

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 14th JULY 2015

COMMUNICATIONS BY THE PRESIDING OFFICER	8
1. The Deputy Bailiff:.....	8
PETITIONS	8
2. The Deputy of Grouville will present a petition on behalf of the supporters of Mary Herold	8
2.1 Deputy C.F. Labey of Grouville:.....	8
QUESTIONS.....	8
3. Written Questions	8
3.1 DEPUTY J.A. MARTIN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COST OF MINISTERIAL SUPPORT SERVICES:	8
3.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING INWARD INVESTMENT:.....	13
3.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING INWARD MIGRATION:	14
3.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING FAMILIES VOLUNTEERING FOR FOSTERING:.....	15
3.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PERMANENT EMPLOYMENT OF ‘BACK TO WORK’ EMPLOYEES:	16
3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE MODERNISATION OF THE PUBLIC SECTOR WORKFORCE:	17
3.7 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING REDUCTIONS IN BED SPACE FOR THOSE WITH SPECIAL NEEDS:.....	18
3.8 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF THE CHAPMAN REPORT RECOMMENDATIONS:	20
3.9 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ASSISTANCE WITH REFURBISHMENT COSTS PROVIDED TO ANDIUM HOMES’ TENANTS:	21

3.10	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING TIME TAKEN OFF WORK DUE TO INJURY WITHIN THE FIRE AND RESCUE SERVICE AND THE STATES OF JERSEY POLICE:	21
3.11	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE PAYMENT OF PARISH RATES:	21
3.12	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING DISCRIMINATION AGAINST EMPLOYEES WHO ARE WORKING FROM HOME:	22
3.13	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SUSPENSION OF PREGNANT WOMEN WHERE THERE IS DEEMED TO BE A HEALTH AND SAFETY RISK:	23
3.14	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FUTURE USE OF SPRINGFIELD STADIUM:	24
3.15	THE DEPUTY OF GROUVILLE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE REDEVELOPMENT OF THE SITE AT KEPPEL TOWER:	25
3.16	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CRIMINAL OFFENCES CONFISCATION FUND:	26
3.17	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING INWARD INVESTMENT BUSINESS:	27
3.18	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING A PAYMENT MADE TO THE FORMER TREASURER OF THE STATES:	29
3.19	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PATIENT WELFARE ACTIVITIES:	30
Oral Questions.....		33
4.1	Deputy D. Johnson of St. Mary of the Minister for Treasury and Resources regarding tax policy in respect of debtor amounts:	33
	Senator A.J.H. Maclean (The Minister for Treasury and Resources):	33
4.1.1	Deputy G.P. Southern of St. Helier:	34
4.1.2	Deputy G.P. Southern:	34
4.1.3	Deputy J.A.N. Le Fondré of St. Lawrence:	34
4.1.4	The Deputy of St. Mary:	35
4.2	Deputy G.P. Southern of the Chief Minister regarding the possible introduction of a National Living Wage:	35
	Senator P.F. Routier (Assistant Chief Minister - rapporteur)	35
4.2.1	Deputy G.P. Southern:	35
4.2.2	Deputy G.P. Southern:	36
4.2.3	Deputy J.A. Martin of St. Helier:	36
4.2.4	Deputy J.A. Martin:	36
4.2.5	Deputy M. Tadier of St. Brelade:	36
4.2.6	Deputy M. Tadier:	37
4.2.7	Deputy A.D. Lewis of St. Helier:	37
4.2.8	Deputy A.D. Lewis:	37
4.2.9	Deputy S.Y. Mézec of St. Helier:	37
4.2.10	Deputy G.P. Southern:	38
4.3	Deputy J.A. Martin of the Chief Minister regarding consultation in respect of Population Policy:	38

Senator P.F. Routier (Assistant Chief Minister - rapporteur)	38
4.3.1 Deputy J.A. Martin:	38
4.3.2 Deputy G.P. Southern:	39
4.3.3 Deputy G.P. Southern:	39
4.3.4 Deputy M. Tadier:	39
4.3.5 Deputy M. Tadier:	39
4.3.6 Deputy J.A. Martin:	40
4.4 Deputy M. Tadier of the Chief Minister regarding the social and economic consequences of the voluntary leavers and compulsory redundancy programmes:	40
Senator I.J. Gorst (The Chief Minister):	40
4.4.1 Deputy M. Tadier:	40
4.4.2 Deputy G.P. Southern:	41
4.4.3 Deputy G.P. Southern:	41
4.4.4 Deputy J.A. Martin:	41
4.4.5 Deputy M. Tadier:	42
4.5 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding policies and practices governing the health and well-being of States of Jersey employees:	42
Senator I.J. Gorst (The Chief Minister):	42
4.5.1 Deputy L.M.C. Doublet:	42
4.5.2 Senator Z.A. Cameron:	43
4.5.3 Deputy A.D. Lewis:	43
4.5.4 Deputy T.A. Vallois of St. John:	43
4.5.5 Deputy G.P. Southern:	43
4.5.6 Deputy G.P. Southern:	44
4.5.7 Deputy L.M.C. Doublet:	44
4.6 Deputy P.D. McLinton of St. Saviour of the Chief Minister regarding people arriving to live and work in Jersey:	44
Senator P.F. Routier (Assistant Chief Minister - rapporteur):	45
4.6.1 Deputy P.D. McLinton:	45
4.6.2 Deputy M. Tadier:	46
4.6.3 Deputy J.A. Hilton of St. Helier:	46
4.6.4 Deputy J.A. Hilton:	46
4.6.5 Deputy J.A. Martin:	47
4.6.6 Deputy P.D. McLinton:	47
4.7 Deputy J.A. Hilton of the Minister for Home Affairs regarding a possible police investigation in relation to a child who had to be resuscitated by a member of the public in Coronation Park:	47
Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):	48
4.7.1 Deputy J.A. Hilton:	48
4.7.2 Deputy J.A. Hilton:	48
4.8 Deputy J.M. Maçon of St. Saviour of the Minister for Treasury and Resources regarding support for students wishing to attend tertiary education:	48
Senator A.J.H. Maclean (The Minister for Treasury and Resources):	48
4.8.1 Deputy J.M. Maçon:	48
4.8.2 Deputy G.P. Southern:	49
4.8.3 Deputy L.M.C. Doublet:	49
4.8.4 Deputy J.M. Maçon:	49
4.9 Deputy S.Y. Mézec of the Chief Minister regarding a timeline for the introduction of equal marriage legislation:	50
Senator I.J. Gorst (The Chief Minister):	50

4.10 Deputy A.D. Lewis of the Chief Minister regarding the servicing of information requests made by the Public Accounts Committee:.....	50
Senator I.J. Gorst (The Chief Minister):	50
4.10.1 Deputy A.D. Lewis:	50
4.10.2 Connétable C.H. Taylor of St. John:.....	51
4.10.3 Deputy A.D. Lewis:	51
4.11 Deputy P.D. McLinton of the Minister for Transport and Technical Services regarding the installation of safety railings on the pavement directly outside Bagot Stores and on the pavements at the junction of Longueville Road, Aubin Lane and Belvedere Hill:	51
Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):.....	51
4.11.1 Deputy P.D. McLinton:	51
4.11.2 Deputy J.M. Maçon:.....	52
4.11.3 Connétable S.A. Le Sueur-Rennard of St. Saviour:.....	52
4.11.4 Deputy P.D. McLinton:	52
4.12 Deputy J.A. Hilton of the Chief Minister regarding the accuracy of the measurement and monitoring of the population:.....	53
Senator P.F. Routier (Assistant Chief Minister - rapporteur):	53
4.12.1 Deputy J.A. Hilton:	53
4.12.2 Deputy M. Tadier:.....	53
4.12.3 Deputy M. Tadier:.....	54
4.12.4 Deputy A.D. Lewis:	54
4.12.5 Deputy A.D. Lewis:	54
4.12.6 Deputy G.P. Southern:	55
4.12.7 Deputy G.P. Southern:	55
4.12.8 Deputy J.A. Hilton:	55
4.13 Deputy M. Tadier of the Chief Minister regarding applications for care, supervision or freeing orders:	56
Senator I.J. Gorst (The Chief Minister):	56
4.13.1 Deputy M. Tadier:.....	56
4.14 Deputy G.P. Southern of the Chief Minister regarding the number of public sector workers who have applied for ‘release’ from employment:	57
Senator I. J. Gorst (The Chief Minister):	57
4.14.1 Deputy G.P. Southern:	57
4.14.2 Deputy G.P. Southern:	57
4.15 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding the viability of the International Finance Centre:	58
Senator A.J.H. Maclean (The Minister for Treasury and Resources):	58
4.15.1 Deputy S.Y. Mézec:	58
4.15.2 Deputy M. Tadier:.....	58
4.15.3 Deputy S.Y. Mézec:	59
4.16 Deputy A.D. Lewis of the Chief Minister regarding the level of the Minimum Wage:....	59
Senator P.F. Routier (Assistant Chief Minister - rapporteur):	59
4.16.1 Deputy A.D. Lewis:	60
4.16.2 Connétable J.E. Le Maistre of Grouville:.....	60
4.16.3 Deputy G.P. Southern:	60
4.16.4 Deputy G.P. Southern:	60
4.16.5 Deputy M. Tadier:.....	61
4.16.6 Deputy M. Tadier:.....	61
4.16.7 Deputy A.D. Lewis:	61

5. Questions to Ministers without notice - The Minister for Education, Sport and Culture.....	62
5.1 Deputy J.M. Maçon:	62
Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):	62
5.2 Deputy K.C. Lewis of St. Saviour:.....	62
5.3 Deputy G.P. Southern:.....	62
5.3.1 Deputy G.P. Southern:.....	63
5.4 Deputy P.D. McLinton:	63
5.5 Deputy A.D. Lewis:.....	63
5.6 Deputy J.A. Hilton:.....	64
5.6.1 Deputy J.A. Hilton:.....	64
5.7 Deputy M. Tadier:	64
5.7.1 Deputy M. Tadier:	65
5.8 Deputy J.M. Maçon:	65
5.9 Deputy L.M.C. Doublet:.....	65
5.9.1 Deputy L.M.C. Doublet:.....	65
5.10 Deputy J.A. Martin:	66
5.10.1 Deputy J.A. Martin:	66
6. Questions to Ministers without notice - The Minister for Treasury and Resources....	66
6.1 Deputy R. Labey of St. Helier:.....	66
Senator A.J.H. Maclean (The Minister for Treasury and Resources):	66
6.1.1 Deputy R. Labey:	67
6.2 Deputy A.D. Lewis:.....	67
6.2.1 Deputy A.D. Lewis:.....	67
6.3 Deputy G.P. Southern:.....	67
6.3.1 Deputy G.P. Southern:.....	67
6.4 Deputy M. Tadier:	68
6.4.1 Deputy M. Tadier:	68
6.5 Deputy S.M. Wickenden of St. Helier:.....	68
6.6 Deputy G.P. Southern:.....	69
6.6.1 Deputy G.P. Southern:.....	69
6.7 Deputy J.A. Martin:	69
6.7.1 Deputy J.A. Martin:	70
6.8 Deputy M. Tadier:	70
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....	70
7. The Chairman of the Education and Home Affairs Scrutiny Panel - statement regarding the Panel’s report entitled “Special Education Needs” (S.R.3/2015)	70
7.1 Deputy L.M.C. Doublet (Chairman, Education and Home Affairs Scrutiny Panel):.....	70
7.1.1 Deputy R.G. Bryans:	72
PUBLIC BUSINESS	72
Connétable L. Norman of St. Clement:	73
8. Keppel Tower: petition (P.67/2015).....	73
8.1 The Deputy of Grouville:.....	74
8.1.1 The Deputy of St. Martin:.....	76
Mr. R.J. MacRae, H.M. Attorney General:.....	78

Deputy J.A.N. Le Fondré:.....	78
Deputy R. Labey:.....	79
Deputy J.A. Martin:	79
Senator I.J. Gorst:.....	80
LUNCHEON ADJOURNMENT PROPOSED.....	80
LUNCHEON ADJOURNMENT.....	81
The Deputy of Grouville:.....	81
The Attorney General:	81
The Deputy of St. Ouen:	81
Deputy S.M. Wickenden:.....	81
Deputy J.M. Maçon:	82
8.1.2 Deputy I.J. Gorst:	82
8.1.3 Connétable M.P.S. Le Troquer of St. Martin:.....	83
8.1.4 Senator P.M. Bailhache:	84
8.1.5 Deputy S.M. Brée of St. Clement:.....	85
8.1.6 The Connétable of Grouville:.....	85
8.1.7 Deputy J.A.N. Le Fondré:.....	85
8.1.8 Connétable J. Gallichan of St. Mary:	86
The Attorney General:	86
8.1.9 Senator Z.A. Cameron:.....	88
8.1.10 Deputy M. Tadier:.....	88
The Attorney General:	88
8.1.11 Deputy J.A. Martin:	90
8.1.12 The Deputy of St. Mary:.....	91
8.1.13 Deputy M.J. Norton of St. Brelade:	91
Deputy M. Tadier:	92
The Attorney General:	92
Senator I.J. Gorst:.....	93
8.1.14 Deputy R. Labey:.....	93
The Attorney General:	93
8.1.15 The Deputy of Grouville:	94
9. Jersey Financial Services Commission: re-appointment of Commissioner (P.49/2015) - as amended	96
[Debate proceeded in camera]	96
10. Draft Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 201- (P.55/2015).....	97
10.1 Senator P.F. Routier (Assistant Chief Minister - rapporteur):.....	97
10.1.1 Deputy J.A.N. Le Fondré:	97
The Attorney General:	98
10.1.2 Senator P.F. Routier:.....	98
10.2 Senator P.F. Routier:	99
10.3 Senator P.F. Routier:	100
10.3.2 Senator P.F. Routier:.....	100
11. Draft Register of Names and Addresses (Access for Medical Purposes) (Jersey) Regulations 201- (P.56/2015).....	100
11.1 Senator P.F. Routier (Assistant Chief Minister - rapporteur):.....	100
11.1.1 Senator A.K.F. Green:.....	101

11.1.2	Senator Z.A. Cameron:	102
11.1.3	Deputy M. Tadier:	102
11.1.4	Deputy J.A. Martin:	103
11.1.5	Senator P.F. Routier:	103
11.2	Senator P.F. Routier:	104
12.	Draft Shipping (Amendment of Law) (Jersey) Regulations 201- (P.59/2015)	105
12.1	Senator L.J. Farnham (The Minister for Economic Development):	105
12.2	Senator L.J. Farnham:	105
13.	Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.60/2015)	106
13.1	Senator A.K.F. Green (Deputy Chairman of the States Employment Board - rapporteur):	107
13.1.1	The Deputy of St. John:	109
13.1.2	Senator I.J. Gorst:	110
13.2	Senator A.K.F. Green:	112
14.	Draft E.U. Legislation (Civil Aviation Insurance) (Jersey) Regulations 201- (P.61/2015)	113
14.1	Senator P.M. Bailhache (The Minister for External Relations):	113
14.2	Senator P.M. Bailhache:	113
15.	Draft Air Navigation (Investigation of Air Accidents and Incidents on Jersey Registered Aircraft) (Jersey) Regulations 201- (P.62/2015)	114
15.1	Senator P.M. Bailhache (The Minister for External Relations):	114
15.1.1	The Connétable of St. John:	115
15.2	Senator P.M. Bailhache:	115
16.	Draft Aircraft Registration (Births, Deaths and Missing Persons) (Jersey) Regulations 201- (P.63/2015)	116
16.1	Senator L.J. Farnham (The Minister for Economic Development):	116
16.1.1	Deputy J.A. Martin:	116
16.2	Senator L.J. Farnham:	117
16.2.1	The Connétable of St. John:	118
16.2.2	Senator L.J. Farnham:	118
17.	Humanist and Open-Air Marriages (P.65/2015)	121
17.1	Deputy L.M.C. Doublet:	121
17.1.1	Deputy M. Tadier:	122
17.1.2	Connétable D.W. Mezbourian of St. Lawrence:	123
17.1.3	The Connétable of St. Martin:	124
17.1.4	Deputy P.D. McLinton:	125
ADJOURNMENT		126

[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Deputy Bailiff:

Under A, may I on behalf of Members welcome His Excellency, the Lieutenant Governor to the Chamber this morning? **[Approbation]**

PETITIONS

2. The Deputy of Grouville will present a petition on behalf of the supporters of Mary Herold

The Deputy Bailiff:

Under H the Deputy of Grouville will present a petition on behalf of the supports of Mary Herold. Deputy, did you wish to say a few words?

2.1 Deputy C.F. Labey of Grouville:

Only to say that we managed to collect 2,033 signatures in the space of 2 weeks on this issue **[Approbation]** which may demonstrate the public feeling on this matter and we will be having the debate as the first item after Questions.

The Deputy Bailiff:

In accordance with Standing Orders this matter gets referred to the Minister for consideration although, as the Deputy has mentioned, it is the first item for debate when we come on to Public Business.

QUESTIONS

3. Written Questions

3.1 DEPUTY J.A. MARTIN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COST OF MINISTERIAL SUPPORT SERVICES:

Question

Can the Chief Minister -

- 1 outline the portfolio of each Minister and how this is supported by Assistant Ministers.
- 2 itemise the annual cost of each Ministerial Department, including support of the Assistant Minister(s) to take into account the cost of:
 - office space (rental)
 - secretarial/administrative support
 - direct officer support (giving the number and grades of the officers involved)
 - IT support
 - telephone costs
 - travel costs

- 3 provide the whole budget for supporting Ministerial Government expressed in the same way as the allocation to Scrutiny is shown in the States Assembly accounts and indicate whether this budget can be identified in the States accounts and, if so, how?
4. Advise when, and how, this budget was agreed and whether it is inflated in accordance with the cost of living each year and whether there have been any over or under-spends to date;
5. provide the budgets and manpower figures specifically relating to supporting Ministers from December 2011 until the election of the new Council of Ministers in November 2014 to give a full 3-year account of the cost of supporting ministerial government?

Answer

1. In accordance with Article 30A of the States of Jersey Law 2005, the Chief Minister is required to 'establish, maintain and publish a list of Ministers and Assistant Ministers and the functions exercisable by each of them and by the Chief Minister personally.' The most recent published list is contained in R.19/2014.
2. Estimated costs for each Minister for 2014 are shown in the table below. These figures have been calculated by Departments solely for the purpose of answering this question and are approximate.

2014	Home Affairs	Social Security	Treasury & Resources	Education, Sport & Culture	Transport & Technical Services	Environment	Chief Minister, Housing & External Relations Ministers	Economic Development	Health & Social Services
Office space (rental)	£10,950	£3,000	£6,574	£5,100	£4,500	£6,000	£8,858	£9,000	£5,400
I.T support	£900	£599	£900	£450	£827	£450	£2,700	£900	£900
Telephone costs	£223	£84	£135	£488	£628	£22	£2,937	£306	£232
Travel costs	£0	£0	£17,029	£2,111	£0	£2,367	£41,418	£10,108	£300

2013	Home Affairs	Social Security	Treasury & Resources	Education, Sport & Culture	Transport & Technical Services	Environment	Chief Minister, Housing & External Relations Ministers	Economic Development	Health & Social Services
Office space (rental)	£5,820	£3,000	£6,414	£5,100	£4,500	£6,000	£8,404	£9,000	£5,400
I.T support	£900	£427	£900	£450	£827	£450	£1,350	£900	£900
Telephone costs	£345	£84	£199	£488	£628	£324	£1,684	£306	£232
Travel costs	£0	£0	£17,132	£2,111	£0	£2,367	£20,383	£10,108	£300

2012	Home Affairs	Social Security	Treasury & Resources	Education, Sport & Culture	Transport & Technical Services	Environment	Chief Minister & External Relations Minister	Economic Development	Health & Social Services
Office space (rental)	£5,820	£3,000	£6,257	£5,100	£4,500	£6,000	£8,200	£9,000	£5,400
I.T support	£900	£1,097	£900	£450	£827	£450	£1,350	£900	£900
Telephone costs	£292	£84	£1,255	£488	£628	£315	£1,819	£306	£232
Travel costs	£66	£0	£15,646	£1,620	£0	£2,292	£8,644	£10,230	£3,566

Notes

- Secretarial/administrative support and direct officer support: Departments vary in how Ministers are supported and their PAs perform a range of tasks. PAs/secretaries often manage the administration of the Minister, Assistant Minister and Chief Officer, and also perform other work for the department, as required. Likewise, officers undertake a range of functions and provide a varying level of specific support for individual Ministers and Assistant Ministers as the work demands. However, I can confirm that the Treasury and Resources Minister and Chief Minister both have dedicated PAs (who also work for the relevant Assistant Minister and Assistant Chief Ministers) and their costs amount to an average of £67,000 per year for the Treasury Minister and c. £90,000 for the Chief Minister. As the organisation become more flexible and departments work more closely together, these kinds of estimations will become even more difficult. For instance, the new Community and Constitutional Affairs department is made up of a variety of officers and administration staff who support a number of ministers and assistant ministers (Chief Minister, Housing Minister, Home Affairs Minister and Assistant Minister, the chair of the Legislation Advisory Panel, and an Assistant Chief Minister) and discharge a range of policy and operational functions. This makes it difficult to separate out the percentage of support provided by specific staff members to individual Ministers and Assistant Ministers, compared with their departmental work.
- Travel cost: Data for 2014 has not yet been published. Where updated information is not available 2013 data from R.158/2014 is used as an indication of cost and/or taken from reports published to the States Assembly.
- Office space costs: Shown as notional rental values. Most departments do not rent office space.

3 The budget for supporting Ministerial Government is not separately identifiable within the States' Financial Report and Accounts, and as noted above, it is not readily possible to separate work undertaken on behalf of a Minister and work undertaken on behalf of a Department, and indeed, they are ultimately one and the same thing, i.e. the cost of ministerial government is the cost of government.

4 This cost is not managed by departments as a separately identifiable budget. As such it is not subject to specific over or underspends. Pay and non-pay inflation will have been allocated in accordance with arrangements across all departmental expenditure.

5 As outlined above, budgets and manpower figures are not specifically identified for supporting Ministers so it is not possible to give a meaningful answer to this question. As an example, where the costs of secretarial and administrative support have been given these relate in most cases to a fraction of an employee's time. The table shown in the answer to question 1 is also shown below for 2013 and 2012 to allow the Deputy to approximate a cost.

3.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING INWARD INVESTMENT:

Question

Further to the Minister's response to written question 8869 on 23rd June 2015 which states that 82% of the 150 jobs created by inward investment were filled by locally qualified residents, does

the Minister accept that this means that 18% (almost one in five) of those jobs was filled by a non-qualified person, constituting a greater proportion than is already present in the workforce?

What measures, if any, will be taken towards ensuring that the 325 target is met in the current year to reduce the number of inward migrants to 325 annually, a target that has been missed in the past 2 years, and if none, why?

Notwithstanding the fact that the Minister does not have access to income tax records, what estimates does the Minister have of the aggregate tax revenues produced by the 1,319 postholders resulting from inward investment he referred to in his previous response?

Answer

Of the 18%, 121 are 'licensed' positions granted to businesses where the principal or senior Directors relocated with the business as staff essential to the business. The other 117 are 'registered' staff with nearly half being in the retail sector. Inward investment, by its very nature, is always going to initially necessitate a higher proportion of non-locally qualified people as the principals and wealth creators relocate with the business. The impact of inward investment is real. Each investment brings new jobs or protects existing ones, improves Jersey's position in a highly competitive global marketplace, and contributes to economic growth. It is important to be clear that 82% of the jobs created, 1,081, were for 'entitled' Islanders.

The Interim Population Policy enables migration which adds the greatest economic and social value, and only where local talent is not available. The Control of Housing and Work Law continues to be applied to support this planning assumption - working increasingly closely with the 'back to work' team following the transfer of the Population Office to the Social Security Department – and the latest population figures are helpful in discharging this task. We have always said, however, that managing net migration is not an exact science, for example, it depends on decisions individuals make as to whether to leave or move to Jersey for all sorts of personal reasons.

As stated in numerous replies to the Deputy, my Department is not privy to tax paid by individual businesses or persons. Inward investment activity, and the associated job creation, generates new tax revenue for Jersey. I do not estimate tax revenues as I have no information upon which to base them. However, Locate Jersey maintains an ongoing relationship with businesses that move to the island and continue to monitor performance, and if requests are made to extend a licence, this is assessed against the business delivering the expected contribution to the Island.

3.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING INWARD MIGRATION:

Question

What impact, if any, does failing to meet the inward migration target of 325 persons have on the figures for housing supply and demand contained in the Housing Strategy Framework?

Will the Minister ensure that, following consultation, the needs will be met of the 10 stakeholder groups listed in section 1.12 of the strategy document to be brought to the States for approval before the end of 2015?

How much of the estimated supply of housing up to 2020 is to be met from the bond issue of £250 million attached to the creation of Andium Homes and the consequent need for the Strategic Housing Unit?

Answer

What impact, if any, does failing to meet the inward migration target of 325 persons have on the figures for housing supply and demand contained in the Housing Strategy Framework?

The monitoring of the resident population and inward migration levels, together with the supply of housing is a key objective identified in the recently drafted Strategic Housing Framework document and it is anticipated a housing market monitoring report will be published after the summer recess which will then inform the objectives of this strategy.

This report will be set against the assumptions made about demand set out in the 2014 Island Plan, including the interim net inward migration target of 325 persons and the latest supply data in order to identify any potential shortfalls or indeed surpluses in housing supply. The net inward migration figure is therefore only one element of the review of housing needs on the Island and given that the Island plan is just one year into a 6 year plan period, should be seen in this longer term context.

Should a long term imbalance be identified, then further actions may then be brought forward to ensure that the supply meets the anticipated demand for housing.

Finally, it is worth noting that the supply of affordable housing will not be impacted upon by higher short term net inward migration levels, as these new residents would not be eligible for this type of housing until they have been resident for 10 years.

Will the Minister ensure that, following consultation, the needs will be met of the 10 stakeholder groups listed in section 1.12 of the strategy document to be brought to the States for approval before the end of 2015?

The housing strategy sets out the timetable for the completion of the detailed housing plans for specific groups in the delivery plan section of the document and work is expected to be completed by the end of 2016.

How much of the estimated supply of housing up to 2020 is to be met from the bond issue of £250 million attached to the creation of Andium Homes and the consequent need for the Strategic Housing Unit?

The Strategic Housing Unit is working very effectively with Andium homes and Treasury to ensure that the Housing bond is delivering affordable housing. Accordingly, it is expected that from the £207m issued to Andium homes to re-develop their existing housing stock, nearly 500 units of affordable housing units will be delivered by 2020. The remaining £36 million of the bond is available to fund the rezoned housing sites, identified in the 2014 Island Plan, and should Andium be successful in acquiring some of these sites, then a further 200 units could be developed by 2020.

3.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING FAMILIES VOLUNTEERING FOR FOSTERING:

Question

What co-ordinated approach, if any, does the Minister have with his Housing and Social Security Ministerial colleagues, to address the increased needs, especially in relation to housing, of families volunteering for fostering?

Answer

There is an effective working partnership between Health, Housing and Social Security, both at a strategic and an operational level with a shared commitment to meeting the needs of the most vulnerable children in our community. This often involves bespoke solutions in response to individual needs. I have asked my officers to discuss with the Strategic Housing Unit the support available through the housing gateway for families volunteering for fostering.

3.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PERMANENT EMPLOYMENT OF ‘BACK TO WORK’ EMPLOYEES:

Question

Will the Minister explain what happens when employers who are claiming the employer incentive (up to 6 months wages at the minimum wage and contributions) to take on “back to work” employees do not offer the candidates permanent employment at the end of the period?

What arrangements, if any, are in place to ensure that the incentives do not become a source of cheap labour for the employer over a period of time?

If an employee on such a scheme is let go as unsuitable after having worked for 12 weeks or more, is the employee sanctioned and does the employer repay any sums claimed?

Answer

Tackling unemployment remains a priority and there is an ongoing need to provide support to those who require the most help to get back into work.

The Employment Incentive provides access to sustainable employment for people who have been registered as long term unemployed. This scheme qualifies businesses to be reimbursed for payment of Social Security contributions and six months’ salary at minimum wage when they fill a full-time role with a jobseeker who is registered long-term unemployed (6 months for clients aged 16-24 years and 12 months for clients aged 25 and above). This incentive is only available for permanent positions there is no provision for temporary roles to be approved under this scheme. All applications are discussed in detail with employers and thoroughly verified by officers in the Back to Work Recruitment team.

Throughout the 6 month period the employee and employer are provided with ongoing in-work support from a dedicated Back to Work Advisor. This provides a realistic timeframe for the employer to induct, train and develop the employee to become an asset to their business at no additional financial cost, whilst the individual has the opportunity to gain experience and develop their skills and knowledge. Departmental officers are available throughout to assist in resolving any potential problems if they arise, thereby affording the greatest opportunity for the individual to achieve their potential and thrive in their new position. This scheme affords both financial and practical support. It provides an incentive for employers to take on staff that may not ordinarily have been considered as the best candidate due to significant periods of unemployment, or in some

cases other barriers to employment, whilst the employee can earn a wage and gain valuable experience to help them progress within their chosen industry.

If an Employment Incentive employee leaves work of their own volition and wishes to make an application for Income Support benefit they are subject to the same rules as every other claimant regarding the sanction process. In circumstances where employment cannot continue the employer is still able to claim a payment under the Employment Incentive subject to Back to Work being fully satisfied that the employer has done everything they can to ensure sustainability of employment.

3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE MODERNISATION OF THE PUBLIC SECTOR WORKFORCE:

Question

Will the Chief Minister update members on progress relating to the modernisation of the public sector workforce? Would he advise what negotiations/consultations, if any, are currently taking place, and with which employee representative bodies and, if none, would he outline what measures, if any, he has under consideration to ensure that consultation progresses in a timely fashion in order that members can assess realistic outcomes in the MTFP and Budget for 2016?

Answer

Significant progress has been made on the Workforce Modernisation (WFM) Programme.

This includes:

- More than 80% of job descriptions attached to the new pay structure have been matched and a programme of consistency checks is underway
- Continued progress on the new pay structure
- Completion of research and identification of the key factors attached to new terms and conditions of service. Initial data sharing with the trade unions.
- More than 70% of employment policies have been revised and implemented following 28+ consultation meetings and more than 170 drafts of the new policies.
- The agreement of all the Unions to a new Framework (Collective Bargaining) Agreement (excluding Police) and the implementation of the new Joint Council which will provide for single table negotiations on pay, terms and conditions of service , strategy and wider engagement .This helps govern employment relations within the public sector and includes meetings with the SEB three times per year. One meeting has already taken place in 2015.

Extensive consultation and engagement has taken place with all the main Unions (including Civil Servants, Manual Workers, Nurses and Midwives, Teachers/Head Teachers and the Uniformed Services) on every aspect of the Workforce Modernisation Programme from early 2013 to date. In particular that relating to job evaluation, policies/procedures and work on terms and conditions of service.

It is proposed to continue this approach throughout the rest of the WFM project through to completion.

3.7 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING REDUCTIONS IN BED SPACE FOR THOSE WITH SPECIAL NEEDS:

Question

Will the Minister outline what unit closures and reduction in bed space there have been in the past 4 years in Special Needs, Elderly Care and Adult Mental Health Services?

If there have been closures or reductions in bed space, what replacements, if any, have been made and what is the net loss or gain?

Answer

Over the last 4 years, the following developments have taken place:

Special needs

HSSD Special Needs Service has developed and implemented its Community Living Strategy to enable adults with moderate to severe learning disabilities the opportunity to move from institutional models of care – originally St Saviour’s Hospital and then group home settings in the community – to bespoke fit for purpose homes for life, based on personalised care and support.

Reflecting these moves, there has been a reduction of 6 beds directly provided within the HSSD Adult Service Residential Service:

- 4 people moved to be supported by Les Amis, as a better option for their long-term care and support
- 2 people passed away.

HSSD now supports in the community 29 adults with moderate to severe learning disabilities and/or on the autistic spectrum, with additional complex needs.

Elderly care

1. Mental health

There has been a reduction of 28 beds directly provided by HSSD Older Adult Mental Health Services as set out in the table below. The service now provides 67 beds for functional and organic mental health assessment and treatment.

Ward name	Service area	Original numbers bed	New bed numbers	Comments
Lavender	Older Adult	10 beds	0	Contracted out to Lakeside
Beech	Older Adult	17 beds - 14	11 beds	Refurbishment has created single room occupancy

	(dementia)	assessment - 3 respite	(assessment)	Respite beds are commissioned with 3 rd party provider
Cedar	Older Adult (functional)	16 beds -15 assessment - 1 respite	14 beds (assessment)	As above
Oak	Older Adult (end stage dementia)	26 beds	24 beds	Reduced occupancy in moving from 4-bed rooms to 3 bed, and from 2-bed rooms to 1 bed
Maple	Older Adult (moderate to severe dementia)	26 beds	18 beds	Reduced occupancy as above

2. Nursing care

There has been a reduction of 7 beds directly provided by HSSD Older Adult Residential & Nursing Care Services:

- Sandybrook provides 26 beds – no change
- The Limes has reduced from 33 beds to 26 beds to:
 - o manage safe care within the current staffing levels
 - o reduce risk associated with lower level (as in ground floor) accommodation in compliance with fire regulations.

Presently, HSSD Older Adult Residential & Nursing Care Services provides 52 beds.

In line with the recommendations in the HSSD White Paper, ‘Caring for each other, caring for ourselves’, HSSD commissioners continue to work in partnership with private, community and voluntary providers in developing strategy to stimulate the market. New developments, such as Lakeside and expansion at Silver Springs and St Ewolds, help to increase choice across the market, reducing reliance upon direct States provision.

