of Property Holdings on hearing the figure all dived under the table and have not resurfaced since. I have taken it upon myself to talk with professional negotiators, people who undertake property price negotiations as their living. Not on behalf of a third party but on their own behalf. They are not surprised by the £14.7 million because if they were selling they would expect to pitch into negotiations with the highest figure which they could justify. In this case the owners of Pontins base their figure on the on the inflated price which the States agreed to pay for the old Bal Tabarin site, so we are hit by a previously made bad decision of the States, for which I raise my hand as having supported it, but I maintain that we have not negotiated as agreed by this House, but merely backed away in total shock, frightened off by the audacity of the owners, who realised that as long as the States prevaricates on this matter, the better their chances of success are. In reality, the States should be talking seriously with the owners about best and worst-case scenarios, the potential profits of an acceptable development as at best, and the potential loss to the developer of no development being permitted as a worst. I am reliably advised that the figure of £14.7 million would soon be removed from the table as not bearing proper scrutiny in this particular case. Now, if I can turn briefly to the comments of the Council of Ministers. The first bullet point: “This proposition would place an unreasonable condition of uncertainty upon the property.” An unreasonable condition of uncertainty. Well, at least the Council of Ministers have that one right. When acquiring the site, the present owners made a measured judgment that they could make a profit from the site. At the same time, they will have been acutely aware that like all measured judgments - I would call it a risk - it could go wrong. After all, and in this case this is particularly pertinent, not all the horses that one wagers on will win. Bullet point 2 said: “The States has yet to decide if it is prepared to acquire by negotiation and at what price.” Well, in my ignorance I thought that that was what my proposition of 2008 had asked for, for information to be laid before the States so that a decision could be taken by this Assembly. Two years on, we do not have that information, certainly not in this report, and the uncertainty associated with this property remains. The real value of the Council of Ministers’

comments lies in the identification of the procedures should this proposition be successful. It clearly shows that part (a) of my proposition is subject to a later States decision to vote the necessary funds, and that these funds will not be voted if it is found that they are not available. But of course all this cannot be done until there is an agreed valuation, which today we got nowhere with. On page 3, the comments say that the planning process cannot be used to make this site far less valuable. Well, I maintain that the same process should not be available to make the site far more valuable. The site is what it is, and there is, as I have stated earlier, no certainty as to what will happen with this site. The Council of Ministers, not my proposition, is putting pressure on the Minister for Planning and Environment. It is the lack of any decision-making on their part which is exerting pressure on him. As Members will be aware, I made available a room at St. Ouen's Parish Hall to the architects so that they could show the latest plans and model to the public. I also, together with the Deputy, called a public meeting to assess the views of the public. The 2 events produced the 2 opposing views. Most of the comments given to the architects, and I have them here, say that the proposed plan is a big improvement on what is there now. Well, anything is going to be an improvement on what is there now, and should be approved. The public meeting, attended by some 140 Islanders - and not 140 parishioners, as stated in the *J.E.P (Jersey Evening Post)* - was very much for obtaining the site for future generations. The large majority of views at this meeting can be summed up in the comment of a St. Clement parishioner, who said that he entirely supported his Connétable in his effort to have no more building in St. Clement. He would have building in St. Ouen, but never on this part of St. Ouen. The issue of the protection and defence of this unique part of our heritage should be fought to the last. The issue before us today is a simple one: do we simply ignore the 10,000 signatories to a petition against any further development on our natural heritage? Even more important, do we ignore the 7,000 who got out of their armchairs and stood hand in hand on St. Ouen's beach to show their support of our unique coastline, or do we simply fold under the pressure of the developer and allow the folly of our forefathers in allowing building on this site in the first place to be repeated? Do we go for the removal of a blot on our countryside or do we just go for replacing it with a better blot? It is easy for the Council of Ministers to tug at Members' heartstrings. What will Members drop in favour of this proposition? The town park? I say no. The public have equally had their say on the town park, and we must be in no doubt that they want it. The time has now come to make a stand and protect what previous generations have left for us to look after. This is not a once in a lifetime opportunity, it is the once in many lifetimes' opportunity to put past rights right. It is a matter of principle, which must be grasped with both hands. Our children and grandchildren will not forgive us if we give in now. Once it is gone to the developer, it is gone for ever.

[16:30]

Today we have an opportunity to put pressure on the Council of Ministers to show leadership, to come up with innovative solutions, to negotiate before they are forced to having to find monies for compulsory purchase. Acceptance of this proposition will focus their minds as never before. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Yes, Chief Minister.

7.1.1 Senator T.A. Le Sueur:

I respond to the Deputy of St. Mary and the Constable of St. John by saying that I make no apology at all for these comments coming late. I would have preferred not to have had to lodge these comments at all, for reasons which I will make clear as I go on in my speech. I say that primarily because we are in the middle of an existing planning application and I think the whole debate today is going to cause difficulties to that process, for reasons I will make clear. The Constable, in his opening remarks - and very good opening remarks they were - suggested that this was a simple

proposition, maybe even an innocuous proposition. I would suggest to Members that they need to read the proposition very carefully, because in my view, it has the potential to be extremely dangerous, and I think the timing of the current stage is not helpful to this, and I ask Members - I urge Members - to read the proposition, because it needs to be read in conjunction with the process, the legal process about compulsory purchase. If need be, I would invite the A.G. (Attorney General) subsequently to comment, if need be, on the compulsory purchase process. But the point I would like to make and make very firmly to Members is that once the compulsory purchase process has been started, the States cannot subsequently withdraw, whatever the final price. So once we go down the route of compulsory purchase, we are bound to see it through, irrespective of the price. Now, at this stage, one can bandy about all sorts of figures, and I think it not helpful to do so, because clearly the ultimate value will depend on what planning consent, if any, is given for the site. One cannot say that site is worth X millions of pounds and will be worth X millions of pounds, whatever the circumstances. Anyone will tell you that an agricultural field with no planning permission is worth far less than that field once it gets planning consent. That is why I believe that this proposition puts the Minister for Planning and Environment and the Planning Department in an absolutely impossible position. Part (b) of this proposition agrees that if we have to go to compulsory purchase, it is the Minister for Planning and Environment who will have to go into that process. The Minister for Planning and Environment will have to bat on behalf of the States in getting that compulsory purchase at the lowest possible price, and at the same time, that Minister for Planning and Environment has to determine, on planning grounds, a valid planning application by the developer. Now, it strikes me that there is a temptation, at the very least, for the Minister for Planning and Environment to reject the planning application or to water it down or to endeavour to make it more favourable to the States, and in doing so, he almost invariably will open up to the applicant grounds for appeal, and potential grounds for litigation. It gives me no pleasure to say that, because the last thing I wanted to see is litigation, but if we look at the compulsory purchase procedure, and that is set out in the comments of the Council of Ministers halfway down page 3: "The public would be committed to acquiring the land either at a price agreed with the current owner by negotiation [which is where we currently are] or at a figure set by the Board of Arbitrators, and this could be more or less than the estimated cost." The point I wanted to make is that I can recall - and there may be 2 or 3 Members who were in this House at the time who will recall - the last arbitration process the States went through, and that was over a parcel of land at St. Brelade called Lesquende. That process went on and on for years, and I can recall that it cost the States over £2 million in those days just in its own legal costs, never mind the cost of the land. If it cost over £2 million in legal fees 20 years ago, I suggest that the cost in today's money might be rather greater, so I think before going to compulsory purchase therefore we would be very wise if any needed to be done, to do it by negotiation. But of course it takes 2 to negotiate, and quite realistically, the applicant, the landowner, will want to know what possibilities there are for the use of that land in entering into that negotiation. So as the report from the Minister for Treasury and Resources, also lodged today, makes quite clear, negotiations have been going on with the owners, but clearly those negotiations are not likely to be concluded until the planning application has been determined. Now, I say that the wording of this proposition is very important, because part (a) suggests that the purchase is only subject to the necessary funds being available. This is where I would have to defer to legal advice, but in my view, the States clearly has money available, we do have money in the Consolidated Fund, let alone the Strategic Reserve. I am not suggesting we spend it, but I am suggesting that if we go down the process of compulsory purchase, the defence that we cannot afford it and have not agreed the money will not hold water. The fact is we have committed down that route, and that is why I am urging Members not to commit to going down the compulsory purchase route at this stage. Compulsory purchase route as well requires the Minister for Treasury and Resources to earmark and identify a certain level of funds that might be required, and that puts the Minister for Treasury and Resources in an impossible position. How can he present to the States how much money we need to earmark, and if we do not earmark sufficient, what do we then do? I believe that the whole process, the whole legal process of compulsory

purchase is so fraught with danger and difficulties that we go anywhere near it at our peril, but certainly in practical terms - and I may be sounding too much like a lawyer and not enough like a practical Chief Minister - what we need to do is to ascertain the likely value of the land before we go to compulsory purchase and then get stuck irrevocably down that route. As I said, we do not and we cannot ascertain absolutely the value of that land until we know what might be permitted to be built on the land, and that is why I am well aware of the previous decisions of the States. I am not trying to avoid my obligations, and the Minister for Treasury and Resources and I am not trying to get out of what was required of him by the previous proposition from the Constable of St. Ouen, but I cannot say - indeed, I do not think anyone can say with certainty - how much the land is worth until we know how much development might be permitted on the site, if any, and equally, as I say, the vendors will not be likely to commit to any legal negotiations until they know what might or might not be possible on the site. If negotiations do not appear to have been very fruitful to date, it is because there is no clear indication yet of the extent to which planning consent will be given. I make these points irrespective of the health of the Island's economy, but I would add, just for the sake of completeness, that perhaps now is not the time to consider spending money, I would guess potentially in the order of £10 million, particularly when you add the cost of demolition and the ongoing costs of site maintenance. But I do not really want to be sidetracked into a discussion about funding. My concern is that having agreed to go down a compulsory purchase route, there is no turning back. That is something which I cannot possibly recommend that the States should consider. Therefore, however sympathetic we may or may not be to leaving Plémont in its current state or having a certain level of development on it, the one thing we must agree on is not to go down a compulsory purchase. We can urge the Minister for Planning and Environment, we can make whatever representations we like; in terms of the best use of that site, the one thing to avoid at this stage at all costs, in my view, is that of compulsory purchase. For those reasons, I explained why I was reluctant to make comments at all, but why, even more forcefully, we need to reject this proposition.