Adult mental health services

The number of beds available in Adult Mental Health Services over the last four years is unchanged.

Orchard House continues to provide 17 in-patient functional mental health assessment and treatment beds.

Clairevale continues to provide 10 beds. Its role has recently been enhanced, becoming a pre- and post-admission unit to reduce the need for individuals to be admitted to an acute mental health unit. This is intended to improve the patient experience, particularly for voluntary patients.

3.8 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF THE CHAPMAN REPORT RECOMMENDATIONS:

Question

Further to a response given to a question I asked of his predecessor on 23rd February 2010, and his own response to a question asked by the then Deputy T.A. Vallois of St. Saviour on 19th November 2013, will the Chief Minister advise Members which of the 6 recommendations in the Chapman report were actually implemented, which are still outstanding; and if any are still outstanding, explain why they were not implemented and which of these are likely to be implemented shortly?

Answer

The Chapman report was produced in September 2009 in response to allegations of bullying of States Employees by a “States Senator”. It is available online –

<http://www.gov.je/ImportedNewsObject/ChapmanReportNovember2009.pdf>

The report concluded with six recommendations which have been the subject of two separate States questions to the Chief Minister.

Recommendation 1 – Monitoring of the blogs takes place from time to time if it is judged there is a need.

Recommendation 2 – If employees are subject to allegations or harassment via social media then contact will be made with them and support in terms of advice and/or counselling will be offered.

Recommendation 3 - The States Bullying and Harassment guidelines were revised again in 2014 as part of the Workforce Modernisation programme.

Recommendation 4 – The Health and Safety Policy was revised and reissued in January this year. Again, after earlier revisions.

Recommendation 5 – An all employee bulletin to highlight the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 was not issued as it was considered disproportionate. The matters were dealt with under a revised Bullying and Harassment policy at the time.

Recommendation 6 – The States Employment Board has considered that matters of harassment and bullying highlighted by the H&S inspectorate are adequately provided for through regular reviews of the policy framework.

The States Employment Board considers there are appropriate safeguards and support frameworks in place to assist employees in difficult circumstances.

3.9 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ASSISTANCE WITH REFURBISHMENT COSTS PROVIDED TO ANDIUM HOMES' TENANTS:

Question

Will the Minister inform members what assistance with redecoration and refurbishment costs is offered by Andium Homes to new tenants and how this compares with the support offered previously by the Housing Department over the past 3 years?

Answer

The Minister understands that Andium Homes ensures properties offered to potential new tenants are in an appropriate lettable condition, something that the Company refers to as 'The Andium Void Standard'. This will generally mean that, major planned works programmes aside, all refurbishment works which are due at that time will have been completed and the property will be in good decorative order. Where it is agreed with a new tenant that the tenant will undertake some redecoration works themselves Andium Homes will, as was the case with the Housing Department, provide some financial assistance in the form of a decoration voucher. The financial value of any such voucher will be consistent with those issued in the past.

3.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING TIME TAKEN OFF WORK DUE TO INJURY WITHIN THE FIRE AND RESCUE SERVICE AND THE STATES OF JERSEY POLICE:

Question

Would the Minister provide a breakdown of how many employees within the Fire and Rescue Service and the States of Jersey Police service have had to take time off work as a result of injuries incurred whilst on duty over the past year?

Answer

From June 2014 to June 2015, there were two employees from the Jersey Fire and Rescue Service and one employee from the States of Jersey Police who had to take time off work as a result of an injury incurred whilst on duty.

Because there are such low numbers, it would not be appropriate to provide any further details, which could lead to the identification of specific employees.

3.11 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE PAYMENT OF PARISH RATES:

Question

What discussions, if any, have taken place between the Comité des Connétables and the Treasury Department to consider if the system for payment of Parish Rates could be made more efficient and user-friendly, and if such discussions have taken place, what conclusions were reached?

Answer

No such discussions have taken place as all parishes make stringent efforts to ensure that the payment of Parish Rates and the Island Wide Rate is efficient and user-friendly by offering parishioners several different methods of payment, including by instalments, by cash, by cheque, by credit and debit card, by standing order, by bank transfer and, from this year, most parishes will be accepting online payment.

3.12 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING DISCRIMINATION AGAINST EMPLOYEES WHO ARE WORKING FROM HOME:

Question

Would the Minister explain what the logic is behind Section 8 of Schedule 2 of the Discrimination (Jersey) Law 2014 allowing for employers to discriminate on the basis of race if the employee is working in their home?

Does the Minister consider that it is inappropriate to allow people to discriminate on the basis of race in those circumstances and, if so, what action will she be taking to address this?

Answer

The Deputy is referring to Paragraph 8 of Schedule 2 to the Discrimination (Jersey) Law 2013.

This exception **does not** allow a person to discriminate against an employee who works in their home. As the explanatory note to the Discrimination Law describes in relation to this exception (P.6/2013), where a person is employed in domestic work, it is prohibited for the employer to discriminate against the employee, including in relation to the terms or conditions of their employment, access to training or benefits, or in their selection for dismissal or redundancy.

This limited exception permits a person to discriminate on grounds of race only when **selecting** a person for domestic employment, work within a private residence, or to look after a child in the child's home. This was based on the early UK discrimination legislation and was included because the Discrimination Law is not intended to intrude on the private and domestic arrangements made by individuals in their own households.

On the enactment of the Discrimination (Sex and Related Characteristics) (Jersey) Regulations on 1 September 2015, paragraph 8 will be replaced with the revised version that was adopted by the States in June 2015. The exception was amended following a request from the Health and Social Security Scrutiny Panel to ensure that 'domestic duties' would specifically include the provision of personal care for an adult.

The new paragraph 2F, Schedule 2, will ensure that a person may discriminate when selecting staff to undertake domestic work within their own home, including domestic work that involves child care or personal care for an adult. As with the current exception, this will be limited to recruitment decisions only, and discrimination will continue to be prohibited in relation to the treatment that employees receive once they are in post. For example, harassment of domestic staff on grounds of race will be unlawful in exactly the same way as for any other employee.

The Law is intentionally limited in the extent to which it restricts private life and the Minister appreciates that this exception is intended to ensure that a person can make a choice about who they

engage to undertake domestic work in their own home. This is likely to be particularly important to people in relation to child care and personal care for an adult.

The Minister is aware, however, that the equivalent UK exception for domestic work was phased out over a period of time and has essentially been amalgamated into the general exception for occupational requirements. The Minister intends that, when she comes to consult on age discrimination later this year, she will specifically consult on whether the separate exception for domestic work, child care and personal care for an adult in private homes should be retained.

3.13 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SUSPENSION OF PREGNANT WOMEN WHERE THERE IS DEEMED TO BE A HEALTH AND SAFETY RISK:

Question

Would the Minister explain what the logic is behind section 22 of the Discrimination (Sex and Related Characteristics) (Jersey) Regulations 2015 allowing for employers to suspend pregnant women without pay if there is deemed to be a health and safety risk?

Would the Minister undertake to put in place provisions to ensure women do not end up losing their income as a consequence of getting pregnant?

Answer

The Deputy is referring to Regulation 8 of the Discrimination (Sex and Related Characteristics) (Jersey) Regulations 2015 - adopted by the States six weeks ago - which would insert a new exception into the Discrimination (Jersey) Law 2013 at paragraph 22, Schedule 2.

Although this creates an exception under the Law, this provision taken in conjunction with all of the other changes that will come into force on the 1 September will improve the position considerably for pregnant and breastfeeding women.

An employer may currently be able to fairly dismiss a pregnant woman on capability grounds where there is a health and safety issue. From 1 September, it will be automatically unfair from day one of employment for an employer to dismiss an employee for reasons connected with her pregnancy.

In addition, if an employer is considering suspending a pregnant employee without pay for reasons relating to health and safety, there is currently no requirement to first consider allocating the employee to other duties. This exception will provide that such an act would not be an act of discrimination **only** if the following three circumstances apply;

1. It must not be reasonably practicable for the employee to continue working in her usual employment according to a risk assessment undertaken in accordance with the Health and Safety at Work (Jersey) Law 1989, and
2. It must not be reasonably practicable for the employer to allocate the employee to other duties, alter her duties or make appropriate changes to the working environment, and

3. The employer would not have treated another employee (without the characteristic of pregnancy/maternity) more favourably. If a man would have been suspended on full pay, for example, then this will be sex discrimination.

The purpose of this exception is to allow an employer to act within its established policies in relation to paid and unpaid suspension, or assignment to alternative duties on health and safety grounds. The strict tests that are applied mean that the exception will not apply if an employer has not actively considered what could be done in the workplace to control or reduce any risks, which in many cases would be minimal. An employer that wishes to rely on this exception would be expected to produce a written risk assessment.

There are few instances in Jersey of businesses or occupations that bring specific and direct risks to a pregnant or breastfeeding woman that would require significant action to protect the health and safety of the woman and/or the foetus. This is different from a situation in which a woman is unfit to work because of a pregnancy-related condition, in which case a woman is likely to be on sick leave in any case.

In the experience of the Jersey Advisory and Conciliation Service (JACS), instances of pregnancy-related suspension simply do not arise in Jersey and very few women are likely to be affected. JACS does not anticipate that this legislation will prompt employers to consider unpaid suspension given the hurdles that the employer must jump in order to meet the strict requirements of the exception. Where there is a health and safety issue relating to pregnancy (such as work with ionising radiation), JACS expect that most employers will be able to find alternative duties for the employee or will be able to control the risks to acceptable levels for a pregnant woman (such as by reducing the level of exposure to ionising radiation).

As well as being protected against detriment and dismissal on grounds of pregnancy and maternity under the Employment (Jersey) Law 2003, a woman would continue to be employed during the period of suspension and would continue to benefit from any other statutory and contractual employment rights. There is currently no statutory right to pay during any period of suspension from work, but an employee may be entitled via her terms of employment to pay during any period of suspension.

The legislation does not make provision to require employers to pay employees during any period of suspension from work and employment rights in relation to paid and unpaid suspension from work have not previously been consulted upon. If a statutory right to pay during periods of suspension is wanted, the Minister considers that this could be included in the consultation on a second phase of family friendly rights.

3.14 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FUTURE USE OF SPRINGFIELD STADIUM:

Question

Following the successful conclusion of the Island Games, what plans, if any, does the Minister have to ensure that Springfield Stadium continues to meet its potential as a sports venue and what consultations, if any, will he be conducting with the local residents to ensure that the community nearby is included in this process?

Answer

The NatWest Island Games was a great success for the whole community at all of the venues and I take this opportunity to thank Phil Austin, the Organising Committee and the many volunteers who spent so much time ensuring the Games went so well.

The new 3G Pitch at Springfield was used for 12 football matches during the week and I was delighted to see so many spectators attending these matches. The pitch was well received and admired by the competitors who played on it.

The decision to develop an artificial pitch has been key to ensuring that the venue meets its potential as a sports facility. Since the artificial pitch has opened the number of players using it is about 750 each week for training and matches. The previous grass pitch could only accommodate 50 football matches – that is approximately 1,500 players (based on 30 players taking part in each match) – in the entire year. This means that as many people now use it in two weeks as used to use it all year.

Further, I am pleased to report that Springfield pitch is now used by people of all ages from football affiliated groups as well as up to 140 local young people who use it under the guidance of the Community Development team each Friday evening. In the past the majority of users were senior footballers.

There are plans to increase usage even further and the aim is to have up to 1,000 players on the pitch each week. This will be in addition to the other user groups who use the gym, Blue Room, sports hall and nursery. Springfield is an excellent community facility which is well used by a wide range of islanders each week. These include many people on the Exercise Referral scheme. One of the challenges that the staff face is providing sufficient car parking spaces.

As someone that lives in the Parish, I have played an active role in meeting neighbours and constituents to listen to their concerns and protect their interests. It was my initial involvement with residents that resulted in some of the changes made by the department to accommodate their wishes.

Meetings have previously been called to inform the local residents of the developments planned for Springfield. These were arranged in partnership with the local Deputies and Constable. Recently, one of my officers met Deputy Mezec to discuss issues. I can confirm that we would be happy to support any residents' meeting the Deputy organises and are happy to meet residents at any time.

3.15 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE REDEVELOPMENT OF THE SITE AT KEPPEL TOWER:

Question

What has been the Department's total expenditure, in both legal fees, court costs and officer time, in relation to the re-development of the site at Keppel Tower, Grouville Coast Road and the Third Party Appeals, and what budgetary amount has been allocated to meet the cost of the Minister's latest appeal?

Answer

The direct legal costs paid to the Third Party Appellant and their legal team by the Department of the Environment (Department) in relation to the first Royal Court appeal are as follows:

£575 to Mrs Herold

£8,550 to Viberts law firm

To date, there have been no direct legal costs paid by the Department in association to the second Royal Court appeal.

The Department has not incurred any other legal and court costs associated to this matter. The department does not record Officer time associated with individual planning applications or appeals and is therefore unable to provide further information about this expenditure.

There is no budgetary amount set aside for the Minister's current appeal to the Royal Court's decision, but the costs are expected to be modest and the department has committed to fund any costs from existing revenue expenditure for 2015.

3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CRIMINAL OFFENCES CONFISCATION FUND:

Question

Further to the response given to written question 8334 on 3rd June 2014, will the Minister provide full details of all monies received into and spent from the Criminal Offences Compensation Fund for each full year from 1st January 2012 and for the period from 1st January 2015 to date?

Answer

A detailed breakdown relating to Income and expenditure incurred from 2012 to date is listed in the table below:

In 2014 the Drug Trafficking Confiscation Fund (DTCF) ceased to exist and the balance of £1.3 million was transferred to the Criminal Offences Confiscation Fund (COCF).

	2012	2013	2014	2015
	£	£	£	£
Income				
Confiscations	469,254	1,875,306	4,505,012	30,988
Bank Interest Received	102,491	50,652	59,270	9,565
Total Income	571,745	1,925,958	4,564,282	40,553
Expenditure				
Operating Expenditure				
Asset Sharing Agreements	466,395		1,886,869	
Repayment of Confiscations		8,014	2,361	
Fees Relating to Confiscations	4,000			
Treasury Administration charges	1,000	1,500	3,000	1,556
(Gain)/Loss on Foreign Exchange			(175,693)	2,143
Grants				
Annual Funding for Court and Case costs				
Judicial Greffe and Viscount Departments	506,000			
Other Grants				
Community and Social Services			714,000	
Health and Social Services			130,700	
Official Analyst			240,000	
Law Officers' Department			500,000	
Home Affairs Departments				
CCTV		70,515		
Upgrade Drunk and Incapable Unit		17,748		
Judicial Greffe (Magistrate Court) Domet Training		20,000		
Police Headquarters re-location project			1,800,677	
Police Headquarters re-location project			3,575,000	
Police Headquarters re-location project			9,400,000	
Body worn video			32,889	
Nuix forensic Software			84,960	
Jersey Asset Recovery Task Force			5,000	
Upgrade of CCTV/Counter Terrorism IT			389,485	
Upgrade of Custody Suite/Porta cabin replacement			37,359	
Covert Monitoring Post for Jersey Customs and Immigration Service			21,744	
Jersey Customs and Immigration Service			53,940	
Total Expenditure	977,395	117,777	18,702,291	3,699
Net (Inflow)/Outflow	405,650	(1,808,181)	14,138,009	(36,854)
Transfer from DTCF			(1,264,878)	
Fund Position	14,091,509	15,899,691	3,026,560	

3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING INWARD INVESTMENT BUSINESS:

Question

Further to the Minister's written answer to question 1240/5(8869) asked on 23rd June 2015 regarding the 150 inward investment businesses that were trading and employing staff up to the end of December 2014, will the Minister set out for members a detailed breakdown of:

- the nature of the 150 businesses, setting out what they do and jurisdictions they operate in;
- the 1,319 jobs that were created, categorizing them into administrative, scientific, operational, professional etc. so that the purpose of the jobs and their contribution to the Jersey economy can be ascertained;
- a breakdown of the 18% of the jobs that were filled by non-locally qualified people so that any skills lacking in the local jobs market can be identified;

- (d) what oversight there is, if any, to ensure that the firms or individuals comply with conditions, such as employment conditions, or any other such conditions, which are laid down by authorities in Jersey before their arrival in the Island?

Answer

- (a) Approved businesses are recorded by sector and the details are in the table below. Details are not held regarding any other jurisdictions the business may operate in although it is taken into consideration as part of the application process.

Aviation	1
Marine	1
Construction	3
Financial Services (Fund admin/family office/TCB/Insurance/Asset Mgmt./Stockbroking/Hedge Fund/securities/investment/Private Equity)	57
Retail	16
IP	1
HR/Recruitment/Payroll	10
Natural Resources	19
IT/Digital	9
Telecoms	2
Corporate Service Provider	5
Marketing /PR	6
Group HQ - various	3
Tourism	2
Relocation consultancy	2
Postal	1
Sports Management	1
Equestrian	1
Property Development/Management	3

Management Consultancy	1
Renewable energy	1
Online ecommerce	4
Market research / competitor intelligence	1

- (b) Whilst a business may indicate in its application the specific roles it intends to create, enabling an assessment to be made as their benefit to Island, the business license does not stipulate job types and the business is free to create whatever types and level of roles it requires as dictated by the demands of the business. The numbers of jobs filled are then reported as part of the 6 monthly manpower return by business, but not broken down by the types of jobs that are filled (which would be onerous on the businesses).
- (c) Of the 18%, 121 are licensed positions granted to inward investment businesses where the principal or senior Directors relocated with the business as staff self-evidently essential to the business. The other 117 are registered staff with nearly half being in the retail sector. Where a business requires skilled staff for a particular role they are referred to the Employer Engagement Team within Social Security Department (SSD) in the first instance. If all local recruitment options have been exhausted then a business can apply for a non-locally qualified post but they must evidence all unsuccessful recruitment activity undertaken prior to any consideration. Skills gaps in the local market can be identified through this process by both SSD and the Housing & Work Advisory Group (HAWAG).
- (d) A business license is likely to be issued subject to one or more of the following conditions:
- Time limitation for non-locally qualified posts;
 - Ability to either lease or purchase a property (licensed consents);
 - Maintaining regulation by the JFSC (where appropriate);
 - Performance of the business against targets set out in their business plan (for licensed consents).

Oversight of these conditions is the responsibility of the Population Office in terms of compliance with the licence conditions. Jersey maintain an ongoing relationship with businesses that move to the island and continue to monitor performance against the business plan submitted against their application identifying support where required.

3.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING A PAYMENT MADE TO THE FORMER TREASURER OF THE STATES:

Question

Will the Chief Minister explain why payment of over a year's salary was made to the former Treasurer of the States who left her position "to spend more time with her family" and explain how such a payment and figure could be justified in the circumstances? Was this arrangement part of her contractual agreement and, if so, do any other States employees have a similar provision in their contracts and, if so, how many?

Answer

The financial arrangements for the former treasurer were agreed in accordance with the States Employment Board policy and guidance. This guidance was implemented after review by the previous Comptroller and Auditor General (CAG) and was confirmed by him to be reasonable. It has been agreed with the current CAG that this issue will be reviewed again.

3.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PATIENT WELFARE ACTIVITIES:

Question

Will the Minister provide members with full details of all the hospitals used outside the Island to treat Jersey patients and of the patient welfare facilities and arrangements that have been put into place at each hospital in order to maximize the wellbeing of those patients during their treatment?

Answer

60 UK hospitals received Jersey patients over the last 12 months. A list of these hospitals is below. The vast majority of these hospitals care for our patients in their out-patient departments and Jersey patients will have the same facilities available to them as the local NHS UK patients. If the patient is admitted as an in-patient then they will be afforded the same facilities and welfare as local NHS UK patients.

In some cases, a patient is required to attend a UK hospital for a series of treatments over several days or even weeks. For these patients, accommodation is arranged. This varies by UK hospital. The department has specific accommodation agreements with a number of hospitals, indicated by an asterisk in the list.

The travel office, the overseas treatment team, the clinical teams and the UK patients' co-ordinator are all involved with helping patients with their specific needs or assisting with problems or concerns that may arise whilst they are in the UK.

The department's policy in relation to accommodation is set out below. The full Patient Travel Charges Policy is available on the gov.je website.

Accommodation

- (a) Patients receiving inpatient treatment at a UK hospital will normally be accommodated free of charge within the hospital. Patients receiving outpatient treatment or attending an outpatient appointment will be expected to travel on a day return basis and hence accommodation will not be necessary. When it is not practical to re-arrange day return travel the accommodation costs will be an allowable expense, for the patient and their escort. Patients will be expected to make use of accommodation within the UK hospital where possible and when this is not possible patients will be expected to accept accommodation of a standard provided by a reasonable guest house. It will be expected for a patient and their escort to share a room unless there are exceptional circumstances. If a patient chooses to stay in higher quality accommodation the Department will only refund an amount equivalent to guest house accommodation.
- (b) Accommodation will not be provided for an escort accompanying a patient, unless the patient is in receipt of income support at the time of travel, when a maximum of two days

accommodation may be authorised by the Department.

(c) Accommodation may be reimbursed based on the decision made by the referring consultant – exceptions may be made in some circumstances.

(d) Accounts will be reimbursed to a maximum of £50 a night, on production of validated receipts.

Referrals to Overseas Hospitals
*Specific accommodation agreements in place
Addenbrooke's Hospital, Cambridge*
Barts and The Royal London
Basingstoke and North Hampshire Hospital
Bethlem Royal Hospital, London
Birmingham Children's Hospital
Bristol and Bath University Hospital
Brockfield House, Essex (Mental Health)
Chalfont Centre for Epilepsy, Bucks
Charing Cross Hospital
Chelsea and Westminster Hospital
Clouds House, Salisbury
Croydon University Hospital
Cygnets Hospital Bierley Bradford
Gender Identity Clinic, Fulham
Gloucestershire Royal Hospital, Gloucester
Great Ormond Street Hospital*
Guy's and St Thomas' Hospitals including Evelina*

Hammersmith Hospital
Hospital for Tropical Diseases, London
In Health, Southampton
John Radcliffe, Oxford
Kings College Hospital
Moorfields Eye Hospital*
National Hospital, Queens Square
Norfolk and Norwich University Hospital
Nuffield Taunton
Optegra Solent Eye Clinic
Princess Elizabeth Hospital, Guernsey
Queen Alexandra Hospital, Portsmouth
Queen Elizabeth Hospital, Birmingham
Redford Court, Liverpool (Brain Injury Rehab Trust)
Royal Bournemouth Hospital
Royal Brompton Hospital
Royal Devon & Exeter Hospital
Royal Free Hospital, London
Royal Hallamshire Hospital, Sheffield
Royal Marsden Hospital, Chelsea
Royal Marsden Hospital, Sutton
Royal National Hospital for Rheumatic Diseases
Royal National Hospital for Rheumatic Diseases, Bath
Royal National Orthopaedic Hospital, Stanmore
Royal National Throat, Nose and Ear Hospital

Royal national, Queens Square
Royal Orthopaedic Hospital, Birmingham
Royal Surrey Hospital, Guildford
Salisbury District Hospital, Odstock
South London and Maudsley
Southampton / Nuffield Wessex*
Southampton General*
Southampton General - Bursledon House*
St Andrews Essex (Mental Health)
St George's Hospital, London
St Marks Hospital, Harrow
St Mary's Hospital, London
St Mary's Hospital, Portsmouth
Stoke Mandeville Hospital
UCLH*
University College Hospital Macmillan Cancer Centre
Vincent Square Eating Disorder Service
Wrightington Hospital, Wigan

Oral Questions

4.1 Deputy D. Johnson of St. Mary of the Minister for Treasury and Resources regarding tax policy in respect of debtor amounts:

Did the tax policy in the 2014 States of Jersey accounts not account for debtors for individuals paying tax on a prior year basis and, if so, will the Minister state why the debtor amount is not recognised in accordance with U.K. accounting policy; whether adopting such a policy would impact on the Medium-Term Financial Plan, and outline the impact on the debtor balance if the policy was adopted?

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

No income is recognised for prior year basis taxpayers until a final assessment is raised in the year in arrears. The Jersey tax system cannot be compared directly with that of the U.K. (United Kingdom), as there are distinct differences in the way tax is assessed and collected which influenced the way in which revenue can be recognised. No provisional assessment or estimate is currently carried out for prior year basis taxpayers and the payments received through I.T.I.S. (Income Tax Instalment System) collection relate to prior year liabilities so revenue is recognised when a final assessment is raised a year in arrears. To recognise this revenue earlier would currently require the use of higher level forecast to estimate the values of those on a prior year basis. If circumstances supported recognising this revenue earlier it would result in an increase in income and debtors and the Consolidated Fund balance of about £300 million, all prior year basis income but this would not generate any more in-year cash.

The Deputy of St. Mary:

Thank you, Minister, for that reply. I have no further questions.

[9:45]

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

The question was: how many prior year individual taxpayers are there and what total amounts of money might be assessed on prior year?

Senator A.J.H. Maclean:

How lucky the Deputy managed to get in just in time. **[Laughter]** What I can say is that in 2006 4.5 per cent of the tax collected from employment income was on a C.Y.B., which is a current year basis. The current year basis in 2014 is now 34.5 per cent and so there has been an increase and indeed for all new taxpayers they do operate and move on to a current year basis, so we are slowly moving towards current year basis.

4.1.2 Deputy G.P. Southern:

Supplementary, if I may? Is there any consideration being given at the moment to harmonising all sectors in the current year or vice versa?

Senator A.J.H. Maclean:

Yes. Treasury are keeping the matter under close review at the moment. It is not as straightforward as it might seem and indeed there are potential costs in terms of an accelerated transition but, as I have pointed out, between 2006 and 2014 there has been quite an increase anyway from 4.5 to 34.5 per cent. As I have said, we continue to monitor the situation and will update Members in due course if there is any activity to change the situation.

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

Just to pick up the Minister in his last comment, I have only briefly scanned the M.T.F.P. (Medium-Term Financial Plan) when it came in last night but there is a reference in part of that document about changing the treatment, I understood, of current year against prior year and how we are going to recognise the cash, I think. Could the Minister expand on that because it is slightly at odds, I think, to what he has just said in terms of it implies it is a bit more advanced in the M.T.F.P. than he has just indicated?

Senator A.J.H. Maclean:

It is not really more advanced and indeed the Deputy is very eagle-eyed to have spotted what he did spot. What we have done is that we have recognised the fact that there are a certain number of current year taxpayers, so that is money accrued in-year. So with a change to the accounting policy to recognise the current year taxpayers' revenue in the current year, which is what the Deputy is

referring to, this has the effect of increasing the money in the Consolidated Fund that can be used as opposed to waiting until next year until it can be used and a sum of £60 million is therefore included and available in-year 2015. That is of course one of the benefits of the current year basis, which I think Deputy Southern was alluding to himself.

4.1.4 The Deputy of St. Mary:

I had a note from the Medium-Term Financial Plan that 34.5 per cent of tax is attributed to those payable on the cash basis. Would it not be possible, based on previous years, to at least include in the accounts some form of estimate as to what the tax might be gleaned from those paying on the preceding tax year basis?

Senator A.J.H. Maclean:

I will refer back to the Deputy with an accurate answer on that. I am not entirely sure to what extent that information would be accurate and therefore relevant for inclusion within the accounts. We would only want to put what we were satisfied was an accurate appraisal. Clearly the way in which we are dealing with the current year basis taxpayers, we do have an assessment for that, and that is why the accounting policy change has been introduced. But in terms of prior year, which I think the Deputy was referring to, I will refer back to him with a clearer view on what we might be able to do in the future with those taxpayers.

The Deputy Bailiff:

Deputy Higgins is malade so we come on to question 3.

4.2 Deputy G.P. Southern of the Chief Minister regarding the possible introduction of a National Living Wage:

What consideration, if any, has the Chief Minister given to moving from a minimum wage to a national living wage over the period of the Medium-Term Financial Plan, and does he agree that a living wage in Jersey, were it to be adopted, would be 20 per cent higher than in the U.K. (including housing costs), and if not why not?

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

I would like to ask my Assistant Minister to act as rapporteur for this question. Members will be aware that I did have 13 oral questions this morning but due to Deputy Higgins' illness that has mercifully been reduced by 2. However, I am asking Senator Routier to take this question and you might wish to note, questions 4, 7, 13 and 18, so we could do those uninterrupted and I will take the remaining 6. Thank you.

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

The United Kingdom has announced a compulsory national living wage or minimum wage starting at £7.20 per hour for those over 25 from April 2016. We have our own agreed policy to increase the minimum wage to 45 per cent of the mean average earnings by 2026. If we can achieve this sooner, following the advice of the Employment Forum, that would be really positive. This Council of Ministers has clearly outlined its intention to increase living standards for Islanders and that this is best achieved through increasing productivity. This will deliver higher wages linked to increased profits. This would make work pay and reduce reliance on benefits. As to the 20 per cent figure quoted, there is no evidence to suggest that any rate in Jersey would need to be much higher than the United Kingdom.

4.2.1 Deputy G.P. Southern:

Has the Assistant Minister not read the publication of the Statistics Unit indicating that once you include house prices then costs in Jersey are 20 per cent higher than in the U.K. on average?

Senator P.F. Routier:

Of course I have read that. What I was relying on is the living wage report that was recently published, which quite clearly identified that Jersey's minimum wage, together with income support, does fulfil the needs of people living within our Island.

4.2.2 Deputy G.P. Southern:

Will the Assistant Minister refer to the 20 per cent figure and agree it or not now before we go on any further because he has not addressed that particular issue?

Senator P.F. Routier:

I have not got the evidence that suggests that would be the case.

4.2.3 Deputy J.A. Martin of St. Helier:

In the Minister's answer he said: "We are trying to achieve a figure by 2026." The U.K. are looking at £7.20 next year and definitely £9 by the year 2020. On our calculations in which year will we even reach the £9 figure?

Senator P.F. Routier:

I have not got that calculation here but certainly we need to be clear about what the U.K. have indicated they want to do, is that they are looking at £9 an hour for over 25s by 2020 but that is subject to economic growth during that time. They are hedging their bets, there is no doubt about it. They have made the statement quite clearly but they also make it very clear that it would be also down to the recommendations of the Low Pay Commission before ... they have made this aspiration out there but they certainly are wanting to ensure that the economic conditions are right to make that decision.

4.2.4 Deputy J.A. Martin:

A supplementary. Could the Minister find out which year we will reach that figure and will he not agree that the U.K. Government are also looking at employers to pay the money and to take away some tax credits so the employer is paying the money and not the Government in their form of income support, which they call tax credits? Would he not agree to get rich employers to pay the £9 or the £7.20?

Senator P.F. Routier:

That is a very interesting point the Deputy makes because what is not part of being described there is what the U.K. Government are also doing is reducing taxes for businesses. They are reducing their tax down to 18 per cent for businesses to help them to be able to afford to pay the increased wages. We have got to look at the whole package that the U.K. is putting forward and not just what has been plucked out as the £9 an hour figure for over 25s. We must recognise that they are only doing it for over 25s where in Jersey our minimum wage is for everybody. So there is an issue there to be dealt with.

4.2.5 Deputy M. Tadier of St. Brelade:

Is the rapporteur suggesting that we reduce our zero rate of corporation tax even further so that we can help companies then introduce the living wage to Jersey?

Senator P.F. Routier:

I think the Deputy has highlighted that is something we are unable to do. We cannot go any lower than zero so there is no other benefit we can give to business to enable them to pay the higher wages.

4.2.6 Deputy M. Tadier:

That is why I think it is disingenuous to make that comparison on the floor of the Assembly with the U.K. which has a positive corporation tax, which they have reduced, and as a *quid pro quo* are encouraging their employers to pay the living wage. In Jersey, where we have a zero rate of corporation tax surely the argument should be that they should be paying a living wage to each and every employee in Jersey as a result of having no corporation tax for the majority of companies.

Senator P.F. Routier:

The business conditions within our Island are different to the United Kingdom and there is no getting away from that but certainly I would hope that businesses were able to progress to pay a higher wage as soon as they possibly can. We do rely on the Employment Forum to make that judgment for us and we try to not make it a political football when it comes to deciding these matters, so I would encourage the Employment Forum to look at his and to bring forward recommendations. I would like people to be paid a higher wage as soon as we possibly can.

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

I wonder if the Minister would agree that rather than simply relying on the Employment Forum for information on this matter that a full economic study is done on the economic benefits of higher wages at the lower end of the economy. We have been waiting some time for a full economic review. The last one we had was 5 pages and I have raised this a number of times in this Assembly. Will the Minister push the Economic Adviser to develop and research a full economic study into the impact of higher wages at the lower end of the scale?

Senator P.F. Routier:

We can certainly ask the Economic Adviser to look at that, but just to reiterate that even the United Kingdom look to the Low Pay Commission for advice on what wages should be but people are ... it has been suggested the Employment Forum are not the right people to look at suggesting what wages should be within our Island. They are independent, they have employers, they have employees on that organisation and it is an issue which, to my mind, should be away from the political forum.

4.2.8 Deputy A.D. Lewis:

The U.K. Government has empowered the Low Wage Commission to undertake far more research and far more study into this than our current forum is permitted to do within their remit. Would the Minister consider widening the remit of the Employment Forum?

Senator P.F. Routier:

I am happy to look at anything that would hopefully achieve that we can improve the wages within the Island.

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

Given that the cost of living is higher in Jersey than the U.K., does the Assistant Minister believe it is tolerable that come April next year the minimum that over 25s can be paid in the U.K. will be more than what they can be paid in Jersey? Does he believe the Government should be taking a lead on this and to make a stand on this and say we will at least meet what the U.K. is doing, if not exceed it?

Senator P.F. Routier:

I keep on recalling it was myself who brought forward the legislation for the minimum wage many years ago so it is something I have been keen on right from day one and it relied on the Employment Forum to make recommendations to this Assembly, and I find it very difficult to move away from using that independent body to make those decisions.