The Deputy of St. John:

Can I ask for clarification? The Minister mentioned the A.G.'s view on compulsory purchase, and enlarging on that, I do not know whether this is a good time to go into that.

Senator T.A. Le Sueur:

There may need to be specific questions asked. The Deputy of St. Mary earlier said there were questions he might like to ask, and it may well be that some of those questions will be on interpretation of the law. I do not think we need an explanation of the whole law at this stage.

The Bailiff:

I suggest we wait for any specific questions which Members wish to ask of the Attorney General.
The Deputy of St. John.

7.1.2 The Deputy of St. John:

First, I say, usually when we have this type of debate, we would see the gallery of the Chamber full. Where are the people? Where are the people? I have concerns with this proposition, given the public meeting that was held at St. Ouen last week, it is reported that 140 people attended from across the Island, and once again, this shows how much little interest there is by the public in buying this site. Think back, when the line in the sand was drawn that was referred to by the Connétable, it was to do with buildings on the coastline. This new proposed development is away from the coastline, with 70 per cent or thereabouts of the land being returned free of charge to nature, free of charge to the taxpayer. I am also reliably informed, and it is confirmed in this document that has been on my desk this morning that some approximately 65 - but I believe that is 63, the comment I had - people who attended the presentation over the 2 days at St. Ouen's Parish Hall, something in the region of 49 persons made comments in favour and 14 against the planning

development for the Plémont site. We have seen in the past the States purchase other land in St. Ouen, and it was mentioned also by the Connétable at Bal Tabarin, which I believe the figure at the time was just under £1 million; I think £800,000. The States bought it, they demolished the site, but of course the usual thing happens with the States. The site was not properly cleared, the concrete slab is still there and we have a site that looks unsightly, and then the States just walk away, and we have a site which just looks a mess. If we buy Plémont, will this become yet another area that needs to be looked after by the public and the public purse when there is no funds to look after what we already have, or will this go to the National Trust, who are also short of funding, or some other society? The Heritage Trust, they have no funding, because their funding comes from us. Let me remind Members, we are in a time of recession. There are no funds to take our main drain sewerage and water out into the countryside, yet this proposition is asking us to spend taxpayers' money to buy this site, which the owners themselves will return nearly 70 per cent of the site to nature at no cost to the taxpayer.

[16:45]

So why do we need to get involved? This site has all mains services, with a huge capacity. There is a sewerage pumping station, a large water main, a substation for the J.E.C. (Jersey Electricity Company) and a large power supply, plus telephones, *et cetera*, which have all been put in place in recent years and would be, if they are not used, a waste of millions of pounds of infrastructure up in that part of the Island, millions of pounds of infrastructure that we would not be having to pay for. We are in the process of reviewing the Island Plan, and within it, it says that the northern Parishes will have to supply some 100-plus new homes over the lifetime of the plan. Well, let us start here with 30 proposed new homes, as the infrastructure is already in place, it is well in place, so we have big savings there immediately. As mentioned, the main drains and mains water and electricity are all onsite. If the Parish of St. Ouen do not want a few new homes, maybe a new go-kart track could go at Plémont. This House took away the land at Lesquende in St. Brelade and promised the club a new site. All they received was a loop road in St. John, and this after many years, so if the States purchase this land, hey presto, we could let this for peppercorn rent to the go-kart club in return for keeping the land in order. I wonder if the Parish of St. Ouen wants a go-kart track in their Parish? We have one in St. John and it works well, but they could do with a bigger area and therefore I think Plémont might be the place, but they are N.I.M.B.Y.s (Not in my Back Yard) in St. Ouen. I say let us look after the land we already own, like Bal Tabarin, not purchase them all knowing we cannot maintain it. Whose budget will be hit after this if we purchase this land? I presume poor old T.T.S., but possibly it could be Education, and it should be Education if we purchase it, given that it would be for recreation, and the Deputy of St. John will have to sort his ducks out, not expect T.T.S. to pick up his bills. It would be nice to see him sorting his ducks out, really. Well, you see, the Property Development Department that we have just put together, Property Services, they are currently selling property to bring money back into the kitty, because of the cost of maintaining these properties. Surely they are not going to be happy. The Council might tell us if they are happy to take all this on; I doubt if they will be, because it means their budget has to go that much further. Now, I say no, this is an ill-thought out proposition. It is totally ill-thought out, and let the owner build his new homes on the holiday camp and make use of the infrastructure we have, and I must remind Members, nearly 70 per cent of the site will be returned to nature under the proposed scheme. The unsightly old buildings will be moved and the area returned to nature. The new homes that are proposed - and the model is downstairs in the Members' dining room that was, on the table - it shows quite clearly where the new homes are, next to the existing built-up area at Plémont, totally away from the coastline, as was described by the proposer when he mentioned the line in the sand. The new buildings are totally away from that and they will not be seen from the sea, unless you are many miles out. I therefore cannot support this proposition and I sincerely hope other Members will think and remember the cost of putting infrastructure in place. It is there, let us make use of it.