4.2.10 Deputy G.P. Southern:

What consideration has the Assistant Minister given to the competitive nature of our agriculture and tourism industries when in the U.K. workers will be paid £9 an hour and in Jersey they will be competing at something like £7.90, £8 an hour. Does the Minister consider that Jersey can maintain this competitive edge in terms of its agriculture and its tourism industry?

Senator P.F. Routier:

Obviously that is a consideration that would need to be taken into consideration by the Employment Forum when they make their decision, which they always have done. If we are talking about in 2020 the situation is the U.K. Government have moved forward to the £9, that is subject to sustained economic development because we do not know if they are going to get there at all, so there is an issue for us being competitive. We need to be aware of that.

[10:00]

4.3 Deputy J.A. Martin of the Chief Minister regarding consultation in respect of Population Policy:

Does the Chief Minister propose to consult on the Population Policy and, if so, who will be consulted, and will he ensure that the policy will be brought to the States prior to the expiry of the Interim Population Policy and provide a timetable for this work?

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

Having focused on the delivery of its Strategic Plan and the associated M.T.F.P. plan which has just been lodged, within the time limits which have been set by the States, the Council of Ministers is now able to turn to the proposed development of the new long-term Island vision. As a community we need to understand where we are now, what we value most about Jersey today and agree our shared ambitions for the future. This will require broad-ranging consultation across our community. Strategic planning requires that we agree the goals we want to achieve and then develop a coherent set of policies to get us there. The purpose of the Population Policy must be to help achieve Jersey's long-term social, economic and environmental goals. It must also work in tandem with other policies. Our Strategic Plan identifies, for example, how health, productivity and skills are key population policy levers. Developing a population policy before the long-term vision would put the cart before the horse. In September the Council of Ministers will review the planning framework that has been designed to support the development of an Island vision, and will engage with Members on the proposed process and timetable at that point.

4.3.1 Deputy J.A. Martin:

I never got an answer to the timetable. It is somewhere after a vision, which is very good. I would like to pinpoint the Minister down to where we are now. In Scrutiny the other day, the supply of housing, I put to Andium and the Minister for Planning and Environment: "What population figure are you working on to provide 1,000 homes by 2020?" I had a little bit of a conversation or some spin probably from the Minister for Planning and Environment but a direct question from Andium was: "Have you got a population figure?" the answer is: "No." How does the Minister think we can plan for even the homes we need if these massive departments and Planning do not have a population figure they are aiming for?

Senator P.F. Routier:

I appreciate that that is an issue which we do need to get to grips with. In September, as I mentioned in my answer, we will be sitting down with Members to discuss the planning framework, which will inform what we want to do with our population levels. It certainly is an issue which we need to address and that is something which I am keen to do. September is when we will start discussing things with Members.

4.3.2 Deputy G.P. Southern:

If I may suggest that September is too late because what we will have in front of us is the draft Medium-Term Financial Plan 2016 to 2019 without a population figure in it. Will the population attached to that plan in terms of housing, education and health needs be 106,000, which currently the Chief Minister is on target to reach by the end of the financial plan? Is the figure 106,000, because that is what we are headed for?

Senator P.F. Routier:

The Medium-Term Financial Plan has been worked on for a number of months and obviously the planning assumptions which the department have been working to is 325, but we do know from experience and from the population numbers which have recently been published that that will ... that figure has been overtaken. The Medium-Term Financial Plan does have some flexibility in it, certainly with regard to the Education Department. We know that they have allowed for some flexibility within their class sizes. We know that they have planned for that. The future hospital is more about not necessarily population numbers, it is more about the ageing demographics, and they are planning for that as well.

4.3.3 Deputy G.P. Southern:

An ageing demographic stays the same apart from the numbers go up when the population goes up. That is the reality. What figure will be attached to the Medium-Term Financial Plan under the Minister's proposals?

Senator P.F. Routier:

The Deputy is trying to get a particular figure and we know that population is very difficult to stick a particular number to. It is something we need to understand that our population changes all the time and it is not just a matter of migration. It is about the way our own population within the Island, people who live outside the Island, who have rights to come back here. There is a big issue and it is very difficult to have an exact number for our population.

4.3.4 Deputy M. Tadier:

Does the rapporteur accept the fact that the 325 figure was disingenuous and that it would be much better to double that figure to 650 as an interim population target anyway, at least that way the Ministers can say we are meeting our target or perhaps even not quite meeting the target that they have set?

Senator P.F. Routier:

We cannot get away from the fact that there is a desire from a large proportion of our Island to have controlled population growth and that is something we are charged to do with the Control of Housing and Work Law. If we were to have a higher number it would not be the right thing to do. What we need to do is to look at the long-term vision for our Island and decide what sort of Island we want to live in and then work from that to see what the numbers should be.

4.3.5 Deputy M. Tadier:

The Minister has said it does not really matter if we exceed population targets because the Education Department for one and maybe Health are getting extra funding. But what about other

departments like Transport and Technical Services and the Environment Department, and we could name others who are going to have to cope with higher than expected inward net migration because all these people need to use the roads, *et cetera*, and there is going to be an environmental impact. These departments are facing a reduction in their budget, not an increase, and how will that be managed if we do not meet the expected target?

Senator P.F. Routier:

This issue is going to go on for ever and ever discussing what the population of our Island should be and it is something we want to address realistically and probably not in this forum here with questions going backwards and forwards about numbers and trying to trip each other up about what is being said and what is not being said. I think the future really is we need to sit down together with everybody in this Assembly in September and discuss what we really want to do. We have been focusing on the M.T.F.P. and the Strategic Plan since the last elections. We now need to focus on the long-term vision.

4.3.6 Deputy J.A. Martin:

Would the Assistant Minister please agree that the working or the name of Control of Housing and Work Law is not a control of our population? Will he agree to finally look at a policy that does work because it is utterly failing at the moment because they will not ... sorry, the Ministers or the Council will not admit that this is not the policy we should be following? We need a proper Population Policy and I would be really relieved if the Minister would admit this.

Senator P.F. Routier:

What is being missed here is the Control of Housing and Work Law has been working. We have been refusing licences. I think as many members in this community will know there are licences being refused. We refused 325 applications last year. It does work. It does stop businesses employing people but there is a balance to be struck. I am sorry if I did not answer that completely. I lost track of where I was.

4.4 Deputy M. Tadier of the Chief Minister regarding the social and economic consequences of the voluntary leavers and compulsory redundancy programmes:

What impact assessments, if any, have been undertaken to ascertain the social and economic consequences of the voluntary leavers and compulsory redundancy programmes?

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

The Fiscal Policy Panel considers the economic impact of Jersey's fiscal policy. It is said that the States should develop a plan that will address any structural deficit by 2018 and 2019. The voluntary leavers' scheme is one aspect of a broad financial plan that prioritises our agreed priorities and enables us to invest in health, education and our infrastructure while continuing to support the economy as it recovers. We must control costs and provide value for money. Managing staff numbers is part of that process. We believe it is an appropriate element of our financial plan and it is consistent with Jersey's position in the economic cycle.

4.4.1 Deputy M. Tadier:

We have already started to have the euphemistic spin language. We are talking about managing numbers now where the intention of this Council of Ministers is to drastically cut our public servants through all the sectors. Does he accept that this could have unintended consequences from his point of view - although fully expected ones from ours - about the social impact on the wider society, which would cause more harm than good?

Senator I.J. Gorst:

The economic impact of this plan is going to be reviewed by the Fiscal Policy Panel and we will have their review in September. I am not sure if the Deputy is wilfully trying to misinterpret the Medium-Term Financial Plan but he knows that in some areas we are looking to reduce numbers of staff; in other areas like Health and Education we are going to be employing more staff, so what we are trying to do is manage current spend, manage growth and expenditure so that we can put money into the areas that we believe are a priority for our future. He, I accept, would like to continue spending in all those areas and not control growth of expenditure at all but that is not what this plan does and we believe it is the right plan for our future.

4.4.2 Deputy G.P. Southern:

The Chief Minister has released the overall numbers for voluntary release at around 300. Is he prepared to publish those 300 by department and by grade in order that we can understand the impact these 300 may have and where that will be? If so, when will he publish those figures?

Senator I.J. Gorst:

There is no intention to publish those detailed figures. The whole point of this process is that it was an opening of voluntary redundancy so that those who wish to leave States employment could. There has got to be an appropriate payback. It has to provide savings and at the same time it allows departments to work not only in department but cross-department to reorganise the way that they deliver their service and we have said that we expect departments to start by removing administrative posts and delayering management. The Deputy himself I think has a question for me later. Some of those proposals, the voluntary redundancy, fall into that sector. Others do not. But the decision about whether accepting the voluntary redundancy lies with departments – management - and ultimately Ministers will be involved in that process so that we get a good outcome of a redesigned service and not simply a reduction in a post.

4.4.3 Deputy G.P. Southern:

If the Minister has - and he just did - refused to publish the data that we were interested in, how can we judge the £70 million of savings from the reorganisation that is attached to the Medium-Term Financial Plan? Unless we know what levels and how many are being released how can we judge whether any figures presented are correct and whether any savings that are presented, it is central to the Medium-Term Financial Plan, are accurate? How can we judge the M.T.F.P. without those figures?

Senator I.J. Gorst:

If I simply produced a list of posts and titles and salary scope he would not be able to judge it either because the whole point is about reorganising the service, looking at posts across departments to see where we can make savings, where we do not need to refill posts, where we can reorganise the way that we provide the service, so the information that he is asking for is not going to provide the answers that he wants either.

4.4.4 Deputy J.A. Martin:

In the very, very original answer to Deputy Tadier's question I was quite disappointed when the question is about economic and social impact... but probably 4 question times ago I asked the Chief Minister who was doing the economic impact across the employees who were being made redundant and he said: "The economic impact was going to be done in-house by each department."

[10:15]

It is in Hansard, I will find out and I know he said it, but is this Minister saying this is now not happening as he did not reply this to the original answer to Deputy Tadier?

Senator I.J. Gorst:

Sorry, I made the assumption that if I reiterated an answer that I had given previously Members would have been aware of that, as the Deputy is. It is the independent economic assessment which is going to be carried out by the Fiscal Policy Panel, as I hope Members would expect. Only last night I was speaking with 2 or 3 chief officers to talk about the social impact because in certain areas of certain departments there might be some individuals that one could look at voluntary redundancy and that would provide or cause other social impacts. This is about trying to find ways of delivering a service at less cost, reducing duplication and at the same time mitigating social impact and making sure that we do not have an adverse impact upon the economy. So each department when they are accepting or not voluntary redundancies need to consider what the social impact will be on that person, and that will be part of the analysis about whether they think that that post can be removed or not.

4.4.5 Deputy M. Tadier:

Although he did not have the monopoly on economic thought I think Keens was well respected and he certainly espoused the idea that you do not create more jobs and you do not cut unemployment or solve a recession by cutting wages and cutting employment in your public sector. So it would be interesting to know what kind of model the Minister is following. If I could ask him: is it not a problem that his Council of Ministers has cut legs, so that they have gone in, albeit with some exceptions for certain departments for whose funding we do not yet know where that will come from, has said: "Right, we want you to find 2 per cent savings, go away and find that" even if that is not necessarily the most efficient way of doing things? So what is the ideology that the Chief Minister is pursuing that seems so hell bent on decimating our public sector?

Senator I.J. Gorst:

It does not matter how many times the Deputy or the previous questioners make what they believe are statements of actuality about the Medium-Term Financial Plan, it does not make it true. If we look at the proposed income and spend during the course between 2016 and 2019 we see that both rise despite what the questioner tries to indicate to the Assembly and to the public. This is a Medium-Term Financial Plan that invests in health, it invests in education, it invests in infrastructure, it invests for the future, and at the same time it asks departments to cut out waste, inefficiency and reprioritise spend so that we can manage the growth in expenditure and not continue to see expenditure growing, which ultimately the public and the taxpayer will have to pick up if we do not do anything about it. I think it is absolutely the right approach, reorganising government to make it more efficient, more effective and more value for money for the public.

4.5 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding policies and practices governing the health and well-being of States of Jersey employees:

What improvements, if any, does the Chief Minister intend to make to current policies and practices governing the health and well-being of States of Jersey employees, with particular regard to those employees who may be experiencing stress-related conditions?

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

Our Occupational Health Service provides a good quality service for employees with health issues that may impact on their ability to work. The organisation stress policy is being revised to meet U.K. Health and Safety Executive standards endorsed by the States of Jersey Health and Safety Inspectorate. Support for employees suffering from stress is available from the AXA personal help support line. There is also online eCounselling available.

4.5.1 Deputy L.M.C. Doublet:

I am very pleased to hear that the stress policy is being revised. I am sure lots of employees will be pleased as well. Is the Minister aware of a template letter that has been distributed to chief officers in States departments which warns sick employees that they are being strictly monitored and does he believe that this is the best way to help employees back to work by threatening an escalation into formal absence management procedures if their absence is not reduced?

Senator I.J. Gorst:

I do not have a copy of the letter circulated to chief officers that the Deputy refers to but I do have a copy of the letter the chief officer for Education sent, I believe, to all employees about the work that they were doing to manage sickness in a better way, that is better for those who work and are not sick and hopefully for those who are sick; that is considering the cost, the number of days lost because ultimately the services that we are providing as a Government are for the benefit of our community. Yes, we have got to be compassionate. Yes, we have got to be considerate. Yes, we have got to do all that we can to help people who are suffering from illness to be able to recover and to return to work but we have got to fundamentally remember that if we are working for the Government of Jersey we are there to serve the public of Jersey and that has to be our top priority.

4.5.2 Senator Z.A. Cameron:

Has any consideration been given to the impact of the loss of G.P.s (general practitioners) independent practitioner status now that they are also regulated and likely to be wholly funded by Health and Social Services in the future with regard to the provision of stress related health issues independently provided through that service to State employees?

Senator I.J. Gorst:

I am not sure how I can answer that question with respect to the Senator, because there seemed to be so many assumptions about where the provision of primary care service is going to land, and therefore I am not sure there is much merit in me trying to answer that question.

4.5.3 Deputy A.D. Lewis:

Apologies if this figure has already been published and I have missed it but could the Chief Minister indicate how many people currently are off sick with stress related illness? He may not be able to do that right now but perhaps he could after the Assembly?

Senator I.J. Gorst:

I can do that. Perhaps I could just revisit Senator Cameron's question. I think I understood what she was trying to drive at but there were so many assumptions in there that it was difficult to answer. If I take the Education Department in answer to Deputy Lewis, I believe that last year they lost almost 10,000 working days due to sickness absence but if you calculate those working days it comes to £1.4 million but I will try to get the figures or the numbers for right across the States.

4.5.4 Deputy T.A. Vallois of St. John:

Could the Chief Minister explain whether there is any evidence of employees with stress or anxiety-related issues that have undergone issues with regards to the bullying and harassment policies that we have in place in the States?

Senator I.J. Gorst:

I do not have any numbers in front of me but I have got no doubt that there would be a correlation in some cases because bullying and harassment, and even sometimes whistle-blowing and tipping-off, they are stressful situations and they can cause people to suffer stress and be off work in that regard but I do not have any numbers.

4.5.5 Deputy G.P. Southern:

Can the Chief Minister in his responsibility for using the group AXA to negotiate over illness and sickness issues and, occasionally, leaving the workforce, has there ever been an assessment of the cases that AXA are involved in and their successful outcome or otherwise? Is there any evaluation of the use of AXA in the process of sickness and illness among public sector staff?

Senator I.J. Gorst:

I do not have that information in front of me. I imagine there will be and if there is and it is publishable I will try and get it to the Deputy.

4.5.6 Deputy G.P. Southern:

If there is not, will he assure Members that there will be an assessment done of how successful AXA is?

Senator I.J. Gorst:

Indeed. Thank you.

4.5.7 Deputy L.M.C. Doublet:

I just wanted to further press the Chief Minister on my previous question which I am not sure was answered. What impact does the Chief Minister believe that saying to employees they are being strictly monitored when they are ill and threatening them with procedures will have on their health? Bearing in mind that long-term sickness is not just things like stress, it can be things like cancer and things like that. Will he undertake to investigate this letter and the policies behind it to ensure that it is not having a negative impact on employees' health and perhaps investigate a more compassionate approach?

Senator I.J. Gorst:

It is a balance that needs to be struck between, as the Deputy has just mentioned, a particular illness that an employee might be suffering from which requires long absences from the workplace, requires a careful, compassionate and understanding approach, and those which I think are completely different where individuals on a number of occasions might be taking a Friday and a Monday off. The reason it has got to be a balance is because in the one case it could happen to anyone and it is right that an employer deals with that fairly and, on the other hand, that has a detrimental morale effect for the remainder of the employees. When you take absence management systems like the Bradford Factor, even though it may not be perfect - and I am not sure there is a perfect system - it looks at the number of absences. It does not necessarily just look at the total length of absence, because it is sometimes an indication of whether someone has got long-term issues or they are behaving in what I think most employers would think was an inappropriate way. That is what those sorts of process-driven absence management schemes try to do. So I think that we have got a fair process but, as I have said, it is always right to review it and that review is being undertaken. But we have got to be careful that we do not demoralise the rest of our employees by allowing people to be ill, be out of the workplace and be absent without **[Approbation]** appropriate action.

4.6 Deputy P.D. McLinton of St. Saviour of the Chief Minister regarding people arriving to live and work in Jersey:

Given that many jurisdictions require people arriving to live and work in their country to agree to leave when their work permit expires; have enough money to care for themselves and their family; obey the law, have no criminal record, not be a danger to the country's security, and be in good health on arrival, has consideration been given to introducing similar measures in Jersey and, if not, why not?

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

We have considered these issues over many years: who can come to Jersey, what checks we can and should perform and what services they can access. I would be more than happy to spend some time with Members again exploring all these because I think they need to be revisited so perhaps we could organise a meeting in the autumn to set that up. I do sympathise with those who would like to see more controls, for example, in relation to criminal records and in many ways I feel the same way about the topic. However, Members will not be surprised that complex legal constitutional and administrative considerations are involved such as our place as part of the British Isles, our relationships with the European Union and the administrative burden we place on government and businesses. I am very happy that I ought to send out an invitation to Members to discuss this very soon.

4.6.1 Deputy P.D. McLinton:

I appreciate the Assistant Minister's offer of a get-together to sort this thing out but I indeed did get a list of reasons why we cannot. I am going to hopefully give you some reasons why we can. I draw the Assembly's attention to the Immigration (Work Permits) (Jersey) Rules 1995 revised in January 2013. If Sir will indulge I will just set up the next question: "Application of Rules. These Rules apply in relation to a person not having the right of abode in Jersey seeking leave to enter or remain in or variation of leave to enter or remain in Jersey for the purpose of employment subject to a condition that the person holds a work permit."

[10:30]

There is a section 3: "The matters to which the", in this case "Minister for Home Affairs ..."

The Deputy Bailiff:

Deputy, really, you have to come to a question. You cannot read out a large tract of legislation and then base a question upon it.

Deputy P.D. McLinton:

Okay, I beg your pardon. Absolutely. The Minister for Home Affairs apparently has a regard to "the work experience and character of the entrant." In that one statement there, that implies we do have control, as a Minister for Home Affairs can take that control over the character of the entrant of a person into our Island. I was wondering if the Assistant Minister had any thoughts on that.

Senator P.F. Routier:

The Deputy has highlighted the issue with regard to people who are non-E.U. (European Union) citizens who want to enter into the United Kingdom and the British Isles for which the Immigration Service do carry out those checks. That is obviously a separate piece of legislation which they need to abide by from the Control of Housing and Work (Jersey) Law 2012 which we have. We obviously have different arrangements for people who live in the British Isles or Europe; we do not have that same sort of control as that does for the Immigration Service. So it is something that I want to discuss more with people to see what can be done but we do to a certain extent value our relationship we have with the British Isles. If we start putting controls in for people coming from the British Isles into Jersey we might have the same issues with regard for us to visit the U.K. So it is a real difficult balance to strike. I would not want to upset our ability just to go off to England at any time we wished without having to go through Immigration. So there is a difficult balance to be struck there.

The Deputy Bailiff:

Can I just remind Members that both questions and answers should be succinct otherwise we are not going to get through a sufficient number of questions today? Deputy Tadier.

4.6.2 Deputy M. Tadier:

I do enjoy coming for a good session of Assistant Ministers' questions to other Assistant Ministers. It is an interesting new mutation that is taking part in this Assembly. Does the other Assistant Minister who is answering the questions take exception, as I do, to nothing less than the Assistant Minister for Health and Social Services asking questions in which he talks about people coming to this Island being in good health on arrival and linking that intrinsically with their ability to do a job? Because I find it particularly distasteful to suggest that somebody coming over with a disability, bearing in mind we are going to have a discrimination law, who may be diabetic, have fibromyalgia, carpal tunnel syndrome, depression, all sorts of illnesses which may be difficult to detect but do not in any way impinge on their ability to do a high-functioning job, let us say, in the finance industry.

The Deputy Bailiff:

Do you have a question, please, Deputy?

Deputy M. Tadier:

That is not a good basis on which we should be basing these kind of decisions and could send out a very damaging message about what type ...

The Deputy Bailiff:

Could you please ask your question, Deputy? Could you please ask your question?

Deputy M. Tadier:

Does the Assistant Minister agree it could send out a very damaging message from a Minister in Government to be putting these kind of questions about what type of Island we want to be living in?

Senator P.F. Routier:

I take the point the Deputy is making but I am sure that the questioner, the original questioner, did not have that in mind with regard to people with disabilities. I think probably his thoughts may have come about through other jurisdictions who have different systems of immigration that require people to enter their country to have health insurance before they arrive and to have those sorts of things in place but I do take the point. I do not expect that the questioner did have the intent as to what Deputy Tadier has implied about him; just a general view of how some controls can be made with regard to people coming to our Island.

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

I was just wondering if the Assistant Minister knows whether Jersey has ever tested the notion that we can refuse entry to somebody from the U.K. because of their criminal record. I do not believe that we have ever taken a test case. Is he able to tell us whether we have?

Senator P.F. Routier:

I am not aware that we have tested that decision.

4.6.4 Deputy J.A. Hilton:

A supplementary. Has the department ever considered taking legal advice on that basis because I am not quite sure why we can deport people who are convicted of serious offences in the Royal Court but we cannot turn people back at our border?

Senator P.F. Routier:

I can recall when the Control of Housing and Work legislation was being formed that we took advice on all aspects of those sorts of topics. It was something that we looked at very carefully and I am very happy to look at that again but certainly it is an issue which I know other jurisdictions have attempted.

4.6.5 Deputy J.A. Martin:

I absolutely defend Deputy McLinton's right to ask this question because to me it is going back to my question 4: will we look at an alternative population policy? It is all very good the Assistant Minister says he wants to sit down with us. I follow on from Deputy Hilton's question: when will somebody at our top table go and sit down with the U.K. and find out how far we can test them? I asked this of the Chief Minister when it was Senator Frank Walker and nothing has changed. Who is going to get a better deal for Jersey under the new rules? Thank you.

Senator P.F. Routier:

The Deputy asks an interesting question about whether we want to go into negotiations with the United Kingdom with regard to our relationship with them. It is something which is very, very difficult to attempt to do. We have a relationship with the U.K. which I would be cautious about trying to upset because it could reverse on us and we could be in a worse place. But certainly I will discuss it within the Council of Ministers and see where that takes us.

Deputy J.A. Martin:

So to be clear, no one at the moment is talking to the U.K. on population in Jersey?

Senator P.F. Routier:

That is correct.

4.6.6 Deputy P.D. McLinton:

Just on the record, I am very happy if we do not have to receive U.K.'s criminals that we do not have to send them out. So I am very happy on that level, so let us talk. I would also like to thank the Assistant Minister for defending me against Deputy Tadier's accusations, quite rightly, with looking at other jurisdictions and how they run their country. Yet again, the Deputy dashes to the worst-case scenario at every occasion which ...

The Deputy Bailiff:

This is a final question, Deputy, not a final speech.

Deputy P.D. McLinton:

The final question is: I look forward for a timetable from the Assistant Minister and an actual commitment we will take a moment in which we can all sit down and discuss this. So please could he give us a date in the reasonably near future when we can discuss this further?

Senator P.F. Routier:

I will certainly do that and I welcome the interest on this topic. An invitation will go out very soon.

4.7 Deputy J.A. Hilton of the Minister for Home Affairs regarding a possible police investigation in relation to a child who had to be resuscitated by a member of the public in Coronation Park:

Would the Minister indicate whether the police are investigating whether any criminal offences might have been committed in relation to the child who had to be resuscitated by a member of the public in Coronation Park last week?

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

I can confirm that this incident is subject to an investigation by the police although I am unable to say any more at this time in order to avoid potentially undermining any future prosecution case.

4.7.1 Deputy J.A. Hilton:

I have it on good authority that an au pair was employed to look after this child and on the occasion of the near-drowning when the child was resuscitated by a member of the public, the au pair was waiting in a queue to buy a cup of coffee, hence the reason the child was unattended while in the paddling pool. Would the Minister agree with me, at the very least, this is a safeguarding issue?

The Deputy of St. Peter:

As I say, this is an investigation that is ongoing and I think it would be presumptuous to enter into any discussion on the detail.

Deputy J.A. Hilton:

A supplementary?

The Deputy Bailiff:

You will come to a final supplementary in due course. No, we are at that time for a final supplementary. [Laughter]

4.7.2 Deputy J.A. Hilton:

Would the Minister be prepared to publicly endorse the advice given by the head of the Jersey Childcare Trust who said in a written article recently: "An au pair will not have any childcare qualifications or first aid training. It is therefore unacceptable and inappropriate for an au pair to be expected to provide sole charge childcare for babies or young children. Their role is more of a support to the main carers' role." Will the Minister be prepared to endorse that statement publicly?

The Deputy of St. Peter:

I do not wish to be unhelpful to the Deputy, and I fully understand her reasons for taking this line of questioning, but I do not feel childcare policy is within my areas of responsibility.

4.8 Deputy J.M. Maçon of St. Saviour of the Minister for Treasury and Resources regarding support for students wishing to attend tertiary education:

Following my suggestion to the Minister for Education, Sport and Culture during question time on 10th March 2015 that a tax-based scheme to help support students wishing to attend tertiary education (university in particular but not exclusively) should be introduced, would the Minister advise whether this is now being investigated and what the accompanying timetable for its introduction would be and if not, why not? Thank you.

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

The Deputy will be aware that the Minister for Education, Sport and Culture is actively involving students, parents and members of the general public in his consideration of the options for higher education funding. There is a public workshop, in fact, on 29th July at Highlands College Great Hall. Education officers continue to explore affordable higher education funding models and have had discussions with Treasury officials. The Minister for Education, Sport and Culture and I have discussed matters and have agreed that we will update Members on progress in September.

4.8.1 Deputy J.M. Maçon:

Given that the Council of Ministers' policy is that no Jersey child should be prohibited from attending higher education due to reasons of financial restriction, can the Minister confirm whether the department in the set proposals is considering an I.S.O. (International Standard Organisation) based scheme?

Senator A.J.H. Maclean:

All I can say at the moment is that of course there is already a tax incentive, an enhanced higher tax allowance, of £6,000. Members will be aware that in fact the standard rate is £3,000 and this can be claimed by parents with children at university off-Island or indeed for that matter with children on-Island studying qualifying university degree courses. It is worth bearing in mind just on that point that I think it was back in 2006 there was only one degree course available in Jersey. The current number is 14; it is increasing. I think that is a very positive thing that we have more degree courses available for students to consider on-Island. It also, by the way, attracts foreign students, again, a positive aspect from an economic perspective. So there are advantages already available and enhancements to allowances for parents for children. I would just add one final point if I may, and that is that 75 per cent of children - I understand all students - who go to or take higher education get some form of benefit under the current system although I do accept, and the reason we are still continuing to look at it with Education, is that matters need to be considered further.

4.8.2 Deputy G.P. Southern:

What thoughts, considerations has the Minister for Treasury and Resources had about restoring the levels of the maintenance grants, in particular to previous levels, say, that were attained in 2008, and, most importantly, what sort of sums has he put in their calculations as to how much it would take to do that? Does he have those range of figures and will he release them to Members?

Senator A.J.H. Maclean:

I do not have that figure to hand. All I would comment on is that it was of interest and note that in the U.K. budget very recently maintenance grants were cancelled by the U.K. Government which is an entirely different perspective on this particular issue. I am happy to provide the Deputy with the figures that he asked for if indeed I am able to do so, and I will update him on that. I see no reason why not. But I will update him if that is indeed possible.

4.8.3 Deputy L.M.C. Doublet:

I notice on the M.T.F.P. that we have received today on page 9 there is a contingency fund for economic and productivity growth provision. Could the Minister consider possibly awarding some of this £5 million in grants to students who might show particular promise in using their qualifications to innovate in-Island and potentially grow our economy?

Senator A.J.H. Maclean:

That is an extremely good question. I should just point out to Members that the sum of money allocated for economic growth diversification is £20 million and indeed it is going to be held centrally by Treasury and it is going to be subject of a rigorous process to assess all applications. What I can say to the Deputy is that there is no reason why Education, for skills purposes, development and so on, could not make an application for funding from that particular pot but of course it will have to go through a process, as I am sure Members would appreciate.

[10:45]

4.8.4 Deputy J.M. Maçon:

Can the Minister therefore confirm that again in this consultation paper whether a Graduate Tax is going to be introduced and that his department is also investigating that aspect?

Senator A.J.H. Maclean:

That question has been raised and certainly has been looked at. All I would comment on to the Deputy is that I think we want to have, and need to have if we are going to do anything else, a simple system and one system rather than multiple systems. As I have said, we have already got a higher enhanced allowance scheme in place to support parents, so we need to look very carefully at not complicating the system and underpinning everything. Whatever is considered, it needs to be affordable, certainly in the context of the Medium-Term Financial Plan the next few years.

4.9 Deputy S.Y. Mézec of the Chief Minister regarding a timeline for the introduction of equal marriage legislation:

Since I lodged this question it has been comprehensively answered in an email which went out to States Members yesterday but I will ask it anyway just for the benefit of the public record. Why has the Chief Minister not brought forward a proposition asking the States to adopt a timeline for the introduction of equal marriage legislation, given that the consultation at the end of 2014 stated that this would be done by the first quarter of 2015?

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

The report and proposition will be lodged during this States sitting. The reason for the delay was set out in response to a question asked by the Deputy on 28th April this year.

Deputy S.Y. Mézec:

No, I have no further questions, thank you.

4.10 Deputy A.D. Lewis of the Chief Minister regarding the servicing of information requests made by the Public Accounts Committee:

Does the Chief Minister consider that his department and other executive departments are affording sufficient priority and exercising due diligence when servicing information requests made by the Public Accounts Committee and, if he has any concerns in this regard, how will he seek to improve current response times? Thank you.

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

All departments should be prioritising requests for information from the Public Accounts Committee. The work of P.A.C. (Public Accounts Committee) helps ensure that public money is properly managed and used well. If any improvements to the arrangements are needed, I would be more than happy to work with the chairman to ensure officers discharge their responsibilities under those arrangements.

4.10.1 Deputy A.D. Lewis:

In which case does the Chief Minister think that it is reasonable for the Executive to take almost 25 weeks to respond to the C. and A.G. (Comptroller and Auditor General) report concerning the J.T. (Jersey Telecom) shareholding; 15 weeks for the response on financial management? Will the Chief Minister accept that the extended timescale for responding to P.A.C. is indicative of something being wrong with the resource allocation and information management in executive departments?

Senator I.J. Gorst:

There is a short and a long answer. The short answer to the first 2 elements of that question is, no, it is not reasonable and it should be done in a more timely manner. Of course there is a long

answer of all sorts of reasons why departments have got various priorities and are not able sometimes to prioritise it in the way that I would expect officers and departments to do so. I recognise that there are issues which need to be overcome and I reiterate what I said earlier that I am happy to work with the chairman on a new protocol to endeavour to deliver information in a more timely basis.

4.10.2 Connétable C.H. Taylor of St. John:

I have the privilege of working on P.A.C. as well as Corporate Services Scrutiny and it has become my experience that we would receive information quicker through a Freedom of Information request, which is probably why the general public know more than we do. **[Laughter]** Would the Chief Minister please ensure that we do receive information in a timely manner? Thank you.

Senator I.J. Gorst:

There are obviously 2 slightly different functions between the work of P.A.C. where officers should be attending upon P.A.C. and providing the information and Ministers need to ensure that they are doing so and that needs to be reviewed. It is slightly different when it comes to Scrutiny Panels where it is Ministers who are being held to account and need to endeavour to ensure that blockages are dealt with. It is quite apparent that the processes are not working as well as they should do and I have endeavoured to address the issues that the chairman has raised and the chairman of Corporate Services has raised with me, and ultimately I look forward to us agreeing a new protocol in due course as well.

4.10.3 Deputy A.D. Lewis:

I must thank the Chief Minister for his reassurance. But in the absence of party politics or Shadow Ministers, this is one of the routes through Government to enhance our democracy so it really is very important. But during a recent visit to the Welsh Assembly I discovered that my counterparts in Wales received government responses within 2 weeks, with 4 weeks being the default time. The C. and A.G. is minuted in a recent P.A.C. meeting as saying: "The response times in Wales are broadly consistent with their experience of working with other public bodies." Does the Chief Minister not feel that such delays are disrespectful of the democratic process?

Senator I.J. Gorst:

I do not think there is any intention for that to be the case. I can see that when delays have taken so long, that can be how it is interpreted though I am not aware of any intention from either Ministers or officers for that to be the case. But I continue to say to the chairman that I am aware that issues have arisen, they have to be resolved, and I am happy to work with him to resolve them.

4.11 Deputy P.D. McLinton of the Minister for Transport and Technical Services regarding the installation of safety railings on the pavement directly outside Bagot Stores and on the pavements at the junction of Longueville Road, Aubin Lane and Belvedere Hill:

In the interest of the safety of the pupils of Plat Douet School and the public in general, and following concerns expressed by constituents, will the Minister consider erecting safety railings on the pavement directly outside Bagot Stores and on the pavements at the junction of Longueville Road, Aubin Lane and Belvedere Hill?

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

Yes, of course I can confirm that I will be giving this consideration over the summer recess. I invite Deputy McLinton to join me in that work.

4.11.1 Deputy P.D. McLinton:

That is wonderful. I must, by the way, apologise. In fact, it is at the junction of Bagot Road and Georgetown Road and I have misnamed Bagot Stores; it is now Georgetown Stores, so I apologise. Any chance of the roads to be accurate? **[Laughter]** Are we in Jersey? **[Interruption]** As we are in the area, traffic calming on Aubin Lane might be a nice idea too. **[Laughter]** I have got that accurately done so if you could give that consideration that would be marvellous. Thank you, Minister.

The Deputy Bailiff:

I think you were being asked whether you would give that consideration as well, Minister.

Deputy E.J. Noel:

Of course, and this will be added to the work that we are currently doing further along in Longueville Road.

4.11.2 Deputy J.M. Maçon:

I wonder perhaps if the Minister would kindly produce for the Parish the list of priorities which are existing and demands that are in the Parish so that we can work through the priorities of the entire Parish and involve all the Deputies and Constables in those discussions. Thank you.

Deputy E.J. Noel:

Yes, I can confirm that that list already has been provided to the Parish. Obviously it has now been extended to the area around what I call the Bagot Road Pub. But that list was provided to the Parish back in April and we are working with the Parish.

4.11.3 Connétable S.A. Le Sueur-Rennard of St. Saviour:

Yes, he is working with the Parish but we are still waiting to hear how much the costing is for the roundabout outside Longueville Manor.

The Deputy Bailiff:

I am sorry, Connétable, was that a question?

The Connétable of St. Saviour:

Yes, Sir. Could I have the costings, please? Then maybe we could work together if he tells me how much he is estimating the roundabout outside Longueville Manor will cost us as we are still waiting for it.

Deputy E.J. Noel:

There is no roundabout proposed outside Longueville Manor. What is being proposed is a temporary traffic light system, so just to clarify that there. I do now have the costings for that trial. They come to some £29,000 and I am unhappy with that sum, so I have asked officers to go back to see if there is an alternative method where we can use computer modelling to bring the cost of that down significantly because the actual cost of implementing a permanent system of traffic signals there would only be in the region of some £120,000. To spend effectively 25 per cent of the budget on a trial, to my mind, is not good value for money, so if the Constable and the Deputies there can be a little more patient on seeing what the outcome will be if we use a computer modelling system as opposed to putting up temporary traffic lights.

The Connétable of St. Saviour:

No, I will be patient. Thank you very much.

4.11.4 Deputy P.D. McLinton:

It seems every time I mention the roads in St. Saviour we start some sort of fist fight in here and I do not particularly want that. I just want peace, love and understanding and safety for the residents of the area. I look forward to moving to a safer world. Thank you.

The Deputy Bailiff:

A supplementary question should be a supplementary question, not a supplementary statement.

Deputy P.D. McLinton:

I beg your pardon. I have not sent out any statement.

4.12 Deputy J.A. Hilton of the Chief Minister regarding the accuracy of the measurement and monitoring of the population:

What actions, if any, does the Minister intend taking to improve the accuracy of the measurement and monitoring of the population on an ongoing basis?

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

As the Chief Statistician has said, the Social Security Department has successfully run the new manpower survey under the new Control of Housing and Work (Jersey) Law 2012 with names of every employee being reported. This can now be used to support the continuing development of a live register which will be very welcome. While this will take time, as we have always said, we have the right foundations in place. The expertise of the Statistics Unit and the Social Security Department, supported by the Register of Names and Addresses (Jersey) Law 2012 will help me to continue to prioritise this work. I know that the Statistics Unit are very keen to progress this as soon as possible.

4.12.1 Deputy J.A. Hilton:

A supplementary. The Assistant Minister just spoke about the time that it would take. He praised the Social Security Department and the Statistics Unit for their very good work that they have done. They are obviously capable of doing this piece of work, so how much time exactly is it going to take to prioritise this work?

Senator P.F. Routier:

It has obviously been a very gradual process. The Chief Statistician is wanting to be very comfortable with the formation of all the numbers that are in all the various databases. Because when we ran a manpower survey a year or so ago he was not satisfied that that was correct so he is being very, very careful in making sure that he is satisfied with the collation of the figures. I know he has said in the recent announcement of the population figures that he wants to move on to this live register as soon as he can. He did not commit himself to when he would be comfortable to provide that but I know we want it to happen as soon as possible and he wants it to happen as soon as possible. I would imagine it would be within the next year or so that it would be ready.

4.12.2 Deputy M. Tadier:

Notwithstanding the good work of the Statistician and Social Security, surely if we rely too much on Social Security for our population figures that will simply tell us how many people are on the books at Social Security. I would have thought that the logical thing to do to get accurate figures would be to start at the ports - at the harbour and at the airport - so we know who is coming in, who is coming out and then collating that with other information to get a proper accurate figure for the future. Is that not the case?

Senator P.F. Routier:

The way that the Statistics Unit has been collating the figures has been through bringing together the information from various departments, not just Social Security. So we do not have access in the ports so that people sign in when they come through the ports. What they do is when they want to have access to work or access to living accommodation they need to have a registration card and at that stage that is when they are captured.

4.12.3 Deputy M. Tadier:

I think that is my point. We know how many people have gone to Social Security and applied for a registration card. We do not know how many people are living in the Island in whatever informal capacity or even working below the radar, *et cetera*, and that is presumably what a population is. It includes those people, not simply those who are known to one particular department. Is that an issue which the department in which the Assistant Minister is working is trying to address?

Senator P.F. Routier:

We are relying on the need for people to, if they are going to be working within our community, or they are going to be living within our community - unless they are breaking the law and the people who are giving them work are breaking the law, or if the person they are renting accommodation from is breaking the law - we are relying on that provision that they will need to have a registration card. If anybody is aware of areas that they are not complying with the legislation, they need to report it and it will be dealt with.

4.12.4 Deputy A.D. Lewis:

Does the Minister agree that in order to grow the economy in line with the expectations outlined in the M.T.F.P. we simply do not have enough of the right skills in the Island?

[11:00]

So what information can be derived to prove by employment sector that we have the right licences for the right companies? The current system of allocation of licences is simply not working. It needs to be reviewed with urgency.

Senator P.F. Routier:

We are doing a piece of work currently with the employers. Only yesterday I met with a major hotel owner who has a few hotels to discuss their needs. There is regular contact with the hospitality industry generally; with the construction industry. Jersey Business are doing a piece of work for us as well to help us to ascertain what the skills are required in the Island and we take advice from Jersey Business on the gaps that are happening. It covers the digital and finance industry as well. So we know it is something we need to be aware of and hopefully the information received from those industries will help inform our decision-making.

4.12.5 Deputy A.D. Lewis:

None of those sectors that the Assistant Minister mentioned are happy with the current situation, so what is he going to do about it?

Senator P.F. Routier:

Which part of the industry? Which sector?

Deputy A.D. Lewis:

All the sectors that he mentioned: hospitality, and a number of others, digital. None of them are happy with the current allocation of licences. It is affecting the growth of their business, the growth of the economy and the creation of jobs. What is he going to do about it?

Senator P.F. Routier:

I think that is the issue that we are challenged with. We are faced with a desire from our population who already live in the Island to control population. So there are value judgments that need to be made with regard to where licences are approved. The current Interim Population Policy talks about high social need or high value and there is a judgment call that is made for every application. We get criticised by some people for the number of people who are in the Island but we do get to a situation where we are refusing licences and it is a judgment call.

4.12.6 Deputy G.P. Southern:

Does the Assistant Minister accept that it has taken far too long to accurately populate the Population Register and does he accept the words of the Statistics Chief that he can no longer swear by the population estimates that he is giving out and that he could, as Guernsey have done, have got an accurate population register by outsourcing this particular move? Without outsourcing it will take up to 3 years to get an accurate Population Register. What consideration has the Assistant Minister given to additional funding to make sure that we get that accurate Population Register as soon as possible? I understand, for example, that the Health Department are desperate to get their hands on an accurate register in order to run their screening programmes. Will the Minister consider adding in the M.T.F.P. the required funds if it is deemed necessary to get that accurate register more quickly?

Senator P.F. Routier:

Interesting question. It is a question that I asked of the Chief Statistician about how he would progress the live register and he assured us that he could achieve that within his current budget. I challenged that when he issued the recent population figures and he gave us that assurance that it would be part of his work and he can do it within his budget.

4.12.7 Deputy G.P. Southern:

But the Assistant Minister is avoiding the central key to that, which was he can do it within his budget in about 3 years. No, well, he has told me it will take about 3 years. If the Assistant Minister were to decide that he wants it quicker than that for all sorts of purposes and extra funding was required, would he be prepared to back that up?

Senator P.F. Routier:

My recollection of the discussion I had with the Chief Statistician was that he could do it a lot quicker than 3 years but I will have another discussion with him and find out what the current assessment is. But if it requires a further look at it we will certainly do that.

4.12.8 Deputy J.A. Hilton:

The total net inward immigration was 1,200 people for the 2 years: 400 licence employees and 800 registered. Does the Minister agree with me that while issuing registered permits for the years 2013 and 2014 ... for instance, in 2014 we are talking about 440 new registered licences, plus in addition to that a guesstimate for the number of people who are switching from registered each year to entitled to work is 600, is giving the capacity of an additional 1,000 registered licences per year. Can the Minister tell Members how he feels that is helping towards us trying to maintain our inward population level at 325 people per year which we are blatantly failing?

Senator P.F. Routier:

I agree it is a real challenge for us to make decisions with regard to the decisions that we are being asked to make by the business community to ensure that they have the right staff within the Island. Even within this Assembly we hear different views about what businesses require and what licences we are able to give. I would just like to address one issue with regard to registered people. It has been assumed that a registered licence is just for businesses which are in hospitality and retail

and those sort of things. That is not the case because quite a proportion of them are now in the finance industry, in the legal profession. The reason they have been given registered licences is because it does not enable them to have access to housing. So coming to Jersey and having an entitled to work application only, they have not gone to what was the old (j)s, so there is that differentiation. Now we are using that a lot cleverer, I believe, to ensure that they do not have access to housing. But it is a challenge, I do not deny the fact. As we have seen from the numbers which have recently been published, the number is higher than what I would like it to be. But when we are faced with a business coming to us to say that they are going to create employment and they are going to pay tax to our Island, there is a judgment call that needs to be made. Whether the 325 was the figure we were aiming for, who knows? But we are faced on a daily basis of having to make real decisions about businesses.

Deputy J.A. Hilton:

But does the Minister ...

The Deputy Bailiff:

No, sorry, that was the final supplementary. Question 14 falls away, we are on to question 15 that Deputy Tadier will ask of the Chief Minister. Deputy?

4.13 Deputy M. Tadier of the Chief Minister regarding applications for care, supervision or freeing orders:

Further to the Chief Minister's response to a written question 8844 on 16th June 2015, will the Chief Minister explain why it would be disproportionately resource intensive to conduct the review required to establish how many of the applications for care, supervision or freeing orders did not have a lawyer appointed and how many had a lawyer appointed over 3 months after proceedings commenced, and will he undertake to provide the information?

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

In order to answer the question each file would have to be individually checked to see, (1) whether a lawyer for the children was appointed, (2) when the act of court was made appointing the lawyer and (3) when the initial application for a care order was made. This manual checking would be required in each case to check whether the time between the appointment of a lawyer and the date of application exceeded 3 months. For the cases dealt with in 2010 each file would need to be checked to see whether it was dealt with before or after 17th August 2010. As there have been 41 applications during this time period this would be disproportionately resource intensive. It would also, of course, detract from the important work currently being undertaken to make appropriate applications to safeguard and protect vulnerable children. However, it is now hoped that the data will be available by the end of September 2015.

4.13.1 Deputy M. Tadier:

I thank the Minister for that answer. It would have been helpful if that could have been intimated initially in the written question. There was no suggestion of a helpful answer to try and suggest what information could be procured even on a bit by bit basis. I seem to be suffering from the same problem that the P.A.C. (Public Accounts Committee) Chairman in question 11 indicated. Could I ask the Chief Minister, given the fact that there were only 75 applications currently that needed to be checked, would it not be better to make sure that the information was held in a format that is easily retrievable in future and that given the fact that he said that every time a new file is opened the advice is put in it, that kind of information should be recorded as we go along so it can be easily retrieved in the future?

Senator I.J. Gorst:

I am not personally familiar with the file-keeping processes which this department might use, however I can say from my experience across many departments that the Deputy makes a good point and this is part of the modernisation of government, looking at the way that we hold data so that it is easily accessible and can be, to some extent, machine readable by others as well.

Deputy M. Tadier:

I thank the Minister for his answer.

4.14 Deputy G.P. Southern of the Chief Minister regarding the number of public sector workers who have applied for ‘release’ from employment:

Will the Chief Minister inform Members how many public sector workers have applied for “release” from employment and state what proportion of applicants are senior, experienced staff and advise whether those staff will be replaced by cheaper, less experienced, junior or trainee staff?

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

There have been 329 applicants for the voluntary release scheme, 83 of those applicants earn £43,000 per year or more. Departments are now preparing business cases to determine the appropriateness and affordability of approving the applications.

4.14.1 Deputy G.P. Southern:

What plans are there to replace or eliminate jobs among those 329? Could the Minister repeat a little slower his first line because I did not follow it, it was just a stream of syllables.

Senator I.J. Gorst:

I do endeavour to get my answers in in the allotted time. [Laughter] They were in English and I apologise if I am rather too fast for the Deputy.

Deputy G.P. Southern:

That will be the day. [Laughter]

Senator I.J. Gorst:

Three hundred and twenty-nine applications, 83 of those applications earn more than £43,000 per year so the Deputy must not have listened to the final paragraph either because in there I said that businesses cases were being prepared to show where the saving was, to show how that work would be undertaken differently and those cases will determine the appropriateness and, of course, the affordability of any approval of any individual application.

4.14.2 Deputy G.P. Southern:

Is it still the Minister’s intention to save, I believe the figure is lately, £20 million through this voluntary release scheme and, if so, will he ensure that when it comes to looking at the Medium-Term Financial Plan we have sufficient information on this aspect of de-staffing the public sector to be able to judge whether the figures produced in the Medium-Term Financial Plan are being met or otherwise?

Senator I.J. Gorst:

I may have misheard the Deputy but I think he was confusing the amount of money allocated to facilitate voluntary redundancies, which is £20 million, rather than the targeted saving. Perhaps it might be an apt lesson that Members might want to ask me fewer questions in the future so we can all stay with it. So it is £20 million that we are putting aside to facilitate the voluntary releases and,

as we say, they have to show that they have made savings, the payback period has to be 2 years or less and the critically important thing is a reorganisation of the service to ensure that positions do not need to be refilled into the future. The Deputy insists on talking only about one element of the Medium-Term Financial Plan so at the time that we are reprioritising and going through a redundancy process, the extra money spent in Health and Education is going to be employing more people. So there will be a balance there and we are quite clear about that.

[11:15]

4.15 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding the viability of the International Finance Centre:

Following the news that a private sector developer has secured pre-lets of 41,000 square feet in planned office space along the Esplanade from 2 major local finance firms, does the Minister still consider that the International Finance Centre is viable and, if so, why?

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

Yes, the Jersey International Finance Centre is still viable. What is important is that sufficient Grade A office space is available for the finance industry to expand and for new entrants to find suitable space. In the past 12 months there have now been 4 pre-lets signed up in the market totalling 146,000 square feet. A further 57,000 square feet is under option. This is more than the previous 3 years put together and very encouraging news that signals renewed confidence in the Jersey economy. The Jersey Development Company are confident, as indeed I am, that the first building will be a financial success and we will see several Jersey International Finance Centre buildings under construction in the next few years provided we let the Jersey Development Company get on with it and do not undermine the confidence of potential tenants that are looking to lease space in the Jersey International Finance Centre.

4.15.1 Deputy S.Y. Mézec:

The firms which have signed up to these private sector offices were quoted in the media as saying that they did consider the I.F.C. (International Finance Centre) but came to the sensible conclusion that they would go for the best commercial option which was not with the I.F.C. So on that basis, if it is going to be a success, what sort of concessions is it going to have to be able to give to match what the private sector is able to offer to get firms to sign up? In doing that is that going to reduce its viability and ultimately how much money we are supposedly meant to be making out it?

Senator A.J.H. Maclean:

This is a demonstration of a commercially functioning market. The fact there is choice is really a very positive thing for the market, it is very positive for the economy, for the finance sector in particular. They have choice and they have value and that is exactly what we want them to do so that we have a competitive economy here in Jersey. No it does not automatically lead to more incentives being given but what the Deputy might be interested to know is all development companies, whether they be the States of Jersey Development Company or private development companies, negotiate with potential tenants. That is just a fact of commercial life. Prospective tenants then make a choice as to what they feel is most appropriate for their needs. What I can tell Members is that greatest single reason that we are finding tenants are reluctant to sign on the dotted line for the Jersey International Finance Centre is due to the uncertainty that has been created.

[Approbation]

4.15.2 Deputy M. Tadier:

They were not even signing up before the uncertainty was created so we wonder where that is going. I look forward to the Minister branching out into ferry companies, cinemas and perhaps ice cream vans so that we can have more choice for consumers from government-run entities. The

question is, I guess, what happens if the Scrutiny Panel's report comes back and says that in their opinion the finance centre is not viable and that there is a glut in office space in the market and that the whole process shows some flaws? What is the course of action then or is it not possible that the Scrutiny Panel might be right and the Minister might be wrong?

Senator A.J.H. Maclean:

I am not going to stand here and predetermine what the results of a Scrutiny Panel review is going to conclude. We will deal with that when we get to it. All I can tell the Deputy is as far as this particular building is concerned, the first one where construction has started, there have been independent valuations undertaken by the bank lending the money for the construction to go ahead and those have come out in a very positive way demonstrating that the cost of construction is more than covered by the value of the building. I think that is a positive thing and we will just progress and wait for Scrutiny to conclude their report and deal with it at that point.

4.15.3 Deputy S.Y. Mézec:

The Minister says he will not predetermine what the Scrutiny report is going to say but in a sense he already has done that because he had gone ahead with it before Scrutiny has had a chance to report back anyway. So he is presumably assuming that they cannot come back with anything negative. If they do come back with something negative, what will the course of action be to hold the relevant people to account for what will have transpired to be a big mistake? I say this as somebody who likes and admires the Minister for Treasury and Resources as a person, but if it turns out that he has made a mistake in doing this would he be prepared to offer his resignation over it?

Senator A.J.H. Maclean:

The Deputy is again predetermining potential outcomes. I am not prepared to enter into that at this particular point. The issue around starting before Scrutiny have concluded their report, this development has been going on for years. It was 2001 when the Island Plan first identified this area for development. There has been a masterplan in 2008. This has been ongoing and we made it clear to Scrutiny at the very beginning that of course it is absolutely their right to undertake a review, which is what they are doing, but you cannot stop a development. What we have is the first building which is under construction. Indeed if something comes out of the review from Scrutiny we will consider that in the context of the rest of the development in due course. I have already given an undertaking, which I think is very reasonable, that we will not seek to find through S.o.J.D.C. (States of Jersey Development Company) or sign up more to the point, any additional tenants in the second building or any further buildings until the review has been delivered. That is, of course, assuming it is delivered within a reasonable timeframe. I am expecting it in a matter of a month or 2. If it runs on past the end of this year, which is unlikely, of course one might have to review that position.

4.16 Deputy A.D. Lewis of the Chief Minister regarding the level of the Minimum Wage:

This is a bit of a groundhog day but I will continue anyway. Following the decision of the U.K. Government to introduce a statutory Living Wage that will rise to £9 an hour by 2020, is the Chief Minister inclined to revisit his government's commitment to introducing a Minimum Wage at 45 per cent of median income by 2026 and, if not, why not?

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

As I said in an earlier answer, we want to have increased productivity and higher wages linked to higher profits. This is how we raise standards of living for Islanders, making work pay and reducing reliance on benefits. We have an agreed target of increasing the Minimum Wage to

45 per cent of the mean earnings by 2026 and a clear way of achieving this through recommendations of the Employment Forum. If the Employment Forum recommends a different approach and if we can achieve this sooner, and if economic conditions are right, I would certainly welcome it.

4.16.1 Deputy A.D. Lewis:

We saw last week when the finance industry reported excellent profits for 2014 that our economy is beginning to recover. Does the Assistant Chief Minister not agree that the introduction of a Living Wage would bolster economic recovery and create a stronger platform for future economic growth?

Senator P.F. Routier:

The figures which the finance industry published last week were very encouraging and certainly the introduction of a Living Wage, the time to introduce increasing wages at a time of greater productivity, I certainly agree with that. We must not forget also our economy is made up of all sorts of different businesses from agriculture, retail, right through to the finance industry, so we do not have a clear understanding of how the retail businesses are and they are performing at the present time. But certainly it is recognised that to implement a higher wage is obviously something that can be brought about if the economy is on the up.

4.16.2 Connétable J.E. Le Maistre of Grouville:

Would the Assistant Minister agree with me that if we introduce a Living Wage too soon it could have serious effects on the agricultural and tourism industry?

Senator P.F. Routier:

I do recognise that there would be challenges for the agriculture and tourism industry and that is why using the Employment Forum who are made up of employers and employees who have made recommendations in the past always do take a broad look across the economy to see how it would affect the tourism and agricultural industry. I do accept and recognise the point the Connétable is making.

4.16.3 Deputy G.P. Southern:

Has the Minister considered the possibility of suggesting to the Employment Forum that we at least try to compete with U.K. industries by raising the Minimum Wage to around £7.20 as is suggested by the Chancellor in the U.K.?

Senator P.F. Routier:

No doubt the Employment Forum - I think their consultation period is currently open for next year's recommendation - will be looking at all information which is within the community, and I am sure over many years the Deputy has tried to alter the Minimum Wage levels and I hope this year he is going to take the opportunity to get in touch with the Employment Forum with the views of his party so that they can be heard. But no doubt there will be others who will also make representations to the Employment Forum to put their views forward. I would encourage everybody to do the same.

4.16.4 Deputy G.P. Southern:

Supplementary, if I may? Does the Assistant Minister have, as a long-term aim, the reduction in the subsidies given through income support to employers who do not pay a living wage?

Senator P.F. Routier:

If the economy is in a sufficient buoyant state that businesses are able to pay a higher wage I would certainly encourage that. I do recognise there is a link between wages paid and benefits paid also

so it is always a balancing act of not creating unemployment by having wages put up too high. So there is a real dilemma for those who are making that decision.

4.16.5 Deputy M. Tadier:

In terms of agriculture and hospitality, if it was really an issue that it may have an impact on employment there should we be looking at different ways to subsidise those industries rather than subsidising it not at all because we are employing people with less than 5 years or through the social security systems? Perhaps having a way that the top-up could be given to farmers or hoteliers for every employee that they employ but cannot pay a Living Wage to. So perhaps a more open way about how subsidies should be given to those sectors.

Senator P.F. Routier:

That is a big piece of work which obviously the Economic Adviser would need to look at. Certainly the focus of this question regarding a Living Wage is what we are discussing today but if the Economic Adviser is able to look at that as an issue certainly he may do that.

4.16.6 Deputy M. Tadier:

More generally, does the Assistant Minister think that one day we will look back on this with incredulity that anybody was being expected to work for less than the Living Wage, and one should be able to live off the money one earns for work one puts in? So basically otherwise one is being short changed for the work one puts in.

Senator P.F. Routier:

The phrasing of the question I find difficult to cope with but certainly people who are working need to be paid a fair wage for the work that they do and the business who creates the employment needs to be able to pay the wage. So there is a real balance to be struck there between what an employer can afford to pay and create jobs within the community. So it is not as easy as the Deputy might think; that we will look back with incredulity as something that we should have scorned upon in the past. But we are where we are and I am sure there are businesses who are struggling to pay even the Living Wage.

4.16.7 Deputy A.D. Lewis:

High wages in other countries have proven beyond doubt that they increase productivity. The Assistant Chief Minister referred to that on a number of occasions during his answer. Does the Assistant Chief Minister not agree that the Living Wage not only creates a greater incentive for people to take jobs but it stops this ridiculous situation that we currently find ourselves in whereby the Government is subsidising the few businesses that do not currently pay the Living Wage with supplementation and in-work benefits?

Senator P.F. Routier:

There is certainly an issue with that but the balance to be struck about what a business can afford, there are obviously businesses who can afford to pay the Living Wage, there is no doubt about it. There are some which can afford to pay it, but there are some businesses, if the wage level was increased through legislation, it would put them out of business.

[11:30]

There is no getting away from that. There are businesses who are teetering on the edge. You could see the end of the agricultural industry, you could see some retailers close, you could see some hospitality industries close. We have to be very careful to ensure that ... but the Deputy makes a fair point about productivity being increased. Prices would go up for our community around as well. The businesses who are having to pay higher wages would decrease prices for our

community. So it is not just a simple one thing that will fix everything because it will have a real knock-on effect. This is an issue where I am keen for everybody to be paid a good wage and I hope that the people will work with the Employment Forum to ensure that we can increase wages as best we possibly can. I realise this is the final supplementary?

The Deputy Bailiff:

It is the final supplementary.

Senator P.F. Routier:

I would just like to finish by saying I would like to pay particular thanks to the officers in the Chief Minister's Department who have worked over the weekend to help provide information for all the answers the Chief Minister and I have dealt with today. We need to really recognise the effort that they have put in over the weekend. **[Approbation]**

5. Questions to Ministers without notice - The Minister for Education, Sport and Culture

The Deputy Bailiff:

That brings us on to Questions to Ministers without notice and the first question period is to the Minister for Education, Sport and Culture. Deputy Maçon.

5.1 Deputy J.M. Maçon:

Transfer of functions. Can the Minister please explain what is happening with the transfer of functions of sport and culture, what form they are to take and the timetable to go with them?

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

As far as I am aware the transfer of functions will go through in October and the actual timing of the final date for sport and culture will be beginning of January in 2016.

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

As Jersey has just finished hosting the Island Games - and sincere congratulations to all concerned - **[Approbation]** the next Island Games will be in the Swedish island of Gotland in 2017. We have just heard that Minorca, among others, have pulled out of the bidding. As Jersey has spent a considerable amount of money upgrading sports facilities in the Island, will the Minister in consultation with colleagues consider putting in a bid for the 2019 Island Games and further boost tourism in Jersey?

Deputy R.G. Bryans:

Yes, I did hear this on the closing night of the Island Games. Thank you very much, I think the Assistant Minister, Constable Pallett is going to make a statement about the Island Games later so I will not steal his thunder in repeating what he is already going to say. But at the time there was a lot of discussion from other members of the Island's community, in particular the Isle of Man are considering throwing a bid in. It is something I will discuss with the Minister and thank you very much for bringing it to my attention.

5.3 Deputy G.P. Southern:

It is a bit belt-and-braces but I have asked the Minister for Treasury and Resources to give some details. Could the Minister for Education, Sport and Culture expand on the request for figures which illustrate how much extra money will be needed to restore the 2008 value of the maintenance grant? Could you expand on that and give us the figures for the take-up and the overall cost of the maintenance grant over the past number of years so we can see how it grew and what would be required to put it back to where it was, should we decide to do that?

Deputy R.G. Bryans:

Rather like the Minister for Treasury and Resources, I do not have the figures at hand in terms of as requested and I will provide them in the same way the Minister for Treasury and Resources did, those figures should they be necessary, if they have not already been given by the Minister for Treasury and Resources. What I will say is that we are continuing to expand our consultation. We are going out for wider public consultation, wider public engagement, which again is why we are having this workshop on 29th July at Highlands. If people wish to get involved in the matter, they can just simply find us on the Education website and apply to come along. Anybody can come along. What I will say is that we are looking at all of these areas and it is a serious consideration on our part; we feel absolutely how the middle-earners of this Island are under pressure. We understand that, we have heard from the student support lobbyists, we have heard from students themselves, we have heard from parents and teachers and we will continue that progress, and as the Minister for Treasury and Resources quite rightly said, we will bring back all of our findings in September.

5.3.1 Deputy G.P. Southern:

Supplementary, if I may? Can the Minister confirm that the additional £9 million, I think, in the M.T.F.P. going to Education is mostly, in the greater part, for the rise in the number of pupils in the system and that there is no extra anywhere in the Medium-Term Financial Plan to go towards higher education costs?

Deputy R.G. Bryans:

I think the Deputy might be confused, the £9 million that is within the M.T.F.P. is designated for higher education funding, that is a separate issue completely with regards to the growth bids that we put in for the rising demographics. It is true, we have had a baby boom, we have accommodated for that in previous administrations by increasing the size of our schools in Trinity, Plat Douet, D'Auvergne and Springfield. There is a modernisation going on with Bel Royal as well. So we are accommodating that growth but the money itself, the £9 million, I do not think is the figure that the Deputy is relating to.

5.4 Deputy P.D. McLinton:

Given that it is vital that we teach our children not only academic skills but also life skills, and notwithstanding the fact that some excellent teachers currently do teach first aid in schools as an aside from their normal lessons, would the Minister agree that having first aid included as part of the curriculum requirement would be a great benefit to pupils and therefore to society as a whole?

Deputy R.G. Bryans:

Yes, I do. I think something in the P.S.H.E. (Personal, Social and Health Education) curriculum moving forward we will be looking at as a consideration. We work very closely with St. John Ambulance and have worked with teachers increasing their skills in this particular area, so I totally agree with the Deputy. Thank you.

5.5 Deputy A.D. Lewis:

The subject of grants and loans has been much debated recently and recent changes in the U.K. have further crystallised thinking on the issue. In recent questions the Minister has suggested that loans are not a viable option because of the level of default, up to over 50 per cent of default. Surely this is still a lot lower cost than giving out grants because you are going to get some of the money back. Could the Minister indicate as to why he is quite clear in his thinking that defaults are too big an issue to consider seriously significant loans to people in Jersey, mindful of the fact that defaults may be less in Jersey because we are a smaller community?

Deputy R.G. Bryans:

Yes, one of the lucky coincidences of having the Island Games when we did was to speak with ... we have kind of a loose federation with other islands, so Guernsey in particular and the Isle of Man. Guernsey in particular, and I spoke to the Minister for Education there, they are of the same mind as ourselves that they would not consider loans. They see it as an unqualified loan and I appreciate what the Deputy is saying with regard to the fact we would get something back. It is still on our agenda. At the moment we give out a loan of £1,500 through a local bank. We are discussing that with them again. In the Isle of Man it is £2,500. But they have embarked on this - and I think they are into their second year now - and they do not know what is coming back. They are, themselves, just like everybody else would be, concerned about the repayment. One of the problems we do have - and I take on board what the Deputy is saying - is the transition we would have to make between the grants that we now provide and consideration of a student loan.

5.6 Deputy J.A. Hilton:

Does the Minister agree with me the sooner an announcement is made about the status of the murder inquiry involving 5 young boys who are still within your Education system and therefore under your care, the better? What support is the department offering the young men and their families in these very difficult circumstances?

Deputy R.G. Bryans:

I would just like to say right at the outset, I would like to express my condolences to all involved and touched by this truly terrible and tragic event. It is an ongoing police investigation so I am not able to comment on the case, which I am sure Members will understand, due to *sub judice*. But I can provide that the school was supported by staff right from the beginning, from our department, as soon as the young man's death came to light. That continues. All Year 11 students and parents were invited to a special meeting at Victoria College last Tuesday after school to meet teachers and other professionals who could offer support. About 15 students went along and were advised to pass on the details to any of their friends who needed help. A letter was sent to all schools with contact details of the various agencies who would help if necessary, including the police, the Yes Project, the Samaritans. I am confident that any families who want support can access it through either the Education Department, the Multi-Agency Safeguarding Hub or one of those agencies.

5.6.1 Deputy J.A. Hilton:

Supplementary? Specifically, has support been offered to the families of the 5 young men involved?

Deputy R.G. Bryans:

Yes, it has. Originally at the very point it happened we were not aware of the names, because it was a police investigation, of those original 4 young men so we could not provide the support that they now have.

5.7 Deputy M. Tadier:

Does the Minister agree that given the fact that loan systems for higher education are very problematic the way forward may well be to extend the grant system. We have some very high earners in Jersey who pay a relatively low amount of tax. We have a zero per cent corporation tax and perhaps a progressive taxation system could be used to ring-fence some of that money to pay for our higher education for the struggling middle-classes.

Deputy R.G. Bryans:

I think the question strays into the Treasury Department's area, but to answer the question, I think it is important that we look at all areas of that. One consideration we have not made too public but

has been mooted around is a pre-funding of a bond so that people can start to save for their children's education in advance. I am having discussions with both the Assistant Minister for Treasury and Resources and the Minister for Treasury and Resources with regards to tax relief for that particular aspect.

5.7.1 Deputy M. Tadier:

On a related question, perhaps more directly related to the Minister, could it be that more progress could be made more quickly on the reduction of subsidies to the fee-paying schools and some of that money could be used for higher education purposes or for general savings?

Deputy R.G. Bryans:

I think I have mentioned before in the Assembly that reduction of subsidies to the fee-paying school is on our agenda. I am not sure how quickly we would get into that because we have always wanted to be very considered and circumspect about we do it because once again it affects those middle-earners.