Deputy M. Tadier:

I have a point of order. I do not want to interrupt, but after that very impressive sales pitch from the Deputy of St. John, we are not here today to debate whether or not to have a village, to build property up there, we are here to debate whether or not the land should be compulsorily purchased. Is that the case or are they too closely related?

The Bailiff:

That is right. Of course, you are absolutely right. The only proposition is whether to compulsorily purchase the land, but no doubt as part of that, people wish to consider what the land might be used for. Deputy De Sousa.

7.1.3 Deputy D.J. De Sousa:

I have to admit I am in a real dilemma here. I really do not know at this stage what way I am going to go. I could do with a really clear explanation in the summing up of what the proposer is looking for in this proposition, because reading it - and I have read it over and over again - it is not extremely clear as to what he is asking for. I feel if we went for compulsory purchase that we would probably be setting a precedent and do we, as the States, really want to go there? I do feel that £14.7 million is extortionate for a piece of land, and as has been intimated, in the current economic downturn and the fact that we are looking to make cuts in States expenditure, it really is a difficult decision. It was mentioned about the 10,000 in the petition and the people that were there, and I was there for the line in the sand as well, but we do have to remember that 19,000 were against G.S.T. (Goods and Services Tax) and they were ignored, so can you please in the summing up be very clear what you are asking for, to assist myself, and I am sure a lot of Members are in the same predicament as I am. It is a very difficult decision we are being asked to make and the numbers do not seem to be there that really want to protect the headland. I do understand where the Connétable is coming from. Is the Connétable also asking that we look at all the various options, maybe even land swap, for saving the headland? Then I will make my decision at the end.

7.1.4 Deputy J.B. Fox:

Back in the annals of history I remember being on the Planning Committee when Bal Tabarin was being discussed and the desire to return it back to nature as opposed to a developer. I think it was 2 large homes or the possibility of first-time buyer homes. We knew that the price would have to be larger than was absolutely necessary but we left the States to make the decision, otherwise it would have been developed, and the States made their decision and the land was returned to nature. Unlike the Deputy of St. John's perception was that there was some money spent on bringing it back to nature, yes, it did not remove all that was there because there was good reasons why it was used, I think, for some sporting occasions where access was required through, buses turning, *et cetera*. But that was going to be looked into and I do not know whether that subsequently was but, in comparison, what was proposed before it, in effect, has gone back to nature and was looked after by the rangers in St. Ouen at that time to at least try and maintain a semblance of nature. Bearing in mind I am going from memory and I have no documentation to refresh my memory. As far as this one goes, I think it is a lovely house landscape. Before I joined the police force I was doing van sales, I was selling pies and sausages - one of my many talents - and I used to deliver and sell to the holiday camp. It was a cheerful place, it was a very delightful place and much appreciated by many people. I can understand the desirability of putting it back to nature, but I also live in this real world that where do we get the money? I am pleased to hear that someone has offered a £1 million donation and perhaps if a few more people in this Island would feel generous enough to add a few more millions to it, the developers might accept it and then we would not be worrying about whether it needed planning permission or not. Or rather, relieve the Planning Applications Panel branch under Planning and Environment, or the Minister for Planning and Environment from making that decision. From my point of view, I quite like the idea that the developer is already proposing to return, or to allow the return, of a great part of the headland back to nature but

obviously the developer is looking for return on his investment and a profit on it. That is by the nature of the beast. I am not going to make any comment about the proposals that are laid forward at this moment in time because they are, as far as I am concerned, still subject to planning considerations and I think that that is the point. The only point that we have got here is in (a): Is the availability of the necessary funds voted by the Assembly? Well, I am afraid that in this time of recession and the demands for other important things, I do not think we have that availability to be honest with you. To agree a compulsory purchase, again, the Chief Minister rightly has warned us that if we make that process we have got to be committed to it continuing and that will cost us a considerable amount. If one had a desire to refurbish what is already there, as the Deputy of St. John has already stated, that all the facilities are there already. They need refurbishing, they might be able to be reduced a bit and they might need to be remodelled, but if the developers cannot get all the desirabilities - and I appreciate the principal thing is working at a value - we are in desperate need of a youth hostel again and can I put that one out for thought by the developers. It is a perfect place for young people and it would be ideal for our young people as well. So I leave that one for food of thought, I do not think it is necessary for me to say anything further, I have got no doubt that a lot of other people will, but I shall not be voting for this proposition in any of its forms.

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

Now, what is the Constable asking for? Well, I have been here twice before. In 2006 it was, in principle, let us decide that Plémont should be put back to the ... give back to the people of the Island and put back to nature. I said, in that debate: "There is more to come here, this is going to cost us money." I was invited up to the headland, I have been up there, not with the Constable but I have been up there many times. I have also been up there when it was Plémont Holiday Village and enjoyed some nice times up there when family were over visiting and staying there. But then in 2008, again, we were told - and I quote the Constable's speech then - he said: "This proposition is a very simple one" in 2008. Very simple. Again, I stood up and said: "It is very simple but you all do realise that this is going to come knocking on your door in a few years' time and it is going to be millions and millions of pounds?" I remember Deputy Scott Warren used to sit behind me and she always said: "No, no, no." So, she was saying: "No, no, no, Deputy. This is only in principle, it will not cost the States a penny" and at the time I think I had a sore throat but that got me back into talking. I think the Deputy of St. John has said it all. I went to the presentation, I have now seen the new plans. Deputy Tadier says we are not here to debate whether houses should go there, should it be returned to the public, at what cost.

[17:00]

Now, I think the Constable has caused some of these problems. We have got now a set of developers, owners of land, who know some of the States - a lot of the States, because there was only 6 against at one point and 9 another time, and 5 extensions and they were on planning - they know the States are interested so what is the selling price? As the Deputy of St. John said, it has got everything you need to build houses there. Mains drains, electricity, I am not sure if it has got gas but it has got everything else. Now, I said in 2008, off the top of my head: "30 category B type housing - over £10 million." Well, I think the developer might have been listening because he came back with some very nice plans off the headland, not on the sand, not on the headland, giving us back basically what, I think, the Constable wanted. So, as the Deputy of St. John said, again, not a lot of money. So, I do not understand where Senator Norman, now Constable Norman, was coming from because he voted against in 2008 and maybe he was questioning because he could see where the Constable of St. Ouen was coming from. Maybe he changed his mind down the line. But, again, it is defending the Constable, now, of St. Clement - does not want any more building in his Parish. The Constable of St. Ouen says he is not against - in his speech last time - building in St. Ouen. Well, that is good because he did not vote for the amendment to the Strategic Plan to cap the population. He said: "Bring them in. But do not bring them in St. Ouen" so that is where we

are. So, Deputy De Sousa, please listen carefully to what the Chief Minister told you. Once you start this process today, he has made it sound ... the Constable has made it sound very simple. One way or the other, the developers have got us over a barrel. The Minister for Planning and Environment is pushed and pushed and stood back and stood back as far as he can and if I was a developer, if they turned me down I would have us in the roll call and they know that. They know that is where they are going to go next. Because there is no good reason under the Planning Law, that I can see, and I have spoken to the developer's legal adviser when we went to see the plans, they know one way or the other they are going to get millions of pounds out of this Assembly. Now, do we get that millions of pounds plus housing, or do we spend that millions of pounds and have nothing. Because, at the end of the day, that is what we will probably end up with. We have not got the money. Yes, in the last 2 debates, I said to the Constable of St. Ouen: "Well, you know, if this was St. Helier and it was a town park, we have waited years for any money." We did get some money in the Business Plan which I am very grateful for but I know that is obviously ... St. Helier? St. Ouen? Come on everybody, think about it. Think where you can go out of this building and find a green space. Walk into St. Ouen and just look around. Out of any building you will see green space. There is lots of coastline in St. Ouen and the new development will give back most of what is there. I think it is a no brainer. At least I have been consistent, I would like to ... I do not know which way the other people are going to vote but they, for some reason, great idea, it was a great idea in 2006, the people: "Let us give it back to the people, will not cost us anything." 2008 the Constable of St. Ouen said: "Let us just talk because I have got a lot of people who really want to donate." I do not know where they have gone. I know we have had one donation of a lot of money but over the couple of years, if there were some pledges that have come up, nothing. The people who stand in the sand and draw lines in it should start putting their money where their mouth is because they do not want us to put their money where our mouth is and the Constable of St. Ouen. We cannot afford this, we cannot do it, and at the end of the day we really are ... it is up for planning next week and I cannot see anywhere under the Planning Law that our Minister for Planning and Environment can turn this down. That will determine the value and that is what the value is. You work it out. Over 30 houses that are probably worth, some of them, up to £1 million. It is not rocket science, I cannot support it and I am being consistent.