5.8 Deputy J.M. Maçon:

With the announcement in the U.K. that the top level capped fees of university fees are going to be scrapped, inevitably the higher level universities will increase their costs. Can the Minister confirm that the department is looking into this and what will happen to Jersey students with regard to fees should those fees go up for those students?

Deputy R.G. Bryans:

Two things. First of all to answer the last question first. We will accommodate those increased fees if that was necessary but, yes, it is part of our agenda. Just to flesh-out something that the Minister for Treasury and Resources said earlier, this is a much wider consultation. It is not just about student loans. If I take the Isle of Man as an example, one of the things they have done is to increase the degree offering, as we have here in Jersey. It was said earlier: in 2006 one degree; we now have 14. We are looking at increasing that through Highlands College. Equally what the Isle of Man have done is to make sure that ... this is in consultation with Chester University which we use for the training of our nurses in degree courses, to keep the students on the Island for at least 2 years of that particular course. So all of these are part of the consideration that we will give in the workshop on the 29th.

5.9 Deputy L.M.C. Doublet:

I just want to follow on from Deputy Hilton's earlier question when she made us aware of unqualified individuals who are caring for young children in the Island and I think we can assume that this is because parents cannot afford the cost of really high quality childcare that is available. Does the Minister believe that because these costs are so high should investment be made in supporting families to access high quality childcare to ensure the safety and well-being of children in Jersey?

Deputy R.G. Bryans:

Yes, I do and I also think that is part of the agenda of the Early Years Task Force, the 1,001 Critical Days Manifesto that we are supporting. It was in discussion at the Council of Ministers the other day that the task force has now been formed, the agenda has been set for moving forward and I am sure part of the consideration is making sure that the health and well-being and safeguarding of our children so that all of the people are qualified who look after our children is on our agenda.

5.9.1 Deputy L.M.C. Doublet:

Further supplementary, can the Minister give any details of what is going to be done in this area please?

Deputy R.G. Bryans:

No, I cannot. At the moment it is just very early days and the person who has headed-up the task force has only just been given the role in the last couple of months and has begun to set up the timeline.

[11:45]

5.10 Deputy J.A. Martin:

The Minister mentioned earlier in an answer that there has been some expansion to primary classes. I think there are 14 coming on-stream. Can the Minister advise in which academic year they will be on-stream and can he further advise this will definitely not have an effect on the need to expand secondary classrooms or schools?

Deputy R.G. Bryans:

Thank you for that. Yes. As we are speaking at this moment in time all the schools that we have talked about are being worked on and built, hopefully they will be finished by the end of 2016 and currently we are also having building - I think it is phase 4 or 5 - at Grainville, so we have capacity in 2 of the State schools, Grainville and Haute Vallée, the second on the action numbers as they wash through.

5.10.1 Deputy J.A. Martin:

Supplementary. Does the M.T.F.P. identify capital for the extra in the secondary part?

Deputy R.G. Bryans:

Yes, the capital was already identified for the Grainville extension.

6. Questions to Ministers without notice - The Minister for Treasury and Resources

The Deputy Bailiff:

That brings the time allocated for questions to this Minister to an end. The next question period is for the Minister for Treasury and Resources.

6.1 Deputy R. Labey of St. Helier:

Are there any plans for greater protection of the atmosphere around protection from toxic dust around the new construction site on the Esplanade Quarter as members of the public are alarmed to see, probably quite rightly, construction workers in full body overalls just feet away, the other side of a plywood fence?

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

I am afraid this issue has been sensationalised. There have indeed been a number of workers on site with body suits on. The majority of the workers however on the site are not wearing such equipment because those that have the equipment on are looking at some test holes, which is absolutely appropriate. They are following the guidelines and instructions. There is a belief - and this has been mentioned before - that there will be some contamination on the site. This has been mentioned previously by S.o.J.D.C. It is estimated at most at around about 4 to 5 per cent. When and if it is identified it will be removed using standard protocols which are being overseen by Public Health and, as Members would expect, there is no danger to the public because the contractors are following all the necessary rules to ensure the public are protected.

6.1.1 Deputy R. Labey:

Supplementary? I thank the Minister for his answer. If the test holes prove positive for toxicity will there be any greater measures of protection that can be put on the site?

Senator A.J.H. Maclean:

If it were necessary that is a matter for the authorities, Environmental Health and others, to assess. It is not unusual for sites to have some form of contamination, particularly around St. Helier and particularly on the Waterfront. Members may well remember when the housing site was developed at Albert Quay, the contamination levels there were around about 22 percent. Below 25 per cent is, I understand, standards that mean that such contamination on such sites can still be developed but the handling of such material has to be carefully undertaken following international protocols and that, I understand, is what is happening with this particular site where the levels are deemed to be very low indeed, if at all.

6.2 Deputy A.D. Lewis:

Does the Minister have any concerns that the population officers approach to controls will damage income targets as indicated in the M.T.F.P. by hampering economic growth?

Senator A.J.H. Maclean:

I think we need to be alert to the issue. I have heard nothing - certainly from the conversations I have had with industry - that there is any hampering going on at the moment but if indeed there is I think we need to understand a little bit more as to what that might mean. Clearly there is a set procedure with regard to developing the economy, looking for inward investment, high value inward investment, and supporting businesses that need, where necessary, to bring in specialist skills and that is continuing to ensure the economy can prosper.

6.2.1 Deputy A.D. Lewis:

Did I hear the Minister correctly in saying that he had heard no concerns from anybody in the economy about the current controls on employment? I find that difficult to ...

Senator A.J.H. Maclean:

If the Deputy is suggesting that there are businesses out there that are having difficulty recruiting staff due to policies by Government, I am not directly involved in that. I have heard nothing from those that I have spoken to to say that they are having any difficulty recruiting. I have no doubt that there are some businesses, of course, that do find difficulties. I just personally have not had contact from them.

6.3 Deputy G.P. Southern:

Can the Minister inform Members whether the table in page 84, figure 33, which shows the proposed cuts in the income support scheme and show that pensioners, young people and single parents are all under pressure here; can he confirm that the figure for "aligning the treatment of pension income" currently in 2016 carries the figure zero but that will increase and there will be a reduction in pensions as a result of this change over the 3 years to 2019?

Senator A.J.H. Maclean:

No, I do not believe that is the case.

6.3.1 Deputy G.P. Southern:

So, is he assuring the House that the changes indicated in the fourth part of that table are cost neutral?

Senator A.J.H. Maclean:

I believe that is the case but I will confirm it back to him in due course.

6.4 Deputy M. Tadier:

The question relates to the M.T.F.P. presentation document we received. On page 5 there were talks about user pays and health charges which are 2 ways to achieve savings. Can the Minister for Treasury and Resources give us some indication of what format or what form those user pays and health charges will be?

Senator A.J.H. Maclean:

I cannot at this particular point. Members will be aware, those that came to the presentation in particular, that the Medium-Term Financial Plan is in 2 parts. The first part we have detailed in 2016. What we have made clear is that we will come back in approximately a year - by June of next year - with the details for 2017 to 2019. That is the period in which these potential charges, user pays charges for liquid and solid waste, and indeed a potential health charge are being considered for. What we have made clear is that first and foremost we are looking for efficiencies, we are looking for a redesign of departments with regard to services before we hold our hands out and ask the community to consider contributing towards improving, as an example, the healthcare system with a possible health charge.

6.4.1 Deputy M. Tadier:

But does the Minister accept that it is wholly unsatisfactory on 2 levels, first of all to be proceeding without full knowledge about what user pays and health charges might entail because we are voting on a comprehensive document here and if we do not know what these mean then there could be fundamental reasons why we may or may not wish to support that? And on another level, because this Government was elected not so long ago on a mandate of telling people that their taxes would not go up and that they were safeguarding Health and Education but absolutely no intention of telling them any time soon how that budget would be safeguarded.

Senator A.J.H. Maclean:

What we have identified for the full period of the Medium-Term Financial Plan are heads of expenditure and income. What we have also included is the fact that the sum that is seeking to be raised for a health charge is up to £35 million and for liquid and solid waste up to £10 million. So those headline figures are there. The further detail is yet to come quite simply because first of all departments need to be able to prove and deliver on their savings and efficiencies and we need to see that happening. That was the undertaking that we gave and I believe also that we need to undertake the impact of charges on the community and part of that is going to be a distributional impact of future charges so we understand where that might fall and what unintended consequences, if any, it may have and I think that is a prudent approach.

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

On 14th April this year I asked a question of the Minister for Treasury and Resources around the C. and A.G's report into financial management. In part of his answer he said: "I think it is important that Ministers have time to discuss and for a formal response to this report to be made. Indeed that will happen at the beginning of May", which is the stated date. We are now at 17th July and we have not received that report from the Treasury Department. Would the Minister for Treasury and Resources explain what has been the delay in responding to P.A.C. and what it will do to make sure that the P.A.C. receives this response this soon as possible?

Senator A.J.H. Maclean:

I am sorry. It is the department's desire, aims and objectives to always respond in a timely manner to requests for information, including those of P.A.C. I am aware there have been delays in that

regard and that is clearly regrettable. The reasons, quite simply, are around resource. There has been significant work to undertake within the Treasury Department and in order to prioritise and to deliver on the Medium-Term Financial Plan and the other immediate pressures we have not been able to respond as quickly as would have been the case normally and that situation will clearly be rectified as quickly as possible.

6.6 Deputy G.P. Southern:

I am just looking at the data on pages 128 to 130 which show that the Social Security Fund starts to decrease from 2017 in the second half of the M.T.F.P. Is it really wise, at this stage then, to reduce our contributions to supplementation for the Social Security Fund by £20 million in the short term when we should be looking at that fund in the long term to maintain our increasing demand for pensions and health care?

Senator A.J.H. Maclean:

The Social Security Fund has, at latest valuation, about £1.3 billion in it. It is indeed due to start to diminish, as the Deputy has suggested. That has been known for some time. Of course the size of the fund has been built-up and is about level due to very prudent decisions taken in the past by this Assembly. With regard to this particular proposal it is part of a balanced approach to managing the pressures that we face for the Medium-Term Financial Plan and I think that is the right approach, although it is not necessarily easy. It is going to have very little impact on the fund in the longer term which is what we are concerned about.

6.6.1 Deputy G.P. Southern:

Is it an equally prudent measure compared to his predecessors?

Senator A.J.H. Maclean:

That is almost impossible to measure but in an ideal world we would like the fund to be able to sustain itself long into the future, not the current date, which I believe is 2045.

The Deputy Bailiff:

If there are no further questions for this Minister then that brings us ... **[Interruption]** You were within, I think, half a syllable of being out of time.

Deputy J.A. Martin:

I have had my light on about 6 ...

The Deputy Bailiff:

I am sorry, Deputy, I had not previously seen it. **[Aside]**

6.7 Deputy J.A. Martin:

In a reply to Deputy Labey the Minister for Treasury and Resources likened the contamination on the office building site to the first homes built on the Waterfront. From memory the Homes Trust who owned the 40 for sale could not secure a loan or mortgage from the bank unless this was underwritten by the States of Jersey because there may be ongoing contamination whereby the then buyers would have a difficulty to sell, i.e. if they started glowing in the dark. Will this be the same as he has likened this to the office building when we need to resell?

Senator A.J.H. Maclean:

No, it is not. For a start this is a commercial office space not residential accommodation but the most important point is the development to which I referred, and which the Deputy is referring to, the contamination levels were assessed at around about, I believe at the time, 22 per cent or more. At this particular commercial site, the Jersey International Finance Centre, there is an estimate of

up to 4 or 5 per cent at most, which is significantly different and of course there has been a valuation. This issue about potential contamination has been in the public domain for some time and there has been an assessment and valuation undertaken by a bank who have been prepared to lend in the full knowledge of the situation as it stands.

6.7.1 Deputy J.A. Martin:

Supplementary. Would the Minister supply the Assembly with who did the estimates on each site so we can have a comparison? Is it the same people doing the estimates on the contamination on this site and the previous housing site?

Senator A.J.H. Maclean:

I could not tell the Deputy off the top of my head who did the assessments on the original site but I am happy to give her the details so she can be fully informed and circulate to other Members if they are interested.

[12:00]

6.8 Deputy M. Tadier:

It is my turn. Does the Minister for Treasury and Resources have anything to say about the new system of Parish accounts and their relation to the Treasury Department and does it need a full take-up from Parishes? What happens to those Parishes who have opted out of the system? Does that propose a problem for the scheme?

Senator A.J.H. Maclean:

I think in principle it is a very positive move and I am delighted that the Parishes are working closely with the Treasury to develop the opportunity and we will continue to monitor its success as we move forward.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Chairman of the Education and Home Affairs Scrutiny Panel - statement regarding the Panel's report entitled "Special Education Needs" (S.R.3/2015)

The Deputy Bailiff:

That does bring the time allocated for questions to this Minister to an end. There are no items under J. Under K the Chairman of the Education and Home Affairs Scrutiny Panel will make a statement regarding the panel's report entitled "Special Education Needs" (S.R.3/2015).

7.1 Deputy L.M.C. Doublet (Chairman, Education and Home Affairs Scrutiny Panel):

Members will have received S.R. 3/2015 today, examining special educational needs in Jersey. As a new panel, when deciding on our first review it was unanimously important to us that we chose a topic which would have a positive impact on children in the Island. In combining this with our awareness of relevant issues we settled on this review of special educational needs provision in the hope of adding value to the services provided to some of the most vulnerable children in Jersey. The policies of the Minister for Education, Sport and Culture were new in this area which made S.E.N. (Special Needs Education) a perfect choice for a Scrutiny review. Given that our focus as a panel throughout the review has been to help children and put their needs first we have found much common ground with the Minister for Education, Sport and Culture and the staff within his department. A constructive relationship has been built around which to facilitate the Scrutiny process. The panel has been challenging yet fair and as a result has found the Minister, Director and their officers to be co-operative and reflective in the way they have interacted with us. It is

never easy to hear criticisms of the work that you do and as a whole we have found that the Minister, Director and S.E.N. Department certainly work very hard and try to do their best for children with S.E.N. Of course because no human being is perfect no processes designed by them are perfect and there is always room for improvement and this review has found that the department and teachers and staff in Jersey schools can be immensely proud of the work they do to help children with S.E.N. The areas that we have found with potential for improvement have been condensed into just 3 main recommendations which we believe are reasonable, achievable and once implemented will add real value to the service that children with S.E.N. receive in our Jersey schools. The panel's visits to numerous schools in the Island have evidenced that the provision of S.E.N. in Jersey is of an exceptionally high standard. The teachers provide caring and efficient learning environments and seem to be working very hard at integrating the new policies into their classroom routines. The creation of the new processes and policies relating to S.E.N., which the panel has found to be generally reasonable and potentially very effective, do appear to have been implemented upon the teachers with limited consultation and insufficient training. It seems clear that changes need to have been made to the workload or policy in other areas to create the capacity within teacher's time to implement the new policies. The S.E.N. policies appear to be very good when viewed in isolation and they would be even more effective if a holistic view was taken as to how they fit in with classroom and school life as a whole. This could be achieved by engaging more with teachers at the consultation stage and again when the policies are first implemented to keep them under review and adjust them once they are in place to make any necessary improvements. I am sure teachers will be looking forward to hearing details of specific areas of unnecessary paperwork, which the Minister has committed to cutting down at the public hearing, so they can focus on the important tasks of directly interacting with and planning for the children in their care. Training for key workers who often spend most time with the children must also be a priority as schools are struggling to recruit qualified staff in this area. Ongoing training and reflecting on the policies is key, along with sharing practice between teachers and other staff from different schools. So that leads me to our first recommendation. The Minister for Education, Sport and Culture must increase the consultation and training provision for teachers and key workers in relation to the provision of S.E.N. I do hope he is listening somewhere because I cannot see **[Interruption]** ... sorry, Minister. I will continue. The panel has heard first-hand of some heart-breaking personal circumstances where parents and children have had a difficult relationship with schools and the department. Despite many changes recently there are still many who believe there is insufficient information available, that information is difficult to access or that they are excluded from decision-making processes which affect their child. The department has worked hard on making information available however the problem still exists. It was noted by the panel with appreciation that the Director of Education recognised this as a problem despite robust defence from his staff at the hearing and he accepted that more needed to be done. So this relates to our second recommendation, the Minister for Education, Sport and Culture must improve lines of communication with parents of S.E.N. children. This review has dealt with difficult issues but more importantly the panel has had to deal with matters of a very confidential nature. So the evidence referred to has been collected, collated and referred to in a manner that the individual children cannot be identified. This report discusses how parents need a single point of contact with help with S.E.N. matters. We could look to the Scottish example of appointing each child a named person at birth or a dedicated liaison officer but anything along these lines would be an improvement. It is important that the processes are humanised so parents and children do not feel like they are just data or being managed but that someone cares and will advocate on their behalf. It would be wonderful if the Minister could facilitate the creation of a parent support group and ensure that group is kept well informed with accurate information. This is covered by the panel's third recommendation. The Minister for Education, Sport and Culture must engage in initiatives to provide appropriate forums to support parents of S.E.N. children. I would like to make it very clear

once again that the provision of S.E.N. in Jersey stands up very well to national standards and the problems that the panel has evidenced are minor adjustments to a sound process. I look forward to seeing which particular initiative the Minister will work on first as however good the S.E.N. policies may be consultation with and training of teachers, good communication with parents and independent support forums for parents are all essential in giving children the best experience that the Island can provide. As I have said throughout, it is all about the needs of the children. I hope that this report will assist the Minister to add value to this important area of education in Jersey. I would like to see our education system designed around the needs of children, appropriate to their stage of development and based on what they need to grow up into decent functioning human beings rather than focusing on numerical targets. It is important to recognise that rather than the child's behaviour not being appropriate for school, it is the school system that should be appropriate for the child's needs. The provision of S.E.N. has changed significantly in the last couple of years and in general has gone some way in the right direction. I make no apology for repeating the 3 areas that our recommendations focused on; consultation and training of teachers, good communication with parents and independent support forums for parents. With these improvements in place we can have a truly excellent system which our children surely deserve. Finally, I would like to thank the Minister and the Director of Education for their levels of engagement but particularly the head of S.E.N. and his dedicated staff who have provided the panel with huge amounts of information which has taken much of their valuable time. They supported the Scrutiny process from the start including spending the whole of one day joining the panel in school visits. Thanks also must go to the panel's officer who has steered us expertly along an objective path for this review and worked extremely hard in organising visits and public meetings and gathering all the evidence together. Thank you also to my panel; Deputies Maçon and Mézec for their time and especially Deputy Judy Martin who was co-opted for this review. We have greatly benefited from Deputy Martin's experience and wisdom. I would not miss this opportunity of thanking the head teachers, teachers and all the staff of each school we visited for their provision of wonderful learning environments, their enthusiasm, professionalism and caring attitudes. They are doing an amazing job for Jersey's children. Most importantly of all, the panel wishes to thank all of the children at the schools we visited, from special schools, special provision through to mainstream schools. It was an absolute pleasure to talk to the pupils on the visits and see the fantastic learning they are doing. We hope this report helps them to have the things they need to flourish. We commend our report to the Assembly which we encourage States Members and the public to read.

The Deputy Bailiff:

There is now a period of 15 minutes, of up to 15 minutes, where Members can ask questions of the Deputy.

7.1.1 Deputy R.G. Bryans:

Could I just take this opportunity to thank Deputy Doublet, Deputy Mézec, Deputy Maçon and Deputy Martin for the time they spent, for the sensitivity in this particular vulnerable area? I think they have given us a really positive and objective ... something to consider. A formal reply will be following in due course but I would also like to support the Deputy in saying that I think we have a marvellous special educational needs team and educators so I thank them for both their time and energies too.

PUBLIC BUSINESS

The Deputy Bailiff:

If there are no other questions then we move on to Public Business.

Connétable L. Norman of St. Clement:

Before we move on to public business I wonder if you would permit me to do 2 things. One to make a point of clarification, as Chairman of the Comité des Connétable, and one to make a request regarding Public Business as the Chairman of P.P.C. (Privileges and Procedures Committee).

The Deputy Bailiff:

Very well.

The Connétable of St. Clement:

Firstly the point of clarification. The very last question, questions without notice, Deputy Tadier asked the Minister for Treasury and Resources about discussions between the Treasury and the Comité des Connétables re. the collection of rates. Could I make it absolutely clear, there have been no discussions regarding the collection of rates between the Committee and the Treasury. The collection of Parish rates and the Island-wide rate is exclusively a matter for the Connétables and there has been no involvement with Treasury whatsoever. Secondly, as Chairman of the Comité des Connétables I notice that this morning Deputy Le Fondré has lodged a proposition which purports to be an alternative to the P.P.C.'s proposition regarding the filming of proceedings in the States and as such I would have thought it would have been lodged as an amendment. However, it is a stand-alone proposition which is now down for debate in 2 months' time but as it purports to be an alternative clearly Members will have this in mind and will no doubt refer to it. I have, therefore, prepared a report and comment on this amendment this morning. My committee are going to consider it over the lunch period, hopefully, and just after lunch, hopefully, present our comments on this proposition to the States sometime this afternoon. This item is now currently down for the second item of Public Business. I was wondering if we could move it to the end of Public Business so that my committee will have time to prepare the comment, approve the comment and have it distributed so that Members will understand the full implications of this alternate ... well, what purports to be an alternative.

The Deputy Bailiff:

That is a matter for Members as to where this particular proposition is on the Order Paper so you are asking Members to support a movement down of this particular matter to the end of Public Business?

The Connétable of St. Clement:

Yes please, Sir.

Deputy A.D. Lewis:

Could I make a suggestion? As this other projet that has appeared above P.74 is not due for debate until September. Would it not be better to debate the 2 at the same time and delay the debate that we were going to have this afternoon?

The Deputy Bailiff:

Well, that is a matter of course for the Chairman of the Privileges and Procedures Committee. At the moment, we have a proposition to move the matter down the Order Paper. Is that proposition seconded? **[Seconded]** All Members in favour of moving the matter to the end of the Order Paper, kindly show. Those against. Very well, Connétable, we will move it down to the end of the paper.

8. Keppel Tower: petition (P.67/2015)

The Deputy Bailiff:

Then the first item of Public Business is the proposition entitled Keppel Tower: petition - P.67/2015 - lodged by the Deputy of Grouville and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Planning and Environment to withdraw his appeal against the decision of the Royal Court which ruled against the development planned around Keppel Tower, Grouville.

8.1 The Deputy of Grouville:

Any David and Goliath battle arouses strong feelings and while emotions are running high, this is not a sentimental proposition. It is a rationale proposition, a pragmatic request to see sense, do the decent thing and stop wasting public money and ditch this appeal. All of it. It is easy to see who the David in this story is. Mary Herold, who I shall refer to as “Mary” hereon in, twice the Royal Court has ruled in her favour and for 4 long stressful years she has endured Parish meetings, planning hearings and court appearances and, frankly, enough is enough. What is more baffling is why the Minister for Planning and Environment and the Planning Department have cast themselves as the “Goliath” here instead of a private developer and lost in both the Royal Court and the court of public opinion. One has to question why.

[12:15]

There is only one person in this room who can amend the Island Plan and that is the Minister for Planning and Environment. If he believes the latest Royal Court judgment has implications for how the Island Plan is interpreted, let him bring an amendment back to this Assembly where the due accountable democratic process can take place. If we had money to burn, going to the courts would still be a highly questionable course of action but in the current climate, it is an absolute outrage. We learn today, however, that in answer to my question 15 on costs, 2 Royal Court appeals with the Planning and Environment Department employing external lawyers and a team of lawyers currently working on the third appeal has cost the department nothing. I need to know the name of their lawyers. I should have obviously adjusted my question to ask how much it has cost the Treasury so I will let States Members draw their own conclusions on that response. One thing I want to make clear from the outset is that no one is saying that the land surrounding Keppel Tower cannot be developed. It is widely accepted that some development of this site is inevitable. Had the plans been more reasonable, less greedy and followed policy, there would be people living in the homes on that site right now. What is not inevitable is development that is to the detriment of the surrounding area, local character and heritage assets such as the fishermen’s cottages. This Government, via the Island Plan on the one hand, subjects people who buy listed buildings or have listings forced upon them to the Minister’s extremely tight restrictions and regulations on what they can and cannot do with their homes. This often results in home owners being refused permission to build extensions or conservatories, restrictions on the installation of energy saving windows, expensive demands for barn conversions and granite pigsties but on the other hand, he wants to disregard heritage when it suits in favour of massive out-of-keeping development which bears no regard to the listing or anything in the local area on the Island’s coastal strip. We have to play fair and apply the rules even-handedly unless we can justify why not and it is on that point Mary has brought 2 successful third party appeals to the Royal Court. She has won because the Royal Court, twice now, upheld policies which we in this Assembly approved in order to protect our Island from this insatiable greed and inappropriateness. A month ago, the Minister served papers on Mary to take her back to court a third time and have her latest victory overturned. Besides any other consideration, it is difficult to see that the Minister is not on a hiding to nothing and an expensive one at that. In order to bring this matter to a swift conclusion so that Mary did not have to suffer even more prolonged uncertainty over her situation, a petition accompanies this proposition. The petition was placed in the shops out east, one out west, the Parish Hall and Mary and I stood in

King Street for a couple of Saturdays with Zip the dog. No protest or ring of people, minimal press coverage and yet we collected a cool 2,033 signatures in 2 weeks. Queuing-up, they were, to sign our petition. So outraged were the informed members of the public - and the Ministers could do well to listen to some of the commentary that went with their signatures - many of whom went out of their way to sign. The main reasons petitioners wanted to make their mark were as follows and this is not for the fainthearted: "The shameful and disgusting way this Government has treated an 87 year-old woman, a woman who has won 2 court cases with the help of her grandson and then had court papers served on her in her garden at the behest of a States of Jersey Minister demanding a third challenge in the Royal Court of Appeal." The second reason I can best describe as the inconvenient truth where pressure is being brought to bear when a developer does not get their way and the officer's recommendations are not followed because - and this is the bizarre thing - the democratically approved Island Plan is working. Yet it is the Minister, and not the applicant, who makes this appeal which raises questions about both the relationship and dynamics between these parties. I will leave it there. Third, the unacceptable way in which this subversion of the Island Plan is being carried out. In both Mary's appeals, the Royal Court was unanimous in agreeing they would have rejected the development for the reasons most people in the community were objecting to them. Paragraph 37 of that judgment reads: "Looking at the application generally, the members of the court found themselves in the same position as the court hearing of the first appeal in that if we had been deciding the application ourselves, we would have unanimously refused it for the same reasons as set out in paragraph 37 of the first judgment." Those reasons being the overall mass of the proposed development is out of keeping with the local environment and adversely affects the amenities of adjoining properties. The Royal Court judgments have not only endorsed the Island Plan policy but also confirms the validity of the widespread public opposition to the development as proposed and indeed the reason why States Members sought to have such policies written into the Island Plan in the first place. The last but certainly not least reason people signed was to object to the cost to the taxpayer and their money being used to fight this misguided appeal, the sheer unfairness of Mary having to use her own resources to appeal and defend herself and yet the Minister uses the seemingly bottomless pit of money to challenge in the Royal Court." So there you have it; a whistle-stop tour of the background, the 2,000-signatory petition and my proposition and reasons for asking the Minister to withdraw his appeal. Then as they say: "Never a dull moment in politics." Late Friday afternoon on my way to my Parish branchage, I received an email from the Minister for Planning and Environment with an update on what he had, at the eleventh hour, instructed his officers to do. While I am extremely grateful to the Minister for the advance notice, this latest stance is, quite frankly, bemusing. He attempts to extract Mary Herold from what he calls: "a refocused Royal Court Appeal on future planning application of policy to consider how we can apply the policy in a less restrictive manner in the future." As I say, I have found this partial climb-down so baffling, I consulted far greater minds than mine who are equally confused. What is being suggested should, at the very least, set alarm bells going to every Member of this Assembly and the public they represent. I repeat: "How we apply policy in a less restrictive manner in the future." The Minister for Planning and Environment offers a legally binding undertaking that the part of the appeal relating to Keppel Tower will be withdrawn on the morning of the appeal and that he will not be pursuing that part of the appeal which challenges the Keppel Tower decision itself. Even if such a thing were possible, this gesture could be very short-lived and if one wanted to be cynical, suggests it is for the purpose of this debate. However, it does at least recognise that policies in the Island Plan were correctly upheld by the court in relation to Keppel Tower. He then claims that while he uses Mary's third party appeal judgment to make this refocused appeal, Mary and her team do not have to be involved at all. Really? This is apparently going to happen on the morning of the appeal in the Royal Court. I ask you, if you had just endured what Mary has these past 4 years, would you lie in bed that morning? Mary's judgment is still going to be kept live in the courts but is now being used to satisfy the Minister's curiosity on the

interpretation of the Royal Court decision. In effect, the Minister is seeking the court's advice on how to get around his own planning policy which prevented the Keppel Tower development from gaining approval. At the very least, Mary has to turn up, I have been advised. She has to have a legal team ready because it is still her judgment that is live and being re-determined in the courts. The developer, who has only appeared as an interested party because Planning are fighting his corner for him, may just decide to enter the fray. There is of course the small matter of Mary's costs to be decided and regardless of what the Minister has been advised, Mary is still involved and it has an effect on her. If you want some kind of clarification on the court's interpretation of his own policies, then the Minister could file a new Notice of Appeal or use the right case to do it on. If he is now saying he is not going to appeal the Royal Court judgment on Mary's case and Keppel Tower because it is obviously right, then he needs to stop using that same judgment to try to say the interpretation is wrong. He cannot have it both ways, so which is it? I will tell you which it is. The judgment and Royal Court is right. Mary is right. The Island Plan is right. States Members, in wanting to protect and enhance our heritage, were right. It is the development that is wrong. It is his officer's recommendation that is wrong. It is the Minister's decisions that are wrong including this one. If the Minister wants less restriction on Island Plan policies, then his job is to fight for what he is trying to achieve here in this Assembly, not across the corridor in the Royal Court, not on the back of a Royal Court judgment which he obviously now concedes is correct but is still prepared to use my constituent as unfortunate collateral damage - sorry, Mary, if she is listening - to pursue this misguided appeal. If he wants clarity, if he believes the Island Plan is not fit for purpose, then let him bring his amendments back to this Assembly to allow the proper democratic process to take place. To conclude, I will let Members ponder on clause 41 of the last Royal Court judgment. It reads as follows: "A legalistic approach to the interpretation of development plan policies is to be avoided." The judgment went on to say about existing Island Plan policy used for the Keppel Tower case: "Proposals that do not preserve or enhance the setting of listed buildings, such proposals will not be approved." It could not be clearer. That is what the court said. It could not be clearer. I ask Members to request the Minister for Planning and Environment to stop this nonsense, stop wasting taxpayers' money and withdraw his entire appeal in the Royal Court. Sir, I make my proposition. **[Approbation]**

[12:30]

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? The Deputy of St. Martin. Minister.