7.1.6 Senator J.L. Perchard:

Deputy Martin said this is not about money, we have not got the money. Well, I would suggest we would have the money if we wanted it. We have got a Strategic Reserve that could buy this headland. We have various arguments, there is an opportunity to build 30 eco-houses, as this plan has demonstrated to us - desperately needed houses. We have got the opportunity to return this wonderful Plémont headland back to nature. But, to me, this is not what this debate is about. This debate is about using the blunt instrument of compulsory purchase to purchase a piece of land from somebody who has got a legitimate right to expect approval from planning for a reasonable development. This blunt tool of compulsory purchase is perhaps the nuclear option really in the sense that it should only be used when all other efforts have failed and should only be used when the public interest has to be defended. We have not explored the options here. I personally - if I was Minister for Planning and Environment - would be delighted to approve this excellent scheme, but that is my personal opinion. But the blunt instrument of compulsory purchase is something that I will not support and for that reason alone I cannot support the Constable of St. Ouen and his proposition.

7.1.7 The Connétable of St. Helier:

The last 2 speakers have both spoken a lot of sense. I just want to take issue with something that Deputy Martin said, because I am anxious this debate does not become a town versus country debate. I have said it before in debates about rezoning green fields, I said it in a debate when prime agricultural land in Trinity was voted through for housing with the support of the Constable of St. Ouen and other Constables. I beg your pardon - if the Constable of St. Ouen corrects me, he did

not support it, he says. The preservation of Jersey's countryside is not just for the residents of St. Ouen, in this case, or the residents of Trinity in that last sad case when we lost those particular fields. Everybody in Jersey has access to these kind of places and I believe that it is almost more important for townies, if they can go out - if they can get there, of course - that they can go out to Plémont and enjoy and enlarged headland and the kind of fairly unique natural experience that Jersey can offer on its North coast. It is almost more important for townies than it is for people who live at St. Ouen anyway. So, people who represent the town, I believe, have every right to campaign for an extension and an improvement of land such as the one we are talking about today. That does not prevent me from, like the previous speaker, being concerned about the specific proposition before us today, which does seem to be slightly premature; that the planning application, it seems to me, does need to be determined. At least that does enable negotiation to take place with a fairly clear idea of what price one is looking at. It does not commit the States to another Lesquende which was, as a fairly new Member coming in on the tail end of that, I thought was pretty dreadful. So I think, while I support the principle of extending the unique space that we have on the north coast, the space that makes Jersey so different from Guernsey, where they have allowed so much development into their countryside. It is worth fighting for but I do not believe this proposition will achieve that and for those reasons I cannot support it.

7.1.8 Senator P.F.C. Ozouf:

I have been involved, I should say, in a number of the previous planning decisions in respect of this site back in the days of the Environment and Public Services Committee and I recognise, for that reason alone, the difficulty that the Planning Department and the Minister for Planning and Environment has with this whole site and this whole proposition. I did say to him earlier - before the Connétable used his opening remarks to criticise the Treasury - that I thought it was important... and we are still good friends, I am sure. It was important to have this debate. I think it is important for us to have this debate and for us to be realistic. To be realistic and honest with people about expectations, because I do not think we have been entirely realistic with expectations in the past. As I said, the Connétable did criticise me, he criticised the Council of Ministers and I will say to him that it is very easy to criticise on this issue when you do not have to do the difficult thing of priorities. It is very easy to stand up and to promise and to say that there will be a solution to this issue and that somehow we can wash away the existing buildings, we can find a planning solution, we can find alternatives. It is easy to say those things, it is much more difficult to come up with them. In fact, both the Chief Minister and myself are in an almost impossible position. We of course - and I, of course, do, I will not speak for the Chief Minister - but I of course do have a reasonable understanding of the planning process and I have a reasonable understanding of what the site is worth. I understand what the likely probable outcome of a reasonable planning decision, whether it be contested in court, or otherwise, will be. At the same time, I have to be extremely guarded and careful in what I say in relation to value and relation to the planning process, because anything that we say - anything that I say - could influence, potentially, the outcome of discussions - potentially. The only realistic thing, I think, that we can say on the issue of value is that we are talking probably in excess of £5 million of taxpayers' money and probably a lot more. I do not really want to go into the detail of what we think but we are talking and for the purposes of my remarks I would ask Members to consider the issue as it was an issue of £5 million or more. It is about priorities and I will not bore Members again, as I am going to have to a lot in the next few months, about the difficulties of public finances, the difficulties that we face in terms of balancing the books. But we have to be realistic about would we allocate that £5 million or more to this project, set against other priorities that we have? Whether it be town improvements, whether it be hospital... it is easy to trot out all of the options. Would we do that? I do not believe that, on my conscience, that that is a realistic allocation of £5 million or more of taxpayers' money. I think that there are going to be other priorities and other more important issues for us to deal with. I do think that the latest plans represent an improvement on previous ones. I will not go any further than that. They do give back, some sites, they do allow public access. This is not a site which is on the

escarpment, that is, I think, the other coastal developments which people have spoken about. I think that a reasonable solution can be made and a compromise in terms of some sort of development without pulling on public funds to the extent that which inevitably will be. We cannot even ... if some Members do hold out the hope of purchasing the site, I think the worst of all situations would be to embark upon the unknown process of compulsory purchase. That would be a massive risk, it would be at a massive uncertainty for all parties concerned, for a very significant period of time. With regret, it would be lovely to be able to do these things, it would be lovely to be able to find a compromise or solution or a trade-off. It would be nice to find £5 million or more. But we have to be realistic, we have to be managing expectations realistically. I think now is the time to make that reasonable decision and to allow the planning process and the process for this site to conclude and to be honest with the public and say that we do have other things to spend - urgent issues to spend money on - but to deal with this site. I urge Members to close this issue now, as difficult as it is, manage public expectations, and to reject the proposition.

7.1.9 Deputy K.C. Lewis:

I have been privileged to know one or 2 people who love their Island so much they have left parcels of headland to the National Trust, to be held in perpetuity for their fellow Islanders. I do not think it is going to happen in this case but we live in hope. As there are already buildings on this site I am sure the owners would have, in planning terms, a reasonable expectation of development.

[17:15]

I do not like compulsory purchase, I never have, and that of course should be used as a last resort and not the first and could take many, many years to come to fruition. I am very fond of the area, hence my questions earlier regarding birdlife on the coastline there. I think I would have to go with my original answer of last year to the Constable of St. Ouen regarding a land swap and hope he could manage that, and then return this particular part of the Island to nature. That would be wonderful. But with more redundancies just announced there is no way in the world I could sanction £14.7 million to purchase this site. I would ask the Constable what particular value that he would put on the land.

7.1.10 The Deputy of St. Ouen:

Deputy Rondel asks: “Why should we get involved?” But in the report *Keeping Jersey Special* we are told that it is only by maintaining a balance between economic, social and environmental policies that Jersey can remain a successful and wonderful place to live. The example is used of a 3-legged stool representing the 3 pillars of policy, namely social, economic and environmental. A warning is given that if we do not keep the 3 pillars in balance then, like a 3 legged stool, one leg becomes weaker than the others and the whole structure becomes unstable. The message is clear, if we want to keep Jersey special for future generations we must not place too much emphasis on economy and financial matters above all else, or we run the risk of not moving forward to a successful and sustainable future that we can all be proud of. The biodiversity in the Island can be damaged by inappropriate land use and, more fundamentally, by development. Important sites must be safeguarded, especially as demands for development continue to increase. Doing nothing is not an option. In the recently approved 2009 to 2014 Strategic Plan, much emphasis was placed on the environment with many, many words given to supporting the protection of the environment. All aimed at protecting the unique natural beauty of the Island. The importance of this subject was such that the States included a priority entitled *Protect and Enhance our Natural and Built Environment*. The opening paragraph was particularly enlightening as it states: “Jersey’s natural environment is an integral part of our Island heritage. Maintaining a working countryside that harmonises with nature is vital as is giving special protection to our most vulnerable and important habitats.” It goes on to say: “Our coast, countryside and built heritage are what makes Jersey unique. The challenge is to protect and enhance these most valuable assets while remaining

economically viable and managing our population.” If Members need reminding why we should rise to the challenge, in the same document we are told that we must continue to protect our environment, countryside, agricultural land, marine environment and coastal areas now. Why is it now? For future generations. This Government has a moral responsibility for our cultural and natural heritage. Our role is as guardians of the environment and it is to ensure that others may enjoy the benefits we take for granted. Some would suggest that this land has already been spoilt by previous planning decisions to allow building on this headland, and that removal of the old camp and the replacement with 30 very upmarket homes should be considered a substantial improvement. To what? To what? We have heard in speeches today that 70 per cent of the site will be returned to nature. I have got news for everybody, very roughly, approximately 70 per cent of the site is now in a natural state. I really do question the relevance of statements which focus on: “Well, it is the best of a bad job” when we only need to consider the bigger picture. The Plémont headland is acknowledged as an area of historic landscape and part of our national heritage. We have a unique opportunity to protect this landscape for future generations. In recent times we were reminded about our responsibility by a very public demonstration involving many thousands of people who support the need to protect our coastline. This view is echoed in the Island Plan, where much emphasis is placed on protecting our coastal areas which are identified as what? Zones of outstanding character. Furthermore, on at least 3 separate occasions the public have been asked for their views on the future of the old holiday camp and each time the answer is the same. Indeed, each time the States have been asked their views, the States have remained constant about what should happen to Plémont. In other words, people would like to see it returned to nature. Now, those same members of the public that have promoted retaining Plémont to nature are asking us what value do we place on protecting our coastline and natural landscape. I recognise that there will be a financial consequence, as there always is. However, it should not be, or become, the overriding factor in determining whether this extremely important coastal area should be protected from any future development. Deputy Ben Fox said: “Welcome to the real world.”