8.1.1 The Deputy of St. Martin:

Right at the outset, could I apologise to Members for the lateness of my comments paper to this proposition. As a Back-Bencher, I have spent much time during the last session bemoaning the supposed inability of the Executive to produce comments in a timely manner. Three weeks ago, I could not have imagined that it would take me so long. I can only state the obvious and tell the Assembly that, as hard as I tried, I was not able to issue the paper soon enough. I have many reasons but no excuses. When I took on the role of Minister for Planning and Environment, I was under no illusions that things would not always be plain sailing. No one has ever said: "This job is easy" and so it is here today although, as I intend to show, this is - it might have originally appeared otherwise - a relatively straightforward situation and certainly one that we should not have ended up taking time here over in the Assembly this afternoon. While I do not welcome this proposition, I am however very grateful for the opportunity to try to better explain to Members why I have done what I have and accept that - with the benefit of hindsight as always - I might also very well have done things differently. Anyhow, we are unfortunately here now so I would be grateful if Members would allow me first the time to briefly outline the history of this case. The Keppel Tower

development was a proposal of 17 apartments set in 3 blocks on the east side of Grouville Coast Road in the built-up area just to the north of Seymour Slip. Immediately to the south of the site is Seymour Cottage, a listed cottage owned by Mrs. Herold, and I name her because everyone will know her name by now and she is already named in the report. The original application was approved by the former Minister for Planning and Environment. Mrs. Herold appealed and although most of her grounds for appeal were dismissed, the Royal Court did find that the Minister had not properly taken into account the heritage policy of the Island Plan HE1 in that he had not assessed the impact of the development upon the setting of listed buildings in the area. He was instructed to do so. The applicant resubmitted the application with some changes. That application was reassessed and the Minister decided that the application should be approved. Mrs. Herold appealed again. The Royal Court, at the second appeal, found that the former Minister had erred and ordered that the permission be cancelled. In particular, the court found that the Minister had applied the wrong test. The court decided that the development did not preserve or enhance the setting of Seymour Cottage and the impact upon its setting was not minor. They further said that the Minister should not have traded enhancements to the setting of Keppel Tower, which were acknowledged to be significant, with the detriment of the setting of Seymour Cottage. The cottage was entitled to the protection afforded by the policy HE1 and, in addition - and this is important - the court ruled that the Minister had misunderstood the policy. The phrase "preserve and enhance" must be strictly observed. The setting must either stay the same or be improved. As Minister, I am charged with producing and administering the Island Plan on behalf of the Government. The Island Plan is the primary consideration in all planning decisions and is a collection of policies which guide decisions on development in Jersey. The policies are detailed and, as may be expected, often pull in different directions. This is not at all unusual. The role of the Planning Department and the Planning Applications Committee and, indeed, sometimes myself, is to assess and carefully balance the impacts of an application with its benefits. It is my view that the court has taken too strict an interpretation on the policy phrasing to "preserve or enhance the setting of listed buildings". The Island is fortunate to benefit from a very rich heritage, much of which is in the built environment. The planning applications are forced to preserve or enhance the setting of listed buildings on every occasion using the court's rigid interpretation. Many harmless incidental changes within heritage settings will fail to gain approval and the strategy of the Island Plan will ultimately fail. I cannot stress enough the potential significance of this interpretation and I have therefore appealed the Royal Court's decision to the Appeal Court. I have been at pains to distance myself from the development itself and the developer. Even so, there is a view that I should not be challenging the lower court's decision. In addition to this is the David and Goliath perception which pits myself and the Government against Mrs. Herold. I cannot emphasise enough that this is most definitely not the case. In my press release of 17th June, nearly a month ago now, I was at pains to point out that I was sensitive to Mrs. Herold's concerns. I also emphasised at that time that I was not aligning myself with the developer. In order to fend off the incorrect perception that I was somehow aligned with the developer or that I was in any way opposed to Mrs. Herold, last week I decided to take the almost unheard of procedure of amending my appeal notice so it could focus solely on the points of policy interpretation and not the actual decision of the court and, if I could, I would like to inform the Attorney General that I will ask him to clarify this when I am finished. All challenge to the court's view about actual harm to the setting of the Seymour Cottage will be dropped. In addition, the court's cancellation of the permission will not be challenged by me. All I am seeking to achieve in my appeal - as has always been the intention - is to correct the court's interpretation of the Policy HE1 phrase "preserve or enhance". This will achieve my aim of allowing future developments to be assessed on the basis of the Island Plan as approved by this Assembly. The simplicity of what I am trying to do is the reason why, as some might ask, I have not gone immediately to amending the Island Plan. If I decide to do that - and I may well end up with that option - there will be a prolonged costly and very time-consuming process for many

officers in my department to undertake. The likelihood is that, in opening up the Plan to amendment, we would see other propositions for additional amendments further prolonging the process. What I am proposing to do here is a quicker, cheaper and far better solution to that of amending the Island Plan as the first option. So the proposition asks that I withdraw my appeal against the decision of the Royal Court. I cannot do that for the reasons I have already explained. This interpretation of policy is far too important. The report further asks that it be noted that, if I am successful in my appeal, the developer will automatically gain permission to build 17 luxury flats. That is not correct. I am not appealing the decision to refuse development. The report goes on to ask me to stop wasting taxpayers' money and officer time, court time and legal fees or to stop pursuing this misguided appeal. I could not disagree more. This is about planning policy and it is vital to the future development of our Island. Finally, I am asked to stop having papers served on a senior citizen. I have repeatedly stated that this is not about the development, the developer or Mrs. Herold. This is about policy. However, I have to point out to Members that while it is absolutely not relevant for the reasons I have already explained and as difficult as it is, personal circumstances can play no part in what are often sometimes extremely challenging decisions. The point of principle here is my ability to deliver the States approved Island Plan. I have absolutely genuine concerns which are far more important than the effect of a decision on a planning application on either the applicant or the neighbour. I hope that I have explained the situation to the satisfaction of Members. I just cannot emphasise enough that it was never my intention to take any view on the development, the developer or Mrs. Herold. I have only ever been concerned with the policy and the interpretation of it. I would only ask that Members have confidence in me and the Island Plan which is, after all, the Plan approved by this Assembly for the future benefit of the whole Island. In closing, could I ask the Attorney General for a legal interpretation of what I have asked of the Appeal Court and hopefully further assure Members of my position? Thank you.

The Deputy Bailiff:

Mr Attorney, are you in a position to assist the Assembly at this point?

Mr. R.J. MacRae, H.M. Attorney General:

Yes, I am. Of course, the general policy of the office is not to comment on cases before the court. In view of the proposition, I can make the following observations. The first and this, in part, corrects one thing the Minister has just said, looking at the terms of the petition which asked the Minister to stop his pursuit in challenging the decision of the Royal Court, the Minister is no longer challenging the decision of the Royal Court to cancel the planning permission granted by the previous Minister. The court has been notified accordingly. The decision of the Royal Court was simply to cancel the planning permission and that is no longer being appealed. Secondly, the Minister is challenging the Royal Court's interpretation of certain aspects of the policy contained in the Island Plan relating to the protection of listed buildings. Thirdly, if the appeal succeeds, the developer will not gain permission. The developer has not appealed and it is too late for it to do so but if the appeal succeeds, the Minister's interpretation of the relevant parts of the plan will be vindicated. Fourthly, I should indicate there is no certainty that the Court of Appeal will hear the appeal. That is because the appeal is not against the decision made but some of the reasons for that decision. The court will need to be satisfied in due course that the matter is of public importance and only then will it hear the appeal. That is the clarification and advice that I give.

The Deputy Bailiff:

Deputy Le Fondré, did you have a question for the Attorney?

Deputy J.A.N. Le Fondré:

I am not sure who the question is for, whether it is yourself, the Attorney General or the Minister because we did not have quite the chance to intercept between the 2. If I have understood the

question from the Minister - and I think reiterated by the Attorney General - the Minister is saying that he is not now appealing the decision of the Royal Court on the development around Keppel Tower and the question therefore I would like to ask is can the Minister not therefore accept the proposition because, effectively, he is doing an appeal and, therefore, we could all go home if that makes sense. So I am not too sure we need to answer that question because I do not know if it is a legal interpretation or a ruling from the Chair. What I am trying to say is, if I have understood it, the Minister has said - and the Attorney General has just repeated it - that the appeal is no longer against the development around Keppel Tower and, therefore, it seems to me the proposition could be accepted.

The Deputy Bailiff:

As the Assembly is aware, the proposition is to request the Minister to withdraw his appeal against the decision of the Royal Court which ruled against the development planned around Keppel Tower, Grouville. As I have understood the Minister, that appeal is continuing but in a slightly different manifestation, but it essentially rooted in the same case, it would be open to the Minister to accept the proposition but where that would leave the current court proceedings I think would be a matter of uncertainty. I do not know if the Attorney wishes to give further elaboration from the legal aspect for this. My comment is purely an interpretation of the proposition.

The Attorney General:

The point I make simply is that there is still an appeal before the Court of Appeal but the appeal, if it succeeds, will not result in the Royal Court's order being reversed or changed in any way.

Deputy R. Labey:

Could I ask the Attorney a point of clarification? Would he agree with me that the phrase "preserve or enhance" has been interpreted by the Minister to mean it must stay the same or be improved, but preserve does not necessarily mean stay the same. You can preserve the setting in which a listed building is on by developing it but still having some development on it. It does not necessarily have to stay the same for the setting to be preserved.

The Attorney General:

Deputy Labey puts his finger on one of the key points on the appeal. I do not want to go into too much detail because this is not a legal debate, but the Royal Court held that preserve means maintain the state of things, almost freeze in aspic, you might say.

[12:45]

Whereas the leading case from the House of Lords says that preserve simply means not harm. Those are of course very different things and that is one of the issues that concern the Minister, as I understand it.

The Deputy Bailiff:

Can I suggest if anyone has any further questions for the Attorney if they raise the questions the Attorney will have the opportunity to consider them over the adjournment and then return. Does anyone have any questions that immediately occur to them for the Attorney General?

Deputy J.A. Martin:

Yes, I do. It was just a point of clarification to make sure I had understood the Attorney General correctly. Now the Minister is proposing to not challenge the Royal Court: did the Attorney General say that as it is only aspects or points in the appeal that the Minister will be appealing that the case, if carried on in this vein, may not even be heard in the Royal Court, it will be down to the judgement of public interest. Is that what the Attorney means? On the second bit of advice, if he

was starting today as Minister for Planning and Environment would he go down this route? It is not political: legally it seems very up in the air if that is what the Attorney meant.

The Deputy Bailiff:

I am not sure that second question is a matter for the Attorney, it seems to be a matter for the Minister. Does anyone else have any questions for the Attorney? I am required by Standing Orders to ask States Members whether they wish to adjourn until 2.15 p.m. or to continue.

Senator P.F. Routier:

Does the Attorney wish to answer?

The Attorney General:

I can if there is general interest. The Minister is appealing one of the reasons for the decision, not the decision itself. That of course is unusual. Generally courts on appeal only are prepared to entertain appeals against decisions or orders. But in certain circumstances a court will entertain and deal with an appeal against an interpretation of a statute or similar, and this falls within that category arguably. In those circumstances the Court of Appeal may receive and deliver a judgment on the appeal, but that is not yet certain. But the point is, as I have said, that the decision itself of the Royal Court will not remain affected by the appeal now.

Senator I.J. Gorst:

Sir, just before we do break for adjournment I am very grateful for the Attorney General's clarification and it arises from Deputy Le Fondré's question, which I think is legitimate and needs to be considered because the mover of the proposition is asking the Minister to withdraw his appeal against the decision of the Royal Court but the amended appeal, should leave be given for it, is an appeal with regard to clarification of the reasoning of reaching the decision rather than the decision itself. So it is my understanding that from the clarification which the learned Attorney has kindly given that the appeal is no longer in regard to the decision.

The Deputy Bailiff:

You are asking for the Attorney to ...

Senator I.J. Gorst:

He may wish to do so after the lunch adjournment.

LUNCHEON ADJOURNMENT PROPOSED

Deputy M. Tadier:

In the same vein I was wondering if I could ask a supplementary which could be answered after lunch. I thought the whole point of this was to get the questions out before lunch.

The Deputy Bailiff:

Can I make the suggestion, Deputy, that the adjournment has been proposed, it is customary to adjourn at this time, if you have a question for the Attorney you could give him notice of it over the luncheon adjournment and then ask it after the luncheon adjournment.

The Connétable of St. Clement:

Could I just remind Members that the P.P.C. has a presentation and consultation with Members on reform in the common room downstairs over lunchtime?

The Deputy Bailiff:

The States stands adjourned until 2.15 p.m. this afternoon.

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

We continue with the proposition in relation to the Keppel Tower petition. Questions were asked of the Attorney prior to the adjournment and I do not know if there are any further questions for the Attorney before I invite any other Members who wish to speak on the proposition to speak.

The Deputy of St. Martin:

Sir, could I just make a couple of comments, is that possible?

The Deputy Bailiff:

If you are asking questions for the Attorney, yes, that is possible if it is clarification of something you have already said. But other than that, no, I do not think it would be.

The Deputy of Grouville:

I would like to ask the Attorney General a question. I would like to ask if the Minister for Planning and Environment has the ability in the Planning Law to apply the Island Plan policies with flexibility, as long as it is justifiable to do so and in the public interest.

The Attorney General:

The Royal Court made clear at paragraph 42 of its judgment in this case that Article 19 of the Planning Law permits the Minister to grant permissions which are inconsistent with the Island Plan but there must be justification for doing so.

The Deputy Bailiff:

The Deputy of St. Ouen, did you have a question for the Attorney or do you wish to speak?

The Deputy of St. Ouen:

I have a question which is to ask the Attorney General, given that the developer is also a party to the appeal - I presume the developer is - and given the Minister has amended his grounds of appeal, could the developer now make application to the court, albeit perhaps out of time, to amend its own grounds and take up the points the Minister is no longer proceeding with meaning that for as long as an appeal exists Mrs. Herald could find herself having to argue the whole case on its merits?

The Attorney General:

The developer has lodged no grounds of appeal and shown no indication that it will but, nonetheless, it would technically be allowed to seek leave to appeal out of time with good reasons for so doing. Of course the proposition would not affect that entitlement on its part to seek leave to appeal out of time.

Deputy S.M. Wickenden:

I was just wondering, if this goes to the court for the changes the Minister wants to appeal, to change how the court interprets the 2 words "preserve and enhance" would, once that change had been made, that allow the developer to resubmit their planning application to be taken into consideration with the new way that it has been done and it will get passed. So is this going around the houses?

The Deputy Bailiff:

The Minister has already spoken, he does not have the opportunity to speak again.

Deputy J.M. Maçon:

A point of clarification then, sir?

The Deputy Bailiff:

A point of clarification, Deputy, yes

Deputy J.M. Maçon:

To assist the Deputy, the process is any applicant can submit whatever application they like to the department and it is up to the department to proceed through its processes as normal.

8.1.2 Deputy I.J. Gorst:

I just want to pick up the point, I am sorry that you did not let the Minister for Planning and Environment make his points which I think were points of clarification that I asked the Attorney General before the lunch adjournment. The point that Deputy Wickenden has just raised is an important point when it comes to the developer or any developer. As I understand it there is no obstacle to them this afternoon lodging a planning application with the Planning Department to develop that particular site. That is a matter of what they are allowed to do under the existing Planning Law and the Island Plan. So we just have to be careful not to conflate the 2 issues and it is my understanding that the Royal Court in its judgment recognised that there would be development, I am not sure if they used the word of “substantial scale” or of “scale” on this particular site. So we again just need to be careful of what it is that we are being asked to consider. But the main reason that I stand is I have spoken with the Minister for Planning and Environment this afternoon and I was - as I said earlier - grateful for the clarification of the Attorney General, and as the Minister said in his remarks directly after the Deputy of Grouville, he has instructed and that instruction has been passed on to the Royal Court to remove the appeal against the decision of the Royal Court against the development planned around Keppel Tower, Grouville. I think that is important because that is what the proposition is asking Members to do and that is what the petition petitions the States to do. The Minister has already I think understood the concerns raised by the Deputy of Grouville and instructed that ground for his current action to be removed and that is now in trail. He of course is continuing with his action which seeks to clarify the consideration of the Royal Court around some of the issues which Deputy Labey so eloquently verbalised in his question. That is one of the important, if not the crux, of the issue that the Minister needs to clarify. It is sometimes difficult because you in your other role, Sir, in the Royal Court should interpret words and should interpret the words of the law that we in this Assembly make. If the Minister or individuals do not accept that interpretation it should rightly be challenged through that process. But we in this Assembly have to be clear about the Island Plan and there is the appropriate demarcation of what our role is and what we intend when we - as democratically elected Members of this Assembly - produce an Island Plan and ask Ministers to make decisions based upon that Plan. Therefore, I think the reverse of what the Deputy of Grouville is saying about the Minister challenging the interpretation. I think it is right that he does, albeit the Minister accepts and I accept that reopening the actual decision about the planning application would be the wrong thing to do and that is why he has withdrawn it. He has tried to understand the position of Mrs. Herold, I believe that he has done so and he has acted to do so and, therefore, he has in actual fact I believe undertaken the request of the Deputy of Grouville and, therefore, I think Members can take satisfaction from that, albeit he will continue with the other elements of his action. I am trying to be helpful, I am not sure if the Minister would like to clarify anything which I have just said, if not I shall let it stand but I believe the Minister has acted in the way that the Deputy wishes when we look at the words of the proposition and the petition, and I am grateful for the advice of the Attorney General which has allowed us to understand that clarification.

The Deputy Bailiff:

Under Standing Orders the Minister, or any Member, would be in a position to ask you to give way to ask for a point of clarification on what you said, Chief Minister, or to give a point of clarification on what they have previously said.

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

If I could start by advising the Assembly that I believe the architects acting for the developer are also involved in development projects within the Parish of St. Martin that we are currently undertaking. I have not discussed this proposition with the architects at any stage and do not believe it falls under Standing Order 106 as a conflict of interest, but I thought best to tell the Assembly before I start. Prior to many of our sittings we are invited to presentations and briefings on particular subjects, many of them controversial, that are due for debate in this Assembly. I was surprised - unless I missed an invitation - that we had not had one on the background either on the petition itself but also the reasoning behind the appeal that is possibly to take place. It may be the Minister and the Planning Department's reason that they do not want to try and explain their legal arguments that are confidential at this stage and prefer to keep those for the Appeal Court hearing and they do not want to rehearse them in public. The comments paper, as we know, arrived on our desks this morning at 9.45 a.m. and I know the Minister has apologised for the late circulation of those but they would too have helped. I made a site visit to the Tower and the cottage over the weekend and walked the coastal path and along the main road to view this from both sides. In fact I looked at the 5 towers along the section of coastline and approaching from La Rocque I saw the first tower which has got immediately alongside a large 3-storey building with a whole array of different building designs. However, we know today is not about the homes that should be built alongside the Keppel Tower, although some members of the public may think this to be the case. It is about a petition and about abandoning the Royal Court appeal. The Minister has now moved to the final stage, a different part of the process and a totally different objective. The current issue is now between the Planning and Environment Department and a Royal Court decision interpretation and it has to go through the Appeal Court in my belief. It is very unfortunate that the situation involves a nearby building owned and occupied by an 87 year-old lady who appears to have conducted herself in a most dignified manner throughout. The decision to proceed with the appeal of course does make no difference to whoever would be living alongside. So we did not have a briefing until this debate started this morning, we did not receive a comments paper until the eleventh hour. The comments paper does explain where the department believes the Royal Court may have made a mistake in their judgment. It took me some time to find Royal Court judgments over the weekend that could have been included in the proposition or come with the comments paper.

[14:30]

I initially found part of a 2014 appeal judgment for Keppel Tower regarding expiry dates and lodgings of appeal. It was only as a result of a site visit on Saturday that I found the planning reference number of the original application that was back in 2011, and that showed that there had been 4 different amendments on the original site notice. As a result of finding that notice I was able to research the background online Saturday evening and discovered the details of the architect referred to earlier. I do not believe this to be a narrow-minded determination by the Minister for Planning and Environment to press ahead regardless, not that this has been alleged. The original decisions and consent regarding the development were not made by our current Minister for Planning and Environment, albeit that is the impression that many people may have formed through the media reports. An appeal process is the only method to set precedents to obtain stated cases and judgments from decisions of the Royal Court, and this through the Court of Appeal and they will be referred to in the future. Once a final decision is made the Minister will then know whether to seek

a review and possible amendments of certain aspects of the Island Plan. The Minister and the department are trying to abide by the Island Plan that was approved by this Assembly before last in 2011 and subsequently amended and again approved by this Assembly last July. I am not sure what part the elderly lady will play in the appeal, maybe none, but I think it will be because this appeal is an appeal by the Minister against the Royal Court decision. The query relating to the lady's involvement could have been answered at an earlier briefing but the indication this morning and today is that she will not be involved and I am not convinced of that. Hoarder as I am, I went through my files and saw the press release referred to this morning by the Minister from 17th June and he has remained with his conviction. The wording that was sent out to the media and to Members: "The decision to challenge the Royal Court is not one I have taken lightly. I understand and respect the owner's concerns and also acknowledge the importance of our heritage assets, but in this case the consequences of the court's decision could have an impact on planning strategy for Jersey as a whole." The Minister went on: "If the decision stands one of the key principles of the plan to protect the countryside by concentrating residential development in built-up areas is under threat." Many Islanders may have a view about Keppel Tower planning application but I think some of the public may have gone off at a tangent. I know the Minister for Planning and Environment has spoken early in today's debate and, therefore, cannot speak again but if the Deputy of Grouville's proposition fails today then can I ask and maybe suggest that the Minister consult with the Minister for Treasury and Resources and maybe the Chief Minister or the Council of Ministers to see if financial support and independent legal advice be provided to the neighbour if she is to be part of the appeal process as our States department goes forward with a third legal battle. I am aware the written answer provided this morning referenced the cost so far but that does not reflect how much has been spent and we have already heard about the States of course, but the second appeal is mentioned but no figure is available. Some support would show the neighbour and the public that this is not the Minister's personal opposition or the department's collective opposition but a means to finally clarify aspects of our Island Plan. Finally, I know the Minister has spoken already and the Attorney General, and the Chief Minister has just mentioned it, but it is clarification that may be needed as to what happens if the appeal is won and an architect or developer immediately submits plans to go ahead. Thank you.

8.1.4 Senator P.M. Bailhache:

The Deputy of Grouville made a very good case this morning and there must be few people in the Assembly, I am sure, who do not have sympathy for the lady in question who has been struggling with the planning and judicial process for a number of years. But I think it must also be said that the Minister for Planning and Environment is in a difficult position too. It is not easy to be cast as Goliath and to be placed in the position that the Minister for Planning and Environment finds himself. I think it should be said that he has done everything that he could to mitigate the consequences of the decision that he has felt obliged to make. The comments make it entirely clear that he understands the position of the lady concerned and is appealing only because he has had advice from his officials that on a narrow point of law the meaning of the phrase "preserve or enhance" needs to be further clarified. He says that he has been advised that the construction placed by the Royal Court on that phrase will give rise to difficulty in the future and in those circumstances what can the Minister do but seek to appeal to the Court of Appeal? He could of course seek to amend the Island Plan but an amendment of the Island Plan is an exceedingly complicated matter and if he has had legal advice that the construction placed on this phrase by the Royal Court is wrong it is his duty to appeal. I cannot resist, however, drawing attention to the fact that this will probably be the last time that an issue like this will arise. The reason for that is that we have substituted for an appeal to the common sense and middle-of-the-road approach of the Jurats an appeal to expert planners. The likelihood in the future, it seems to me, is that expert planners will take the same view of the meaning of a phrase like "preserve or enhance" as the

planners in the Planning Department, and so people in the position of the lady in question in this case will find it much more difficult to appeal successfully. But that is water under the bridge but it is relevant to this extent: we do not know what the outcome of the Minister for Planning and Environment's appeal to the Court of Appeal will be but whatever the result there is likely to be a further application by the developer to the planning authority. When that happens I do express the hope that the Planning Applications Committee will take note of the fact that 2 separate judges and 4 separate Jurats independently reached the conclusion that the development for which permission was sought in this particular instance was out of scale for the particular site in question. I support the Minister for Planning and Environment in the difficult decision that he has been called upon to make, particularly in the light of the comments that he filed yesterday, and I am sure that the right decision was made to bring the appeal to the Court of Appeal in the light of the legal advice that he has received. So reluctantly, I am afraid, I shall be voting against the proposition.

8.1.5 Deputy S.M. Brée of St. Clement:

I think this particular petition raises 2 very important points, ones which possibly have not been covered by the arguments that we have heard so far. The first is the right of the individual to protest against the actions of the States. These rights and privileges are enshrined in law, we do have a right of appeal. Twice the lady in question appealed to the Royal Court, twice they voted in her favour, and yet our Minister continued to appeal to try and seek a reversal of their decision. There was then a question about a definition that was used in the ruling by the Royal Court. I understand the argument that the definition as contained within the Island Plan may need to be defined, but I would suggest that it is up to us as an Assembly to agree what that definition may be, not for the Royal Court to do so. I would also raise the question of whether or not we do wish to preserve and enhance our historical buildings. My fear is that if the definition is redefined to mean something else then all other listed buildings could be under a similar threat to the Keppel Tower situation. I own a listed building but I am not allowed to preserve and enhance. I am under very, very strict controls as to what I am allowed to do with my own building. I cannot even put double glazing in it and yet the Minister for Planning and Environment is asking that a large development could be placed next to an historical building. I do not consider that to be either preserving or enhancing. That is my personal opinion and obviously everybody is entitled to their personal opinion, but I think we have to think very carefully about what is happening. This attempt by the Minister to seek clarification or redefinition of a phrase by the Royal Court could have major implications in the rest of the Island. All I ask Members to do is to consider that when thinking about which way they are going to vote. Thank you.

8.1.6 The Connétable of Grouville:

I am not going to speak for very long because my Deputy does a very good job of putting her case forward, but I did want to really voice my support for this proposition. I was a bit disappointed that the comments paper from the Minister came late but he did explain to me why that was, so it makes it very difficult to take them on board before the debate. There are 2 points I would really like to make though: one is there is a risk that this appeal will fail, obviously it has been to court twice already so we are taking a risk that we are going to spend a lot of money for very little and if that were to happen I understand we would have to change the Island Plan. That seems to me the route we should have probably taken in the first place. The second point is the human side of it, we have an elderly lady that has been to court already twice, there is absolutely no doubt in my mind if it goes to a court a third time that she will go through emotional turmoil once again. I think we need to be compassionate as a Chamber and let this drop and I hope this proposition succeeds, it will get my vote, and I urge other Members to vote for it too.

8.1.7 Deputy J.A.N. Le Fondré:

Just very briefly, as I listened to Deputy Breé's comments it did strike the thought in my mind it is the first time I have ever heard the Planning Department being concerned that a policy was too strict to be applied, particularly for example in relation to heritage buildings. That is slightly tongue in cheek but I would say that would be the public perception. I think the other reaction is that if a further change or loosening of the Island Plan which this Assembly approved is to be done then surely the best place is for that to come back as part of the due process of the Island Plan process because there will be bodies out there on both sides, whether it is the construction industry or whether it is heritage bodies who will be impacted by that decision. So surely the right place for that type of process is through the normal consultative process that takes place as laid down by statute I believe, or certainly internal guidelines for the Island Plan, because everybody has a fair shot at it and it is finally considered here. That would be my observation, I am very happy to support the proposition, thank you.

[14:45]

8.1.8 Connétable J. Gallichan of St. Mary:

Before I speak could I ask the Attorney General just to ... probably not clarify because I am sure what he said this morning was very clear it is just that I cannot quite remember exactly what it was. I believe the Attorney General this morning gave us the leading judgment that came down from the U.K. prior to this going through, and with the definition of "preserve and enhance". If I could I ask him if he can clarify on that please, Sir?

The Attorney General:

Do you want me to clarify all points that I made or simply the use of the word "preserve". What would you like me to do?

The Connétable of St. Mary:

It was just to --

The Deputy Bailiff:

Through the Chair please.

The Connétable of St. Mary:

Sorry.

The Attorney General:

Forgive me?

The Deputy Bailiff:

Through the Chair please.

The Attorney General:

Sorry, forgive me.

The Deputy Bailiff:

What would the Constable like me to do?

The Attorney General:

Yes, I am grateful, Sir. [Laughter]

The Connétable of St. Mary:

It was just a question of asking the Attorney, could he possibly repeat what the U.K. judgment had said that came before this one?

The Attorney General:

Yes, in relation to the word “preserve”, the Royal Court held that “preserve” is to maintain a state of things, whereas the English House of Lords in 1992 held that character or appearance can be said to have been preserved where they are not harmed. There is more to say on this issue, but I think that is enough for these purposes.

The Connétable of St. Mary:

I am grateful to the Attorney General. This is a very difficult thing to compartmentalise exactly in the cold light of day what is being asked and what we are seeking to do. The only thing I can say is that the Island Plan, as we adopted in 2011, was subject to a great deal, a week I think of debate, and a great deal of decision, and at the heart of that Island Plan, the thrust of it was the need to preserve our heritage, our unbuilt environment if you will, our green areas, and concentrate on redevelopment in the built-up area. As Chairman of the Planning Applications Committee, obviously that is something that is always at the heart of decisions that we are making. We are drawn continually to the Island Plan and to what we aspired to as an Assembly to give our Islanders as a framework for development. What we really need is pure clarity on this because, rather than there being a change, rather than the Minister now seeking a change of the definition, what we have had is a change in the definition that was current at the time we adopted that Plan, except for which planners, we are very separate to the United Kingdom, but our planners all go through training in the United Kingdom, there is a common body of thought. There is a subtle difference in the understanding of the interpretation of “preserve” at that time to what there is now, as a result of this judgment. I think it is extremely important that, should the Court of Appeal decide to hear this appeal, we would get from it a clarity that we could take forward to future planning decisions. Because there is often, as has been said, a very, very fine balance in making decisions, and sometimes things do not quite fit the Island Plan, but can be approved or should be approved in some cases because they can be justified. But, when we are faced with a clear and hard ruling from the court of a definition, I think probably our leeway is contracted and I think we need to consider that because we are not considering the Minister wanting to change the definition in the Island Plan. What we are considering is whether the definition has been changed unwittingly, or not “unwittingly”, I would not like to say the court is unwitting, but has been changed as a consequence of something else, and whether inadvertently that has an effect on the balance of the development possibilities that we as an Assembly considered when we approved the Island Plan. Whether in fact something has been added into the equation that we were not aware of at the time and whether that will have consequences for how we treat planning applications in the future. I think for that clarity it is essential, and it is also important to say, unless I have totally misunderstood everything that has been said today, this is not a challenge on the decision, this is a challenge to the rationale behind the judgment, and a very small part of that. So it is not an overturn, it is something that we have to think about logically rather than emotionally because the Minister has been very clear, he is not seeking to overturn the decision, he is not seeking to have anything that the court said in that decision, in the hard outlined decision of that appeal, changed. We are looking at something that underlines that and something that I think could have very, very strong implications for the rest of the Island planning policy and could mean that if we do not investigate it now and know absolutely one way or the other where we are going that we could unconsciously almost be sleep-walking into the fact where we cannot carry forward the wishes that this Assembly expressed when it tinkered with, when it reorganised the Island Plan, and I think that is fundamentally important. But we have to ensure that this is done with a very, very, very minimum of aggravation for the lady concerned. But I think the way that the Minister has now changed his appeal, hopefully that interaction with

that lady will have been reduced I hope to an absolute minimum and I would be grateful if anybody else who can speak can clarify that for me. Thank you.

8.1.9 Senator Z.A. Cameron:

I just Googled a quick definition of the meaning of the word “preserve” and the vast majority of quotes come down it meaning to keep something in its original state or in good condition, and I think that was the original meaning when the States passed the proposition on the Island Plan. If it in the future is to mean “to keep from harm or injury” then I would suggest that is a decision for the Assembly to adopt that change of the Island Plan rather than the courts.

8.1.10 Deputy M. Tadier:

I see this proposition perhaps from a slightly different angle and I am not sure that what I am going to say has necessarily been covered at all, or certainly not fully. But, before I do that, I did not manage to speak to the Attorney General at lunchtime because I think we were both busy, so maybe I could start with a couple of general thoughts, which maybe could be answered at the end if appropriate, and they are that he mentioned earlier on about that it is unusual for appeals to be based on reasons rather than the decision, usually the decision is appealed: the decision has been appealed twice in this case, and now we have an appeal on the reasoning, and it is unusual even more so because it is now put in by the Minister, not by the third party affected or by another third party who is involved in the case. So what I wonder to myself is how unusual is it to appeal the reasons rather than the decisions and would it be possible to find some precedence specifically in Jersey about when an appeal on reasons and interpretation I suppose has happened before, and whether or not somebody else would be likely to be able to have the appeal on reasons accepted by the court or whether that is something, which the Minister is perhaps being given special privilege for, given his position. I do not know these things; these are simply questions that flag-up in my mind and perhaps which the Attorney General can help with, either now perhaps or more likely at the end when I sit down if he could assist with those?

The Deputy Bailiff:

Would you like the Attorney to seek to answer them now?

Deputy M. Tadier:

I would, but I appreciate I am more concerned about giving him enough time and the quality of the answer, so if he is ready to answer now then I can sit down and continue afterwards.

The Deputy Bailiff:

Attorney, would you like a little more time until the Deputy has finished his speech?

The Attorney General:

It would be best if I give an answer now, and he will be able to comment on my answer in the course of his remarks to the Assembly. To answer your questions, yes, it is unusual in Jersey for a party to appeal against part of a decision and not an order. Secondly, there is no local case law on the issue and there is some English case law on the point, and the English case law is to the effect that the English court should not decline to adjudicate on a point, which raises a matter of public importance, including the construction and interpretation of material emanating from Parliament, which of course reads this Assembly. So there is a proper foundation for the argument based on English authority that the appeal should be entertained by the Court of Appeal. To answer your second question, there is no special privilege for the Minister in terms of putting forward that argument; he stands as any other party would in putting forward that submission.

Deputy M. Tadier:

I thank the Attorney General for that answer. I suppose a further question, are there examples where people have tried to appeal in a similar fashion and have been turned down in recent times, or ever?

The Attorney General:

There are instances where the English courts have declined to deal with such issues on the basis that the point is solely academic, in the sense that it has no practical impact on the relationship between the parties, and there are also cases where the courts have considered such issues, there are cases running either way.

Deputy M. Tadier:

So what I take from that is essentially that the Minister is essentially within his rights to do this, he is obviously within his rights because he is doing it and it is there. I am also hearing that we are very much in uncharted waters, certainly in the Jersey context, and these are uncharted waters, which are being entered into by one of the Members of the Council of Ministers. I am uncomfortable with that because I think essentially he is fighting someone else's battle. The other question I would ask, which I think is more rhetorical than specifically to anyone, is that we are talking about we need clarification and interpretation on a particular aspect of wording, which we have set out as an Island Plan, which is then quite rightly interpreted in the other side by the Royal Court. My question is, is there another way to find out that information, for example what was the rationale behind that decision, without having to appeal it? Maybe I am being slightly naïve here, but could we not simply ask the Royal Court, the judge and the judges involved in that, for a summary of the judgment? I think that kind of thing does exist, which would explain exactly what the rationale was behind that. I mean maybe that exists already, because I think it is customary to give judgments and some explanation, and why has that information not been sought, because presumably there are lines of communication that exist. I do not buy into the argument, the comments that have been said, that lodging an amendment to the Island Plan is complicated. If it turns out that something in the wording in the Island Plan is not fit for purpose, and I think one of my colleague members on the panel we serve on - the Environment Scrutiny Panel - may touch on this about the implications; what is the real motivation that the Minister is bringing this? We know that of course there needs to be development focused in St. Helier, *et cetera*, is this a way of doing that? But I will not steal her thunder on that particular point. But I think the Minister is more than capable of bringing an amendment to the Island Plan. But the real concern that I have, and it is not a line of argument that I usually like to pursue, is the slippery slope argument. I do not usually like to pursue that because it is often used speciously I think in some cases. But I think it is a genuine matter of concern here. If a Minister, an elected Minister of this Assembly, is able to intervene essentially in third-party disputes because ultimately I think he does not like the decision or the implications of the decision, and the Royal Court's decision making, firstly I think there is a demarcation issue, which makes me very uneasy. Is it the job of Members of this Assembly, especially Ministers, to be second-guessing the interpretation of the Royal Court? I was always of the understanding that there needed to be clear demarcation that we should not stray into the territory of essentially another jurisdiction, which is the jurisdiction of the court. Of course we can ask questions of that, and of course it would be absolutely right for a member of the public, probably the developer you would have thought would want to question this reasoning. I mean why is it not the developer who is putting in this appeal, saying: "I do not agree with the reasoning" and by all means the Minister and the Planning Department can say: "We are watching this very closely and if there is anything that we might be able to assist you with we will certainly." Not that they could necessarily assist in that way, but it seems like they have done even more than that and said: "Look, we will just do it for you, we will take this to court and see if we get the decision and there is no risk associated with you at all, the risk is entirely with the public here." So it does not sit with me very easily.

[15:00]

The precedent it might set, well what about another Minister, I mean what about a different law coming to the Royal Court: let us take one, which is quite close to my heart, which is the Residential Tenancy Law. It has never been tested, even though it has been up and running for a couple of years now. What if the Royal Court, somebody came - well it is the Petty Debts Court which deals with the Residential Tenancy Law - so Article 9, a tenant comes to the Petty Debts Court and says: "I believe I am living in a residential unit that is not fit for purpose. The premises are uninhabitable." The law says, under Article 9, that if you live in an uninhabitable premises then basically you do not have to pay rent and you can have your rent paid back to you by the landlord. It is a very vague definition and I think that there are probably reasons why it has never been tested in court. But let us imagine the Petty Debts Court say: "Owner, we believe that your premises are uninhabitable and you have to pay your tenant 3 months' back rent." It could be the other way around of course, but let us take that as the hypothetical situation. At which point the Minister for Housing says: "Hang on a minute, I do not like this, I do not like the interpretation that the court has given that, I think that the owner has been harshly treated and that the tenant should not be getting that 3 months because there is only a little crack in there and it is not uninhabitable, you could easily live there, albeit with some discomfort." Is she really going to go up to the Petty Debts Court and dispute that decision or is she going to say: "Maybe we need to tighten up the wording in this particular law." I do not think it would be the former, because if she starts doing that, or if he in the future were to start doing that, it is a very dangerous position for we in this Assembly as politicians to find ourselves in, quite rightly. Where does it stop? Would the Minister for Home Affairs, for example, perhaps appeal an interpretation or a rationale or a reasoning to do with a drugs offence if we had a particular Minister for Home Affairs who thought that the court had been particularly harsh on somebody who had imported drugs into the Island or if they thought that the court had been particularly lenient on one of those decisions, would she say: "I think we need to put an appeal in into this decision," and it is not an appeal of the decision, it is an appeal of the reasoning behind the decision, which would of course have an implication for the decision anyway, let us not fool ourselves about this. When this goes to appeal, and if the decision or the interpretation, the reasoning is found to be faulty or at least open to challenge, then there will be consequences for that development. So it is not the right way to be going about this. I think the Minister has his own reasons for flagging this up and wanting to be able to develop in a more permissive way, certainly in St. Helier that is completely understandable, but this is not the way to be going about it and I think we bring ourselves into disrepute by doing this and I think that the Deputy of Grouville is absolutely right for bringing this. I think it is a slippery slope, I think it is very dangerous territory, it would set dangerous precedence, and we need to maintain that clear demarcation between the States Assembly and the courts.

8.1.11 Deputy J.A. Martin:

I thank the Deputy for apparently not stealing my thunder. We did have a discussion because we are on the same panel and we had the Minister in front of us and I have listened very carefully to this debate. I thank the Deputy of Grouville for bringing it and I think it is a much bigger principle than this one case. In the comments at part 12 on page 3 it says: "The Minister will seek to correct in his appeal the Royal Court's interpretation of H1 policy phrase 'preserve or enhance'." Now this is the Minister. When we discussed the Island Plan in 2011 and 2014, not 1992 under some U.K. law - and I am always told off when I do quote the U.K. - this is for the Constable of St. Mary, we had, or a majority have had in our minds what we meant by "preserve or enhance". This was preserved and enhanced by the Royal Court next door, and it is absolutely now down to challenge from the Minister. (1) The Minister, as the Attorney General has told today, is on very, very dodgy ground, he does not even know if this would be heard, it has never been heard before, it is not case law, and he wants to do it on one point of a ruling of an appeal to the lower court. So why? Now

we had the Minister in front of us, and in the transcript, he said, when asked about this question and general heritage, it is a public hearing, the Minister replied, this is Hansard and I will read it verbatim: “The most recent Royal Court ruling took a certain view on a policy that reflected in their decision. They found that settling the listed buildings was very important and they gave more importance to it than myself and the department felt was the intention when the policy was written.” Not only was the policy written, it was endorsed twice by this House. The Minister is not master of his own destiny, he brings written policies to this House and we pass them. We have passed this. Going forward, now this is really the crux, but remember if you water down this phrase you back this Minister. It will not just affect St. Helier, but this is the crux of the appeal. He goes on to say: “We think it is important enough that we need clarification on this because of the potential, and I say potential moving forward, would be that we have a large number of listed buildings in St. Helier and the court ruling could have implications on the development of St. Helier around or nearby or in settings of other listed buildings.” This is the Minister’s words, I am not making it up, it is there for everyone to read. So why would we want to water it down? Why are we going to go back and ask for another idea? The Minister thinks there has been too much importance been given to this phrase, H1, “preserve and enhance”. Then again, and I repeat, when he and his Ministers, or probably a Minister before or officers before, wrote the policy, again, we passed it. I say to the rest of this Assembly, I am a St. Helier Deputy and in part I see where the Minister is coming from. I do not agree, but if he gets this watered-down I think he is on very dodgy ground, as I say, if he asks for a redetermination of what this policy means “preserve or enhance”. We have had a good example from Senator Cameron: where do the rest of us stand? It is, as I say, quite clearly in or around listed buildings, it does not say just in St. Helier, which it will have a carry-on effect. We are supposed to just now think the Minister has seen the light on Friday and decided he is not taking the person back to court because in his opening speech he said it was only that one point he really wanted to have clarification on. Well why did he start where he was, and this was lodged on 23rd June, why did he start here? He started in the wrong place. Four days ago he did not end in the right place. Today he should have had absolute clarification before he stood up, from the Attorney General, to say a case like this has never been brought, it probably will not get through to the Royal Court, and if he, as the Minister for Planning and Environment, does not agree that the courts are interpreting his written policy as he intended, he should bring it back to this House for all of us to discuss. There is only one way to do it, we must support the Deputy of Grouville, chuck the whole thing out and get the Minister to stand by his own policies and come back to this House where we approve what is “preserved or enhanced”. **[Approval]** Thank you.

8.1.12 The Deputy of St. Mary:

There appears to be an assumption that, if this goes to the Court of Appeal, we would have a judgment on which we rely for ever and a day. I question that. That is with the greatest respect to the Court of Appeal. **[Laughter]** I question that because most judgments are given in the context of particular situations and in a case where we are asking the court to advise on an abstract situation that is all they could do. They can set out general principles. At the end of the day, any particular case will have to be considered against those principles, and I am therefore not convinced that it takes us much further forward. If it is simply a question of putting a better definition to the phrase we are now talking about, then I see no reason why that could not be done through this Assembly and get this Assembly to put the Jersey stamp of approval on what we really mean. Thank you.

8.1.13 Deputy M.J. Norton of St. Brelade:

I find this quite a difficult one to decide on. I completely and utterly sympathise with this proposition and I can understand why, given that people felt that the Minister was taking somebody back to court to overturn a decision, why they would want to sign that petition, and they probably signed that petition under those thoughts. Of course the comments that we now have before us do

give some comfort that is not what the Minister's intention is at all, and I wonder how many of those 2,000-plus would have signed had they known and seen these comments first. It has been pointed out in this Assembly erroneously already that the Minister is taking the lady in question, Mary, as referred to earlier on, back to court to overturn the decision. That is entirely what the Minister is not doing. The Minister is clarifying a point. He does not want to overturn the decision. That is in writing and it has also been said by the Minister today. It is the wording during that decision-making process that, in the Minister's opinion, needs correcting in order that he can administer the Island Plan that was passed by this Assembly. So it is about going back to our Island Plan that we already have and making sure the interpretation of it that we had is the correct interpretation, so that we can go forward. I do have sympathy for Mary, who has been, and will be again, if this is the case, be dragged back into this correction, this clarification. But this is not about the decision. The decision has been made and the decision has been accepted by the Minister. The decision has been agreed and he is not seeking to overturn that at all; he is seeking simply for clarification. We have also heard from the Minister today that to bring an amendment back to the Island Plan would take a huge amount of work and an awful lot of time and, more importantly, a massive amount of money, more than it will take to go to the Court of Appeal. The Minister is also duty bound by the legal advice that he receives. The legal advice he has received is to carry out an appeal for clarification of the wording. I think there are many that have been blind-sided by the thought that this poor lady is being taken back to court and then there is going to be an overturning of the decision. That is not what this is about and I think when people are making their decision as to whether they support this proposition or not, they need to bear that in mind. The Minister is acting in the best interests of the Island Plan that was passed by this Assembly. He is acting in the best interests of the legal advice that he has been given. I have great sympathy for those that support this proposition but I also have great sympathy for the Minister who is carrying out, to the best of his ability, the duties, which he has as Minister for Planning and Environment. It is a difficult decision as to whether you will support this proposition or whether you will not, but I think, on the balance of what I have heard today, and on the balance of the comments, albeit late, that I have received, I find some comfort in the Minister's comments that he is not trying to cancel, overturn, challenge, the decision of the court. He is simply asking for clarification on a wording so he may carry out the Island Plan, in the last 4 words: "To protect the countryside."

Deputy M. Tadier:

Sir, may I ask a question of clarification of the Attorney General, based on something that has just been said by the previous speaker?

The Deputy Bailiff:

Yes, you can ask for further advice from the Attorney General.

Deputy M. Tadier:

Is it the case that if this goes to court and the ruling goes in the Minister's favour, so the interpretation is overturned, does that then leave the door open for the developer and/or a third party to come back and contest the decision on that basis?

[15:15]

The Attorney General:

The planning permission granted by the Minister in 2014 has been cancelled and the Minister is no longer challenging the decision of the Royal Court. I am not sure I can say anything about the future. The Royal Court itself did say in its judgment that the site will still be developed for many residential units of accommodation, so presumably in due course, however the law stands, somebody might apply to develop the land, but I cannot really say more than that.

Deputy M. Tadier:

I suppose, based on, if we are talking about that particular application, which has been turned down, if the interpretation was proved to have been faulty, would it not be reasonable to expect the court to be able to entertain a reasonable petition or a resubmission of the same plans or to contest that decision, is what I am trying to say? So, if the decision was turned down on the basis of faulty reasoning, surely the applicant would feel aggrieved and then say to the court: “This decision itself must be wrong and therefore I have a further appeal based on the facts”. I think the A.G. (Attorney General) knows where I am coming from even if the words are not coming out.

The Attorney General:

Any fresh application would be made to the Minister, not the court, and I simply could not predict what the outcome would be obviously, but obviously the application would be made against the background of the law as then understood.

Senator I.J. Gorst:

Sir, could I ask for a clarification from the Attorney General? The Deputy seemed to be indicating or concerned that, should the Court of Appeal clarify the interpretation of that particular term, the decision would become unsound and therefore the Deputy fears that an applicant might further appeal to the court. As I understand it, the developer is out of time, the Minister is seeking a clarification of those terms rather than to say the decision was the wrong one, he has withdrawn any action about the decision.

The Attorney General:

That is right. The Minister is no longer challenging the decision of the Royal Court to cancel the planning permission granted. We simply cannot speculate on what applications might be made in the future in relation to this property because the Minister, in his comments on the petition, goes rather further and says that not only does he not challenge the decision made, but also goes further at paragraph 11 and says that: “There is now no longer challenge to the court’s view about actual harm to the setting of Seymour Cottage.” So it is very difficult for us to predict now what further applications there might be and how they would be looked at by the Minister for Planning and Environment in due course.

The Deputy Bailiff:

If no other Member wishes to speak on the proposition, I call upon the Deputy of Grouville. Sorry, Deputy Labey.

8.1.14 Deputy R. Labey:

I will be very brief. I think the Council of Ministers are pulling the wool over Members’ eyes. I think pursuing the application appeal is the fastest route to facilitate the applicant to submit a compliant set of plans. It is a political matter this, it is a matter for this House, it is not a legal matter, and it must be decided via, as has been said before, an Island Plan debate, which does not have to be terribly complicated if all you were doing is inserting the words: “i.e. not harm” after “preserve”, for example. The legal route, as I see it, is to fast track the process for submitting fresh plans. As if we are saying now, because of this Royal Court judgment, that any land neighbouring a listed property has to be preserved, i.e. it must stay the same in perpetuity, is frankly ridiculous. To interpret it in that way is frankly ridiculous. Can I seek this clarification: did the Royal Court, in its judgment, if the Attorney knows, use the words: “The setting must either stay the same or be improved”?

The Attorney General:

At paragraph 39 of its judgment, the Royal Court said: “To say that a setting is not adversely affected is not the same as saying that the setting is preserved. To preserve is to maintain a state of things.”

Deputy R. Labey:

So the Royal Court is not saying it must stay the same. It is saying that the setting must be preserved and, look, let us go from another point of view and you will see what I mean. Through the Chair. **[Laughter]** The Minister was railing against developers recently in the press, and quite right to do so. He was saying he was going to get tough with developers who submit a second set of plans after refusal, which have minimal changes. That is precisely what happened here. The developer here had it refused and put in another set of plans, which had hardly changed. It was unbelievable to Mary Herold, it had hardly changed. If you passed that area Le Hocq, Grouville, or what have you, when the scaffold profile was up, it was massive. That is what the Royal Court is saying, and it is obvious that does not preserve the setting. If they were to scale it down, if it was all on one storey, they could still develop it, the site does not have to stay the same but the setting of the listed buildings, the cottages, is preserved. The Minister is only doing his job and we know he is not a bad man. **[Laughter]** The planning officers are under pressure from the developer to proceed, the Minister is under pressure from his officers, the department wants to assert its power, of course that is only natural, but, in appeasing one set of officers, I would ask Members to consider another set of officers at the Planning and Environment Department, which is the Historic Environment Team. Believe you me, a weakening of the protection that listing confers on buildings is certainly not what they think is required. They are the bad guys, it is the worst job in the world, they are the bad guys when people cannot change their windows or convert their pigsties, as the Deputy of Grouville said, or put a conservatory on. It is always blamed on the Historic Environment Team. Yet, when the State favours a development in Dumaresq Street, for example, to put a budget hotel and a service entrance for that hotel, trashing through 2 grade one listed buildings, when the State wanted to do that the Historic Environment Team’s opinions often count for nothing. The same we are seeing in La Collette, but I will not go on to that one right now. Now the fact is this is an overdevelopment, the court judgment is perfectly clear, and I think that we must support the Deputy of Grouville.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? If not then I call upon the Deputy of Grouville to reply.

8.1.15 The Deputy of Grouville:

I will start with some of the remarks that Deputy Norton was referring to in the comments. Yes, would we not all be in a better place if we had known what we did not know yesterday is basically the thrust of what he was saying. Point 13, which Deputy Norton referred to: “If the Minister does not appeal this decision the Planning Applications Committee and the Planning Department will be left with a decision, which hampers the delivery of development within the built-up area and which undermines the central strategy of the Island Plan to protect the countryside.” This is misguided spin. This is misguided spin and worse, and a misinformation campaign verging on scaremongering. If it is the latter, please recognise that the tactics have absolutely no place in Jersey public life and they only constrain honest and constructive dialogue and erode public trust in the planning and wider political process. My proposition was lodged in good faith to ask the Minister to drop his appeal against the Royal Court judgment. To answer the Chief Minister, I was clear when I lodged my proposition, I was asking him to withdraw his appeal and volunteer details to describe which appeal that was. The fact that the Minister for Planning and Environment has changed the goalposts in the eleventh hour, and since I have lodged my proposition, should not deter or confuse what I was trying to do: to stop his appeal. I know that, he knows that, and this

Assembly knows that. The Minister needs to recognise what is being asked in this proposition. He now concedes the judgment of third party appeals of Keppel Tower must be right, but perversely describes the interpretation to be wrong. He claims that this is not about personalities but is still prepared to put an 87 year-old woman through more uncertainty while he gets his interpretation clarified. But what he should be saying is that he believes the Island Plan is now wrong, it is too restrictive, and if he truly believes that the policies applied to preserve or enhance an area are wrong, or the wording too ambiguous, then let him seek to have these inconvenient restrictions removed, but in the States Assembly, not the courts, which is exactly what the courts warned was to be avoided. I repeat the words from my opening remarks, the words of the Royal Court: “A legalistic approach to the interpretation of development plan policies is to be avoided and proposals that do not preserve the setting of listed buildings, such as proposed, will not be approved.” It could not be clearer. What is the problem? What is not clear? To go on to suggest that there is no flexibility or the plan is now too rigid is equally curious. The court judgment said in clause 42, and this is key and ratified by the Attorney General in his answer to my question: “The Planning Law permits the Minister to grant permissions that are inconsistent with the Island Plan, but there has to be justification for doing so.” The Constable of St. Mary wanted it to be clear. That is perfectly clear. He can be inconsistent, he can deviate from the policies, but he has to justify why he is doing it. The Royal Court of Appeal system is also generous in allowing a margin of appreciation to the Minister in its decisions. But to earn the public respect for this margin the Minister needs to demonstrate competence and a public interest outcome. All he has to do is justify why he is going against Island Plan policy. In the case of Keppel Tower, there was no justification why listed buildings had to be so badly compromised for the mass, scale and density of the apartments that were proposed, so it failed, demonstrating that the Island Plan is fit for purpose and not in need of rescue, as he suggests. But, if it is to be adjusted, it is done cautiously, competently, with justification, and democratically, not each time developers and the Planning Department find it inconvenient.

[15:30]

So where does that leave Mary? The Minister will allow her to enjoy her victory for the summer, but then in September his officers and his legal team, who are already working on it, will go back to court on the back of Mary’s judgment and taxpayers’ expense to have these inconvenient restrictions removed or interpreted that better suits. Once removed, the developer of the Keppel Towers site will no doubt submit similar monstrous plans with recommendations, which will no doubt receive same officer approval and an unencumbered Ministerial Decision will follow, all of which will disregard everything that the Island Plan seeks to protect and enhance. I leave Members to consider clause 34 of the judgment: “The duty of the department and its officers was to the Island and the public, not to over-ambitious developers whose interests were solely financial. The present proposal was not a sensible outcome as the weight of opposition to the development demonstrated.” The Minister has the policies and he has the powers to be inconsistent, all he has to do is justify why. I ask Members to vote for my proposition in the manner it was tabled and for the Minister for Planning and Environment to stop wasting taxpayers’ money and withdraw his appeal in its entirety. I make my proposition and call for the appel.

The Deputy Bailiff:

The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 22		CONTRE: 18		ABSTAIN: 2
Senator Z.A. Cameron		Senator A.J.H. Maclean		Connétable of Trinity
Connétable of St. Lawrence		Senator I.J. Gorst		Deputy G.J. Truscott (B)
Connétable of St. Saviour		Senator L.J. Farnham		

Connétable of Grouville		Senator P.M. Bailhache		
Connétable of St. John		Senator A.K.F. Green		
Deputy J.A. Martin (H)		Connétable of St. Helier		
Deputy of Grouville		Connétable of St. Clement		
Deputy J.A. Hilton (H)		Connétable of St. Peter		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Mary		
Deputy K.C. Lewis (S)		Connétable of St. Martin		
Deputy M. Tadier (B)		Deputy of Trinity		
Deputy of St. John		Deputy E.J. Noel (L)		
Deputy J.M. Maçon (S)		Deputy S.J. Pinel (C)		
Deputy S.Y. Mézec (H)		Deputy of St. Martin		
Deputy of St. Ouen		Deputy R.G. Bryans (H)		
Deputy L.M.C. Doublet (S)		Deputy of St. Peter		
Deputy R. Labey (H)		Deputy A.D. Lewis (H)		
Deputy S.M. Wickenden (H)		Deputy M.J. Norton (B)		
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy P.D. McLinton (S)				

9. Jersey Financial Services Commission: re-appointment of Commissioner (P.49/2015) - as amended

The Deputy Bailiff:

The next item of business on the Order Paper has been moved to the bottom of the Order Paper, therefore the next item of Public Business is: Jersey Financial Services Commission, reappointment of Commissioner, lodged by the Chief Minister. Chief Minister, I understand there is an amendment in your name. Do you wish the proposition to be taken as amended?

Senator I.J. Gorst:

Indeed, Sir, I am happy to take now as amended please. Thank you.

The Deputy Bailiff:

In which case I will ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to appoint Mr. Markus Hardy Ruetimann as a Commissioner of the Jersey Financial Services Commission with effect from 14th September 2015 for a period of 5 years.

The Deputy Bailiff:

This is a matter, which is taken in camera, I therefore ask, in accordance with Standing Order 82 that all strangers withdraw from the precincts of the Assembly, all people in the public gallery kindly leave the Assembly.

[Debate proceeded in camera]

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

10. Draft Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 201- (P.55/2015)

The Deputy Bailiff:

The next item of Public Business is Draft Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations, lodged by Chief Minister and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 2000. The States, in pursuance with Articles 1(2) and 5(2) of the Register of Names and Addresses (Jersey) Law 2012, have made the following Regulations.

Senator I.J. Gorst:

Sir, I would like to ask Senator Routier to act as rapporteur for this item and the next please. Thank you.

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

We have brought these Regulations to support the work of the Privileges and Procedures Committee in line with the previous decision of this Assembly. In 2013, the Assembly approved P.110, which included a proposal to undertake a feasibility study on the use of the Register of Names and Addresses for the Electoral Register operation. These Regulations enables the Association of Electoral Administrators to undertake this work. They will perform trials comparing the Electoral Registers of 3 Parishes who have volunteered. This will help in gaining good understanding of how accurate the Electoral Registers are. Having undertaken the trials, the Association of Electoral Administrators will report to the P.P.C. who will consider the results and decide what next steps are necessary. The P.P.C. will then return to this Assembly if they want any further action. This is the right time to do these trials, following last year's elections. However, if Members wish to improve matters to support the 2018 elections it is important that the work is started soon. This is important work helping P.P.C. to develop proposals to improve voter registration, to make it easier and to help people in exercising their democratic rights. If Members turn to page 6 of the proposition, you will find a copy of the report called *Development of New Electoral Registration System in Jersey* by the Chief Executive of the Association of Electoral Administrators. In this report, the Chief Executive says that they are convinced that the best way forward will be to use the benefits and strengths of our current system of electoral registration and investigate how that could be improved by using the register of names and addresses. This appears to be sensible. The register of names and addresses was created in 2013 based on a variety of sources and supports the administration of the Social Security, Income Support, and the Control of Housing and Work Laws. The register contains basic information. To undertake these trials, the following information with electoral registers will be compared, so it will be the name, the address, date and place of birth, the date of arrival, if not Jersey born, and gender. I would stress again, voter registration participation in our democratic process is critical. I would like to think that by 2018 we will have improved voter registration. These Regulations are a step in this direction, giving P.P.C. information they need to make decisions and formulate proposals. I am pleased to be bringing these Regulations in support of the Privileges and Procedures Committee and ask Members to approve this important step.

The Deputy Bailiff:

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

10.1.1 Deputy J.A.N. Le Fondré:

Yes, I have 2 questions, before I speak, for the Attorney General, if he could just clarify 2 matters: (1) what controls are in place in the legislation to ensure that this is a pilot scheme and not a permanent change to the legislation; and (2) if a discrepancy is found between, for example, the Public Elections Register and the Names and Addresses Register, what legislative controls are in place to prevent that data being used to update whichever register is incorrect? I would like to speak after those answers please.

The Attorney General:

As regards to the first question, that the legislation is not limited in terms of time, and contains no reference *per se* to it relating to a pilot scheme, although of course we understand what has been said about it, but as a matter of law the Regulations are not time limited. In relation to updating Parish records, I note that the report of Mr. Turner says that the Parishes might use the information to supplement or verify information, so perhaps it could be used to update Parish records if inaccurate on comparison with the other database, although of course the main law does provide under Article 6 that any unauthorised disclosure or use of information would amount to a criminal offence.

Deputy J.A.N. Le Fondré:

I am not really going to make any issue on the proposals behind, obviously people are going to be supportive of them because they are logical about what people are trying to achieve. The point I wanted to make by asking the questions is that on page 5 of the report it says: "The Regulations only allow a pilot to be undertaken comparing the registers." We have also had submissions that it is only allowed data to be, I think it was compared and contrasted, and not amended. The point really I wanted to make is that obviously this whole thing is going to come more and more to the fore about the use of personal data for achieving public sector reform and for achieving efficiencies. For very correct reasons, various databases that we hold are very carefully controlled because they do carry very considerable personal data. So really I think the main point I wanted to make is that could Ministers in future be a little bit more careful in how they present the information, because obviously, although it is the intention that this is a pilot scheme, the reality is that this is a permanent change to the law. In other words, there is nothing in place that ensures that it is a pilot scheme other than the goodwill of the present Minister. In this instance, I do not think there is an issue, we are certainly not looking to call it in or anything along those lines, but just for the future that was one reason why, for example, the Corporate Services Scrutiny Panel, on the Public Finances Law last time around, insisted on having a sunset clause in place. It was to ensure that the expressions of the Council of Ministers were embedded in the legislation that they were enacting. That is the only point I would make, thank you.

The Deputy Bailiff:

Does any other member wish to speak on the principles? Then I call upon the rapporteur to reply.

[15:45]

10.1.2 Senator P.F. Routier:

I would like to thank the Chairman of the Scrutiny Panel for when we met to discuss this it did highlight this as an issue, which they were focusing their interest on. But certainly, quite rightly, it is only an intention to be a pilot, and I think, if there is any serious concern and it was going to be there for ever and a day, at a later date we could bring back a repeal of this legislation, if that was felt necessary. But certainly the intention is for it to be a pilot and we will be supporting the work of P.P.C. to ensure that they are able to carry out the comparison that they wish. I maintain the proposition.

The Deputy Bailiff:

Those Members who are in favour of the principles, kindly show. The appel is called for. Members return to their seats. I ask the Greffier to open the voting.

POUR: 38	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Senator Z.A. Cameron		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy A.D. Lewis (H)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

The Deputy Bailiff:

Deputy, I take it from your comment that your Scrutiny Panel does not wish to call the matter in.

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

No, Sir.

The Deputy Bailiff:

Senator, would you like to deal with the Regulations?

10.2 Senator P.F. Routier:

I think the Regulations are quite self-explanatory, Sir; propose them *en bloc*.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Nobody wishes to speak on the Regulations. All those Members in favour of adopting Regulations 1 to 3 kindly show. Those against. The Regulations are adopted. Do you wish to propose the matter in the Third Reading, Senator?

10.3 Senator P.F. Routier:

Yes, Sir.

The Deputy Bailiff:

Is the matter seconded in the Third Reading? **[Seconded]** Does any Member wish to speak on the Third Reading? Deputy Maçon?

10.3.1 Deputy J.M. Maçon:

Just very briefly, to thank the Minister for bringing this along. It seems like quite some time ago when Deputy Martin and I were sitting around a table with a few other Members, trying to formulate these proposals and bring them forward. We look forward to the conclusions of the Association of Electoral Administrators and we look forward to the report from P.P.C. when it comes along, and any recommendations that they should have. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak on the Third Reading? I will call upon the Senator to respond.

10.3.2 Senator P.F. Routier:

I would like to thank the speaker for the comments and I wish them well at the P.P.C. Committee in bringing forward, having the results and being able to carry out their work.

The Deputy Bailiff:

Those Members in favour of adopting the Regulations in the Third Reading, kindly show. Those against. The Regulations are adopted.

11. Draft Register of Names and Addresses (Access for Medical Purposes) (Jersey) Regulations 201- (P.56/2015)

The Deputy Bailiff:

The next item is: Draft Register of Names and Addresses (Access for Medical Purposes) (Jersey) Regulations, lodged by the Chief Minister, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Register of Names and Addresses (Access for Medical Purposes) (Jersey Regulations) 201-. The States, in pursuance of Articles 5(2) and 8 of the Register of Names and Addresses (Jersey Law) 2012, have made the following Regulations.

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

During my fairly lengthy experience in this Assembly, I am aware that departments have always tried to work together, striving to make life better for our Island community. However, we can do better, and we should do better. Health professionals do have effective medical means of screening people for life-threatening diseases, but the Health and Social Services Department does not have

enough or complete up-to-date names and addresses to invite the right people for the appropriate tests. As I mentioned in the previous debate, the register for names and addresses was introduced in 2013 and contains only basic information. It is currently used as part of the administration of the Social Security, Income Support and Control of Housing and Work laws. As I say, we can and must do better, with departments working more closely to improve outcomes for Islanders. In Jersey, one to 2 people die each year from cervical cancer, which is a preventable disease. Breast cancers can be detected at an early stage through screening, increasing the chance of successful treatment, yet about 30 per cent of eligible women are not being invited for a test because the Health Department is not aware of them. Twenty people die each year from bowel cancer, and we could halve this in the next 10 years with effective screening programmes. However, to invite people to be screened to save lives, you need to know who they are and you need to know their address. No one has to accept an invite to be screened, but importantly they do deserve an offer and an opportunity to be screened. One department holds this very basic information and another department needs the information. In the longer term, this Regulation will enable Health and Social Services to use the basic information on the register of names and addresses to support a wider range of medical services, for example, when sending out outpatient clinic or hospital appointments, ensuring that the right address is used. The Regulation is clear about that: the information can only be used for medical purposes, and that it can only be used on behalf of the Minister for Health and Social Services. It cannot be used for other purposes. This is how we should work as a Government: carefully sharing information for the benefit of Islanders. Of course, we need proper safeguards; information is increasingly important in our technological world, and so is privacy. People expect their information to be protected. Health and Social Services already hold incredibly sensitive information: our medical records, our medical history, all sorts of information on vulnerable adults and children. They keep this information safe. They do this as a matter of utmost importance, and we would expect no less. What we are debating today is providing them, the health services, with a person's name, address, date of birth, place of birth, date of arrival in Jersey if not born here, gender, and social security number. They will look after this information as they do other information, keeping it secure, keeping it safe and using it appropriately for medical purposes. They want this information so they can improve the health and well-being of our community. We have prioritised this in our Strategic Plan. I am sure we all want to live longer, healthier lives. These Regulations help that aim, to which we all are committed. These Regulations can and will save lives. It provides only basic information but is no less important because of that fact. Health and Social Services already hold incredibly sensitive information. They keep it secure. They will also keep this information secure. I ask Members to support these Regulations, providing our medical professionals with the information so they can be even more effective.

The Deputy Bailiff:

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

11.1.1 Senator A.K.F. Green:

Before looking at the rationale for wanting access to the Register of Names and Addresses, I would like to start by confirming what this proposition is not about. It is not about the sharing or the exchange of medical information. It is about my department having access to the name, address, date of birth, arrival in Jersey, gender, social security number, of Island residents. Currently, as the Assistant Minister said, my department does not know the names and addresses, nor the dates of birth, of everybody in the Island, and if we do not know this information we cannot invite, as the Assistant Minister said, people for cancer screening. We want to ensure that everyone in the population who is eligible for screening by virtue of their gender, age, at least receives and has the opportunity to receive an invitation to attend. It is then up to the individual if they wish to attend

for cancer screening, but we cannot give them that choice if we cannot invite them in the first place. The free cancer screening programmes aim either to prevent cancer or to detect cancer early. Bowel screening for men and women in their 60th birthday year aims to prevent bowel cancer. As the Assistant Minister said, 20 people die from bowel cancer every year in Jersey. Much of that is preventable. Currently, the hospital sends an invitation letter for bowel screening tests to men and women on their 60th birthday. As I said, if we do not know the person exists - 30 per cent of the population are not in our database - we cannot invite them to attend, and they cannot make that choice whether to attend or not. The screening test finds and removes polyps, which, if left undetected and untreated, could go on to develop cancer. This screening test is expected to halve the numbers of bowel cancer in Jersey. Cervical screening for women aged 25 to 64 detects abnormal cell changes. These anomalies can be treated in hospital. Early treatment can prevent cervical cancer from developing. Breast screening for women between 50 and 69; breast screening cannot prevent cancer but it can detect breast cancers when they are too small to be detected by a woman or her doctor. Finding breast cancer early and when it is smaller means that treatment has a greater chance of being successful. Health and Social Services does not have an automatic right to the register of names and addresses, unlike the departments with a statutory function. As I said before, the problem with this is that we are certain that we are not inviting all eligible people who are living on the Island. For example, breast screening happens in hospital and is free, and yet of the women of eligible age we estimate are living in the Island, at least 30 per cent of them are not getting invited because we do not know they are there and a greater percentage because we have the wrong name and address. The register holds basic details of people. As we have said before: their name, their address, their date of birth, their place of birth, their arrival in Jersey if not Jersey-born. Having access to these basic details will enable my department to send out that invitation. The Assistant Minister made reference to the fact that the department already holds a wide range of entirely and extremely sensitive patient data. We do that well, we do that securely, and we have robust Government procedures in place to ensure that sensitive data is held confidentially. States Members can be assured that these Regulations are not about sharing sensitive patient or medical information which we hold. They can also be assured that the name and address-type information will not be passed on to any other private medical company for commercial gain. I emphasise these Regulations are about Health and Social Services receiving basic information so that we can invite the population at the appropriate time for screening. The Information Commissioner has been consulted and she is content with these Regulations. I ask Members, through you, of course, Sir, is it wise and sensible that this basic information held by the Population Office, much of which is in Jersey Telecom's telephone book, is shared with Health and Social Services, so that all Islanders may be invited for screening, all Islanders will have that choice. I urge Members to support this proposition.