The Bailiff:

Deputy Fox.

The Deputy of St. Ouen:

Sorry, Deputy Fox said: “Welcome to the real world.” I would like to remind Members that this Assembly has already recognised that a balance is required between the provision of housing and providing open spaces in St. Helier. Financial constraints were ultimately not the determining factor when the States recently approved the use of a site in town which could have been used for housing. On that occasion Members decided that the long term benefits outweighed a short term financial gain. If the States are prepared to rectify mistakes of the past in the centre of St. Helier, then why not in an area acknowledged to be of national and international importance. Let us not forget that the States has in the past agreed it would be in the public interest for the site and the surrounding land to be preserved as an open space and yet this issue is still to be resolved. Anyone that stands up and complains about the proposition that the Constable of St. Ouen has brought to this Assembly, especially those on the Council of Ministers - and I hold my hand up as a Member for the last year - should be ashamed. This Assembly, and the public, expected the Council of Ministers to deal with this matter. Propositions were agreed, requests were made and what has happened? Nothing. Why? I will tell you why. Because certain individuals believe that money and money alone drives everything. I ask, do Members want to subscribe to that view? I think it is also unfortunate that the States have not been given the opportunity to decide if they are prepared to acquire the site via negotiation and at what price. Equally, I think it is sad that we have individuals coming forward, both in the past and now, offering funds, money - some small, some large - to ensure and provide and help purchase this site and yet we as a Government go: “No, no, we are not interested.” Is that the message we want to give? If we gave clear direction and understanding and messages to the public one way or another - and I am going to get to this in a minute - whether we

are going to purchase this site or not, we would allow the public to come forward and commit. But if we are going to dilly-dally and commit ourselves on 2 separate occasions now - this would be the third - to support it in saving Plémont, do nothing. What message does that give for any individual that wants to try and commit to saving this particular area and providing funds to help in that matter? I believe the Constable's current proposal does allow for us to move forward. I do believe, and I will direct Member's attentions to part (a), (b), and (c), and perhaps all we need to do is, if the Constable is in agreement, is just sign up to (a) and give a strong message to the Council of Ministers and those with responsibility to go out and purposely speak to the developer as and when is appropriate, and come back to this House with clear indications. If we secure this site for the public and return it to its natural state, I believe we must support the proposition as this is our last chance. Let us not deceive ourselves, if the States say no then we accept that this site will have further development. We have to decide whether this land is to be acquired by the public and returned to its natural state. If the answer is yes then the Minister for Planning and Environment will be required to work with the Minister for Treasury and Resources and other Members of the Council of Ministers to resolve this matter. If the answer is no, then the Island must accept that the opportunity will be lost for ever and further development in this area will surely follow. I hope members will make the right decision. Thank you.

The Deputy of St. Martin:

Can I propose the adjournment?

The Bailiff:

The adjournment is proposed then.

The Deputy of St. Mary:

May I advise the House of something before we leave, because it would help obviously to know about the schedule tomorrow, concerning P.1. It obviously would help people. I just must advise the House that I am going to take P.1 at the next sitting, so clearly that has implications for diaries. I think it is in the best interests of good government that Members have time, firstly to digest the response of the Minister which came on our desks today and, secondly, and more importantly, to have time to look at the Environment Scrutiny Panel's review which will be published shortly. I would ask respectfully that the Minister does not determine Zephyrus in the meantime between this delay and when we finally debate the P.1 next sitting.

The Connétable of St. Brelade:

If I may add to that comment to the Deputy, it will be in answer to you of course, but in a few of the comments made earlier, I have lodged a comment to the Deputy's proposition in the name of the Minister.

The Connétable of St. Ouen:

As President of the Jersey Section of the A.P.F. (Assemblée Parlementaire de la Francophonie) I feel that I must report to Members that, as has been reported in the press, a young Jerseyman, Jamie McCormick had died from a tragic accident in Colombia this week and tell Members that Jamie was one of the youngsters who attended the Parlement des Jeunes in Gabon in 2007 and I feel that it is right that I should take this opportunity of conveying our sincere condolences to his family.

The Bailiff:

Thank you very much, Connétable. Very well then, the Assembly stands adjourned until 9:30 a.m. tomorrow morning.

ADJOURNMENT

[17:30]