11.1.2 Senator Z.A. Cameron:

I would just like to ask whether Islanders will have the ability to opt out of the scheme to save unnecessary paperwork should they not wish to be involved in screening processes?

11.1.3 Deputy M. Tadier:

Obviously, it is entirely commendable, so I do not need to speak at length. I think the question was given the fact that it will take a while to get an accurate address register - and we have already spoken about the urban areas being perhaps the least accurate in terms of knowing where people live, and there is the most moving about, so to speak - will there still be other ancillary, if that is the word, projects going on in the background?

[16:00]

For example, where people who are not delivered letters to their addresses for whatever reason, will there still be mechanisms whereby there are drop-in surgeries, for example, about hospital

information campaigns so that people know that a certain age group of people were being invited to come in to contact either their G.P.s or will be able to drop into the hospital and make an appointment like that. Because the risk that we would be over-relying simply on the addresses register at times when people will fall through the cracks, it may have victims of that. So perhaps if the Minister can reassure us that there are other mechanisms and we are not pinning all our hopes on this laudable new system.

11.1.4 Deputy J.A. Martin:

I absolutely endorse this because I go back to 2005, 2006 when committee went to Ministerial and Scrutiny. I was on the very first panel that looked into this because there was such a demand from Health to jump forward to get their own name and address register. In the end, it was asked to wait until the register that is coming up and I think it is sort of a step towards: "Tell us once." I mean, because people do not want to keep giving different departments, and yes, I do fully understand where your data goes. This is why we pushed as a Sub-Committee to get registration of voters on to that list because you need it; your name, your address needs to be on there if you want to work. So everybody on this Island should be doing one of those things, working, living or have a name. It is either 3 or one that goes with all of them. So I absolutely commend this and I am sure ... I mean, yes, we have got the voting registry and Health at the moment. We will probably wait and see how these 2 go and then obviously I think this is the way forward to not let anybody fall through the cracks and probably will be an opt-out system, but I commend the Minister for bringing this along with the other one, the name and address for voting.

The Bailiff:

Does any other Member wish to speak on the principles? If not, then I call upon Senator Routier to reply.

11.1.5 Senator P.F. Routier:

With regard to Senator Cameron's question about opting out, there is not an option to opt out of the names and address register. That is why we were speaking earlier on in the day about the importance of people getting on the names and address register whenever they arrive in the Island. So they do have an option of opting out of going for screening. They will hopefully receive a letter but then they can opt out of going for screening. Deputy Tadier was speaking about if people are not on the register. Well, I hope there are not that many but if there are there is a mechanism for people to refer themselves through their own G.P. or through going into the hospital themselves and making them aware. In doing that, they will be asked for their registration card, so that is the beauty of what the names and address registration is about. If people approach the Health Services, they will need a registration card. So it works that way. What Deputy Martin was saying about: "Tell us once", it is really where we should be telling. This is the first step and I think it is a major step that we are taking today to help people to benefit from the systems that we have in our Island. I am really thrilled to be bringing these Regulations today because I think it is a major step forward for our Island in helping the health of our community. I maintain the proposition.

The Bailiff:

Those Members who are in favour of the principles, kindly show. Those against. The principles are adopted. Deputy Le Fondré, does your panel wish to ...?

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

No, Sir.

The Bailiff:

Senator, how do you wish to take the Regulations?

11.2 Senator P.F. Routier:

The Regulations are very straightforward. I presume people have read them and I propose them *en bloc*.

The Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? No Member wishes to speak on the Regulations. Those in favour of adopting the Regulations? The appel is called for. I invite all Members to return to their seats and I ask the Greffier to open the voting.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Do you propose the matter in the Third Reading, Senator?

Senator P.F. Routier:

Yes, Sir.

The Bailiff:

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the matter in Third Reading? If no Member wishes to speak then those Members in favour of adopting the Regulations in Third Reading, kindly show. Those against. The Regulations are adopted.

12. Draft Shipping (Amendment of Law) (Jersey) Regulations 201- (P.59/2015)

The Bailiff:

The next item is: Draft Shipping (Amendment of Law) (Jersey) Regulations 201-, P.59/2015, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Shipping (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Articles 119(4)(b) and 196 of the Shipping (Jersey) Law 2002, have made the following Regulations.

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

As the report states, the 1976 Convention and its 1996 Protocol have the force of law in Jersey. Under most circumstances, they allow ship-owners and salvors to limit their liability in the event of loss of life, personal injury or damage to property. The limits of liability are modified from time to time by the Legal Committee of the International Maritime Organisation. New limits will enter into force internationally on 8th June 2015, having not changed since 2004. The new limits help to offer a fair level of limitation to claimants such as passengers, seafarers and owners of goods, as well as protecting ship owners or salvors from unreasonable claims. If the States approve these amendments then the new limit can then be brought into force in Jersey. For the States, there are no new financial, property or other resources issues arising and to that end I propose the principles of the draft Regulations to the Assembly.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? No Member wishes to speak on the principles. Those in favour of adopting the principles, kindly show. Those against. The principles are adopted. Does the Economic Affairs Scrutiny Panel wish to scrutinise this matter?

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

No, we do not.

The Bailiff:

How do you wish to propose Regulations 1 and 2?

12.2 Senator L.J. Farnham:

There are 2 Regulations. *En bloc*, Sir, if that is okay.

The Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Those Members in favour of adopting Regulations 1 and 2, kindly show. Those against. The Regulations are adopted. Do you propose the matter in Third Reading, Minister?

Senator L.J. Farnham:

Yes, Sir.

The Bailiff:

Is the matter seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak then those Members who are in favour of adopting ... the appel is called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 31		CONTRE: 0		ABSTAIN: 0
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

13. Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.60/2015)

The Bailiff:

The next item of Public Business is: Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201-, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201-. The States, in pursuance of Article 42 Employment of States of Jersey Employees (Jersey) Law 2005, have made the following Regulations.

Senator I.J. Gorst:

Sir, I would like to ask the Deputy Chairman of the States Employment Board to act as rapporteur. Thank you.

13.1 Senator A.K.F. Green (Deputy Chairman of the States Employment Board - rapporteur):

The States are asked to approve changes to the role of the States Employment Board, the Jersey Appointments Commission, the clarification of the role of the Chief Executive Officer and departmental chief officers as well as the introduction of the States Employment Board advisers to support good governance and transparency. To give Members a little bit of background, I will start by briefly refreshing the history in the creation of the States Employment Board. When the move from committee to Ministerial government was being planned, the original intent was that the Council of Ministers would be formally constituted in law and, as such, would be the employing body for all States employees, with the exception of Crown appointments and police officers. But as the arrangements for Ministerial government were being concluded by the then Policy and Resources Committee, due to amendments made during that debate and accepted by the Assembly, the Council of Ministers was not legally constituted as the employer. Consideration had then to be given as to how States employees would be employed if the Council of Ministers was not the legal constituted employer. As a result, the current law was introduced and the States Employment Board was formally constituted as the employing body for all States employees with, as I said before, the exception of Crown appointments and police officers. Some Members may recall that the original constitution of the S.E.B. (States Employment Board) was the Chief Minister, or another Minister nominated by the Chief Minister, to chair the board and 3 other Ministers and Assistant Ministers. In 2009, following concerns raised about the role of the States Employment Board over a number of suspensions of employees and the length of time it was taking to resolve those suspensions, the former Deputy of St. Martin lodged P.175/2009, proposing a change to the makeup of S.E.B. This change was accepted by the States and the S.E.B. was and is now constituted with the Chief Minister, or his nominee as chairman, 2 Ministers, 2 Assistant Ministers and 2 Back-Bench Members, both of whom are elected by this Assembly. The key functions of the S.E.B. are to determine and agree employment policy terms and conditions and ensure the health and safety and well-being of States employees, to ensure that that Public Service works effectively and efficiently with good governance, to determine training and development leads of States employees and to determine other matters that can be considered necessary for the proper administration and managing of States employees. It is good practice as a board - any board come to that - from time to time to consider its own effectiveness. This could be described as a form of self-appraisal. In so doing, a board considers what changes may be necessary and might be needed to improve the ability of the board to discharge those statutory duties that I talked about earlier. Reports at various times from Scrutiny Committees and the Comptroller and Auditor General have highlighted areas where improvements and/or adjustments to boards' duties and their execution might be considered. For example, in establishing clear alliance of accountability between strategy formulation and delivery and good governance. Indeed, the board looked at the experience of Scrutiny and Audit Committees in using external advisers to support their work as a potential role model in its own deliberations. In 2011, the board expressed some reservations about its position in relation to agreeing complex human resource policies and employment matters without a degree of external support being available to scrutinise effectively the proposals of officers where necessary. As a result, it was agreed by the board to appoint a special adviser who had extensive experience in H.R. (human resource) matters in the Public Service. This was done initially as a pilot but given

the demonstrable value and utility to the board of the special adviser, it is now felt that this role needs to be formalised. The programme of public sector reform has also highlighted the need for clarity in the roles and duties of the board and the Chief Executive Officer and the Jersey Appointments Commission. Hence it is appropriate, some 10 years after the inception of Ministerial government and the creation of the States Employment Board, that the proposed changes are considered by this Assembly today. I should briefly outline the proposed changes and the benefits the board believes will accrue from their introduction. The changes proposed are designed to ensure a proper separation of the role of the States Employment Board as the strategy and the policy formulator from its functions as the employer with statutory responsibility for the employment and the care of States employees. Delegation: the existing law already allows the board to delegate and the first proposed change is to extend the process of delegation under Article 10 to establish formal codes of practice for employment and human resource matters.

[16:15]

The approach proposed is seen as similar to that taken in the Financial Directions model that already exists under the Public Finances (Jersey) Law 2005. While we already have Codes of Practice of high quality in place for effective management of our people, many of which have been agreed with our trade union colleagues, the introduction of codes of practice will provide consistent corporate standards and frameworks for the organisation to work within, for example in recruitment, diversity, reward, terms and conditions, including health and safety, and employee development. The responsibility for the design and application organisationally of such codes of practice will be delegated to the human resources function that will be accountable for ensuring implementation and governance across the whole organisation. Chief officers will be accountable for the day-to-day application within their departments. The principle of chief officers being fully accountable for the application of employment codes in their department - as I have referred to before, in a similar manner to that of accounting officers - is to be established. The role of the Chief Executive I would also like to highlight. Members will recall that the States Chief Executive Officer has statutory responsibility for the administration and general management of the Public Service. The challenging landscape of the public sector reform and the need to ensure that cross-organisational initiatives and delivery occur in a timely fashion, as well as in a consistent manner, has led to this proposed change. That change ... well, I see it more as a clarification, but that change is that the Chief Executive Officer will lead the departmental chief officers, not only in general administration but in the application and implementation of strategic policies within their department. To put it simply and to make it clear, the chief officers will formally report to the Chief Executive Officer for the discharge of their responsibilities and day-to-day management of their departments and be managed accordingly. This positive change and the clarity of accountability it provides will not affect the chief officers' existing statutory responsibility as accounting officer and policy adviser to the Minister. I mentioned it in the beginning and I would like briefly to talk now about the introduction of advisers. The pilot that we undertook into the role of an adviser to the States Employment Board, which took place between 2012 and 2014 is, in the eyes of both the current S.E.B. and the former S.E.B., proof that this role is worth having, hence the board wishes now to establish formally up to 2 posts in the law. The tasks of the role are clearly highlighted in the report. I must say, as an S.E.B. member, I am very clear that I have benefited from the objective challenge and constructive critique provided by the current post holder - that is Deputy Director of South West Trades -with both commercial and public sector experience as Director General of Her Majesty's Ministry of Justice and a non-executive director in an N.H.S. (National Health Service) Trust. This experience has demonstrated and clearly benefited the States Employment Board but also, as I say, clearly demonstrated the calibre of the individual necessary to fill such a role. Good governance demands challenge and transparency and the addition of external advisers to the States Employment Board as full members of the board provides for the

quality review of human resource matters in a similar matter to that which the Audit Committee provides for financial matters. Dealing with changes on the Jersey Appointments Commission: Members will be familiar with the Jersey Appointments Commission. Its statutory responsibility under the States of Jersey Employees Law is to oversee the recruitment of States employees so as to ensure that, as far as practicable: (a) the recruitment of persons as States employees is fair, efficient and conducted in accordance with best practice principles and procedures; (b) States employees are appointed on merit; and (c) Members of the States are only involved in the recruitment of States employees in accordance with guidelines made under Article 24 or otherwise in circumstances where, in the opinion of the Commission, it is appropriate that they be involved. There is no doubt that in recent years the Commission has undergone what some might term as “mission creep.” It has extended its remit to cover other external bodies and quangos to such an extent that in 2012/2013, the majority of its work did not relate to States appointments but related to external bodies. Indeed, it appeared in some circumstances to provide basic human resource recruitment function to the body with which it was working. The proposed changes to the Appointments Commission will refresh its statutory obligations and in doing so, we have been fortunate enough to appoint as a Chair, Dame Janet Paraskeva, D.B.E., the former First Civil Service Appointments Commissioner, who has refreshed the Appointments Commission already. She has been in post, we appointed her recently by this Assembly. It is envisaged that this will provide for a straight-finned Commission, as not only will it continue to oversee the recruitment of most senior States roles but it will also set the standards of recruitment across the organisation. The Commission will then be responsible for overseeing the quality of appointments and ensuring the day-to-day implications of the code by departments, holding them and the H.R. function and officers to account. Briefly talking about manpower and cost implications: the budget for this amendment will be met within the existing human resources budget. So to conclude, the States Employment Board believes that these changes will significantly improve the effective discharge of its responsibility, the introduction of codes of practice will allow for clarity, transparency in the delivery of high quality human resource practice, which the States of Jersey, as an employer, should be measured by. The clear delegation of responsibility for the application of codes to chief officers via the States Chief Executive Officer, being given formal organisational responsibility to hold chief officers to account provides clear lines of accountability and responsibility which will be able to be monitored. If there was any doubt before that the Chief Executive Officer was a designated leader of the Public Service, there is no doubt now if this law is accepted. The introduction of advisers in clarifying the responsibilities of the Jersey Appointments Commission will enhance good governance, transparency and giving both Members and the public confidence in the States of Jersey as an employer. I make the proposition.

The Deputy Bailiff:

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

13.1.1 The Deputy of St. John:

I would like to firstly start off by thanking the Chief Minister and the States Employment Board, for the last few years in particular, with regards to the changing role of the Jersey Appointments Commission and the chief executive role that the States Employment Board are asking the States Assembly to approve. As the Chief Minister will be aware, I had serious concerns over particular areas, particularly the chief executive role. There have been many recommendations by previous Scrutiny reports that have suggested that the role should change to allow better corporate governance within the States and I am pleased to see that coming forward but, as with any system, nothing is ever perfect. Of course, there will, I am sure, be issues to resolve in practice. So I welcome Regulation 2 of this proposition. Where I do have a certain concern is ... not so much of a concern, more, I think I need further understanding from the Vice-Chairman of the States Employment Board with regards to good governance. I would like to understand, if he could

explain to me, the States Employment Board is primarily advised from an officer level by the Chief Executive Officer of the States. My understanding is that as the Chief Executive Officer of the States, he is the Chief Officer of the H.R. Director of States. This is where it might start getting a little bit complicated. We are also being asked to agree to have an adviser to the States Employment Board and I understand the importance of the role of that adviser. It was also something that was recommended by the Public Accounts Committee back in 2012, I believe, and by the former Comptroller and Auditor General with regards to compromise agreements. The concern that I have around that structure that sits there is what if and what happens in terms of a complaint about the Chief Executive Officer and how will that be handled? So to give myself some reassurance there, if the Vice-Chairman could explain that particular situation because, of course, the Chief Executive Officer is in charge of the H.R. Director as a line manager. The H.R. Director and the Chief Executive Officer shall advise the States Employment Board. But then we also have Regulation 2, that we are changing today, in terms of the responsibility for corporate and policy strategy across the States for the Chief Executive Officer over chief officers or accounting officers. Sorry, it gets a little bit complicated. I just want to try and understand how it will work in terms of complaints by other people or concerns or things not working within practice against the Chief Executive Officer, how the States Employment Board would deal with that particular scenario. There has been, particularly the last 3 years, concerns over how the Jersey Appointments Commission has either run, has been running, or whether there has been too much on their plate, let us say, to deal with the various different issues that have come about. We are now getting to a position where the governance will be clearer where I do feel I need to express some views around how public some of the information is within the changes to this law. As the list of senior officers under, I believe it is Regulation 8, and of course, with any changes to what are supposed to be independent boards, particularly appointments for senior officers, there needs to be absolute assurance to the public, in particular, to create more public confidence in the way that we run our affairs in the States, that there is no interfering by politicians. There have been, not just in the U.K. but also around the world, concerns about how politicians interfere with senior appointments or quango appointments. No system is perfect but it is important when we are changing something like this that we ensure that we are creating more confidence for the public and not creating a system that is going backwards. On that basis, the only other thing that I would ask of the speaker would be how many audits have been carried out on the Jersey Appointments Commission since its inception. I am not sure whether they are public or whether we are able to see them but I would also like to understand what is the position of a States Member if they want to hold the Appointments Commission or the States Employment Board to account? Because some things may get into a very confidential basis because it is related to H.R. policy and I think it is important we make it clear how we deal with that as States Members instead of bringing people into the States Assembly and talking about their personal affairs.

[16:30]

13.1.2 Senator I.J. Gorst:

I have no doubt the rapporteur can deal with all of those issues but I just wanted to touch on a couple of them because I think they possibly directly involve me. I thank the Deputy of St. John for her words and for her interest in this particular area and improving the governance in this area, which I think is extremely important and is a difficult role for politicians to have to play from being Members of this Assembly, being Members of the Executive and then suddenly having to sit on the States Employment Board as the pinnacle of the employing organisation and it is a difficult role. I think that these changes are improved because of the Deputy of St. John's involvement. So I am grateful for that. I just want to touch on the idea of political involvement in appointments and it is a complex area but it is right that Ministers, when it comes to the appointment of the most senior people within their department to have the appropriate involvement. It is completely wrong that

they are solely the appointing person and the thing that we must guard against is politicians, as we must guard against elsewhere, appointing their friends but it is right that they are involved in that process because they will have to work with them but that process and their involvement must be appropriate and that is something that the new Chair of the Appointments Commissions is very mindful of. It is something that she has experienced in the United Kingdom and is putting in place and reviewing the procedures to make sure that they are appropriate and they are robust. The Appointments Commissions does do audits. I am not sure how many there are. They are not public but if there are concerns in those findings they are provided to the States Employment Board. If there are concerns in those findings then they report to this Assembly and Members will see from the Regulations that we will get into that there is a process for reporting directly to this Assembly where concerns of a serious nature are raised. I have made another point down here and I cannot now recall that to which it relates so I will have to leave that. Another important issue I think the Deputy raised was, what happens with a complaint to the C.E.O. (Chief Executive Officer)? I would expect it to be made to the Chief Minister. It would be shared with the States Employment Board without the presence of the C.E.O. there and I would expect to then take advice from the Law Officers' Department on dealing with that complaint; that is how it would be dealt with. So I am sure that Senator Green can deal with all the other issues raised.

The Deputy Bailiff:

Does any Member wish to speak on the principles? I call on Senator Green to reply.

13.1.3 Senator A.K.F. Green:

The Chief Minister is sure I can deal with all the other issues. He did not leave me much to deal with. I am very grateful though to the Deputy of St. John for her interest and, as the Chief Minister said, there is no doubt, there is absolutely no doubt, that she has had influence on the policies that we have adopted from her work with us in the past. It is a very fine balance sometimes between appropriate political involvement and interference but for those of you that have met Dame Janet Paraskeva will know that she will only allow, as the Chair of the Appointments Commission, involvement where it is absolutely appropriate and she is very experienced. Indeed we are very lucky to have her as the Chair of the Appointment Commission. The Chief Minister covered the points about complaints about the Chief Executive Officer, were there to be any, and how they would be handled, and I agree with the Deputy of St. John that H.R. problems, be they be the Chief Executive Officer or be they somebody further down the line, are better dealt with outside this Assembly and so other complaints can be raised through the States Employment Board. The Chief Minister touched on the fact that regularly the board sits, so we have the involvement of and the advice of, to help us again legally and also with our good governance, the Law Officers, where it is appropriate to do so. I think I have covered most of the points that the Deputy of St. John raised. The appointment of the advisory approach she thought was a good idea, in fact the idea came not only from the Comptroller and Auditor General but also emulated from the advisers, the very good advisers, that we often saw helping Scrutiny when they are looking at different policies and that seems right and all we want to do is to formulise that. So with that I make the proposition.

The Deputy Bailiff:

Those Members in favour of adopting the principles kindly show. The appel is called for. Members are invite to return to their seats. I ask the Greffier to open the voting.

POUR: 33		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				

Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Deputy Le Fondré is not here. The Connétable of St. John, no. Deputy Kevin Lewis or Deputy Brée, does your Corporate Services Scrutiny Panel wish to call this matter in? **[Aside]** Senator, how do you wish to deal with the Regulations?

13.2 Senator A.K.F. Green:

I am entirely in the hands of the Assembly. I can propose them *en bloc*, 1 to 11, or I can go through each Regulation depending on how the Assembly wishes to handle it. In that case I propose the Regulations *en bloc*.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on any of the Regulations? In which case those Members in favour of adopting the Regulations 1 to 11 kindly show. Those against. The Regulations are adopted. Do you wish to propose the matter in Third Reading, Senator?

Senator A.K.F. Green:

Yes.

The Deputy Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All Members in favour of adopting the Regulations in Third Reading kindly show. Those against. The Regulations are adopted.

14. Draft E.U. Legislation (Civil Aviation Insurance) (Jersey) Regulations 201- (P.61/2015)

The Deputy Bailiff:

The next item is the Draft E.U. Legislation (Civil Aviation Insurance) (Jersey) Regulations, lodged by the Minister for External Relations and I ask the Greffier to read the citation.

The Greffier of the States:

The Draft E.U. Legislation (Civil Aviation Insurance) (Jersey) Regulations. The States, in pursuance of Article 2 of the European Union Legislation Implementation (Jersey) Law 2014, have made the following Regulations.

14.1 Senator P.M. Bailhache (The Minister for External Relations):

These draft Regulations are one of the consequences of the establishment of a Jersey Aircraft Registry. In order to register aircraft it is necessary for those aircraft to comply with international standards relating to insurance requirements. Those insurance requirements are set by international conventions, the principal of which is the Warsaw Convention of 1929 which has been applied to Jersey. Rather than devising a completely new legislative framework specifically for the Island, the approach which has been adopted is to give effect in Jersey to the relevant European Union legislation which applies in order to meet international and European requirements. Those insurance requirements on that legislative framework are set out in Regulation EC785 of 2004 which contains the requirements for all air carriers and aircraft operators throughout the European Union. Article 2 of our European Union Legislation (Implementation) Law 2014 provides that the States may, by Regulation, make such provision as appears to be necessary or expedient for giving effect to any E.U. provision and dealing with matters arising out of any such provision. These Regulations are intended to give effect in Jersey to the relevant parts of the 2004 EC Regulation 785 so as to create the insurance framework for our Jersey Aircraft Registry. I move the principles of the Regulations.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? No Member wishes to speak on the principles. Those Members in favour of adopting the principles kindly show. Those against. The principles are adopted. Senator, how do you wish to deal with the Regulations?

14.2 Senator P.M. Bailhache:

Well, in that event I think I would move the Regulations *en bloc* if I may. Regulation 1 defines certain terms used in the Regulations. Regulation 2 provides for the Director of Civil Aviation to carry out various functions to ensure compliance. Regulation 3 creates an offence of non-compliance with the requirements. Regulation 4 sets the minimum insurance cover. Regulations 5, 6 and 7 concern the provision of information. Regulation 8 creates an offence in connection with the provision of false information. Regulation 9 creates powers to detain an aircraft in certain circumstances. Regulation 10 prohibits the obstruction of the authorities. Regulation 11 deals with penalties and Regulation 12 provides that the Regulations will come into force on the same date as the Aircraft Registration (Jersey) Law 2014. So I move the Regulations *en bloc*.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Those Members in favour of adopting Regulations 1 to 12 kindly show. Those against. The Regulations are adopted. Do you wish to propose the matter in Third Reading?

Senator P.M. Bailhache:

I move the Regulations in Third Reading.

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those Members in favour of adopting the Regulations in Third Reading kindly show. Those against. The Regulations are adopted.

15. Draft Air Navigation (Investigation of Air Accidents and Incidents on Jersey Registered Aircraft) (Jersey) Regulations 201- (P.62/2015)

The Deputy Bailiff:

The next item is the Draft Air Navigation (Investigation of Air Accidents and Incidents on Jersey Registered Aircraft) (Jersey) Regulations, lodged by the Minister for External Relations and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Air Navigation (Investigation of Air Accidents and Incidents on Jersey Registered Aircraft) (Jersey) Regulations. The States, in pursuance of Article 180(b) of the Air Navigation (Jersey) Law 2014, have made the following Regulations.

15.1 Senator P.M. Bailhache (The Minister for External Relations):

These Regulations, or draft Regulations, are a second consequence of the establishment of our Aircraft Registry. We already have in place, through the Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000, provisions for the investigation of air accidents or incidents that occur in or over Jersey but the creation of our own registry requires us to make equivalent provisions for incidents or accidents involving Jersey registered aircraft wherever that might happen throughout the world. There are obviously resource implications of investigating aircraft accidents and to give Members an example, when the Air France Flight 447 crashed in the mid-Atlantic in 2009 the costs of investigating that accident came to about £4.4 million. In order to cope with the potential significant costs of investigating such an incident involving a Jersey registered aircraft it is appropriate to take out insurance against such eventualities and that is the practice that is followed by most aircraft registries, particularly in small countries.

[16:45]

Arrangements have been made to combine with Guernsey and with the Cayman Islands in taking out an appropriate insurance policy and that will be the consequence if the Assembly adopts these Regulations. So Article 180 of the Air Navigation (Jersey) Law 2014 provides that the States may make Regulations for making such provision that the States may think fit for bringing the law into effect and to provide for the investigation of accidents and incidents on Jersey registered aircraft. So the purpose of these Regulations is to make such provision and I move the principles of the Regulations.

The Deputy Bailiff:

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

15.1.1 The Connétable of St. John:

Just a quick question: you say there is a financial implication in that we need to take out insurance. Could you give us an idea as to the cost of that insurance?

The Deputy Bailiff:

Through the Chair please, Connétable.

The Connétable of St. John:

Sorry?

The Deputy Bailiff:

Would the Minister give ...

The Connétable of St. John:

Sorry, would the Minister give the Assembly the likely cost of such insurance and how and where it would be paid for?

The Deputy Bailiff:

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

15.1.2 Senator P.M. Bailhache:

The cost of the insurance is difficult to specify at this stage because it relates to the number of aircraft that are registered in Jersey and at the moment no aircraft are registered in the Island because the registry is not yet in force. I think all I can appropriately say, because the premium to be paid is a matter of commercial importance, I do not think it would be appropriate for me to state publicly what the premium ultimately may be except to say that it will be considerably reduced by being shared with Guernsey and with the Cayman Islands and obviously will relate to the number of aircraft which are ultimately registered in Jersey. The cost of the premium would be one of the matters which would be paid out of the fees to be paid by aircraft which ultimately decide to register themselves in Jersey so there should be no cost to the taxpayer in that respect.

The Deputy Bailiff:

Those Members who are in favour of the principles kindly show. Those against. The principles are adopted. How do you wish to move the matter in ...

15.2 Senator P.M. Bailhache:

Again, I would like to seek your approval to move the Regulations *en bloc*. Regulation 1 applies certain provisions of the Air Navigation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000 to aircraft registered in Jersey and Regulation 2 was the citation and commencement of the Regulation. I move the Regulations in Second Reading.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Those Members who are in favour of adopting Regulations 1 and 2 kindly show. Those against. The Regulations are adopted. Do you wish to propose the matter in Third Reading?

Senator P.M. Bailhache:

I move the Regulations in Third Reading.

The Deputy Bailiff:

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

16. Draft Aircraft Registration (Births, Deaths and Missing Persons) (Jersey) Regulations 201- (P.63/2015)

The Deputy Bailiff:

The next matter of Public Business is the Draft Aircraft Regulation (Births, Deaths and Missing Persons) (Jersey) Regulations, lodged by the Minister for Economic Development and I ask the Greffier to read the citation.

The Greffier of the States:

The Draft Aircraft Regulation (Births, Deaths and Missing Persons) (Jersey) Regulations. The States, in pursuance of Article 53 of the Aircraft Registration (Jersey) Law 2014, have made the following Regulations.

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

Continuing on a similar theme, these Regulations are, of course, as a result of the forthcoming establishment of the Jersey Aircraft Registry. As with all states aircraft registries there is a requirement on behalf of an owner of an aircraft on that registry and the pilot of that aircraft to submit certain information to the Registrar of Aircraft of a birth or a death that has occurred on that aircraft. The registrar in turn must record the details of these incidents. It is also a requirement to supply a medical certificate of the fact and cause of a death in a format approved by the Superintendent Registrar. That is it and I propose the principles.

The Deputy Bailiff:

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

16.1.1 Deputy J.A. Martin:

Well, I suppose it is a principle. I really want to follow the whole Regulation through. From my understanding, and I am talking about births now, it is to register a birth overseas but on an aircraft that is registered in Jersey. Then on Regulation 4 it only provides for a case of an illegitimate child and goes on to say: "The name of any person as father of such child shall not be entered in any return or record of particulars of the birth of such child unless the mother of the child and the person acknowledging himself to be the father [very wise] of the child shall have signed and completed a form of return as informants." I am going to make this point because I think Jersey are very well behind certain parts of the world where the mother will name the father and the father is accepted by the registrar but this does not necessarily form to Jersey people; it is people travelling on an aircraft registered in Jersey. So can the Minister see where I am coming from? I have grave concerns that this is going very far behind laws in lots of parts of the world who will be using aircraft that are registered in Jersey so I ask him for his explanation. I also ask him if the aforementioned papers are not signed prior because I do not suppose any mother in their right mind would opt to have a baby on an aeroplane so it might ... obviously there are reasons, a premature or something, and these papers may not be in place, will they be able to be done after and so the father can be registered of an illegitimate child?

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call on Senator Farnham to respond.

14.1.2 Senator L.J. Farnham:

I would like to seek advice from the Aircraft Registry and the Superintendent Registrar so I can be absolutely specific with my reply that in the unlikely event of a birth, but it might happen. My understanding is that the paperwork would conform with the process set out with the Jersey Superintendent Registrar but I will get the exact detail and come back to the Deputy.

The Deputy Bailiff:

You maintain the proposition? Those Members who are in favour of adopting the principles **[Interruption]** ... the appel is called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 29		CONTRE: 3		ABSTAIN: 2
Senator P.F. Routier		Deputy G.P. Southern (H)		Connétable of St. Saviour
Senator I.J. Gorst		Deputy M. Tadier (B)		Deputy J.A. Martin (H)
Senator L.J. Farnham		Deputy S.Y. Mézec (H)		
Senator P.M. Bailhache				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Deputy Brée, does your Scrutiny Panel wish to call this matter in? **[Aside]** Minister, we now come to the Second Reading, you have brought an amendment to Regulation 1 and for clarity I will ask the Greffier to read the amendment.

The Greffier of the States:

1. Page 9, Article 1(1)(b) – for the words “of the fact” substitute the words “or equivalent (if any) giving the fact”. 2. Page 9, Article 1(2)(b)(ii) – for the words “medical certificate” substitute the words “medical certificate or equivalent (if any)”.

16.2 Senator L.J. Farnham:

This amendment just clarifies the position where a medical certificate in a jurisdiction is (a) called something else or is not issued following a death on a Jersey registered aircraft.

The Deputy Bailiff:

Do you maintain the Regulations then?

Senator L.J. Farnham:

Yes.

The Deputy Bailiff:

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

Deputy J.A. Martin:

No, I do not wish to speak. As the Minister was unable to supply any information as to the state of Regulation 4 could I just ask that they take them separately or at least Regulation 4 on the vote?

The Deputy Bailiff:

So it is just Regulation 4 that you wish to take separately?

Deputy J.A. Martin:

Please because I do not want to vote against the whole thing as the Minister has promised to find out some more information but I do not want to vote with Regulation 4 at the moment.

The Deputy Bailiff:

Does any other Member wish to speak on the Regulations?

16.2.1 The Connétable of St. John:

I think it is more the principle I wanted to speak on but it is a clarification of a point. Where would the person be registered as being born if he was born on the aircraft? As it is being registered here in Jersey, would he be registered as being Jersey born despite being in the air halfway across the South Pacific?

The Deputy Bailiff:

Does any other Member wish to speak on any of the other Regulations? No other Member wishes to speak. I call on the Minister to respond.

16.2.2 Senator L.J. Farnham:

To my knowledge the birth would be registered as born on the aircraft and as for the jurisdiction I am, perhaps, looking across at the A.G. for clarification. [**Laughter**] It is a bit of a long shot but ...

The Deputy Bailiff:

Are you able to assist the Assembly, Mr. Attorney, or ...

The Attorney General:

I am sorry I cannot but given some time I am sure I could. I could provide an emailed response some time tomorrow to the Members if that would assist but I cannot answer the question now, no.

Senator L.J. Farnham:

To the best of my knowledge the birth will be registered as on the aircraft. It would depend whether the aircraft is in flight in another country or whether it reverts back to the Jersey Registrar. Again I will come back to ...

Deputy G.P. Southern:

We appear to be being asked to vote on something about which the Minister knows nothing. That cannot be the proper procedure, can it, or is that possible? Can we vote blind?

The Deputy Bailiff:

The Minister is entitled to maintain the Regulations and put the matter to the vote. It is a matter for Members as to how they vote upon each of the Regulations.

Deputy G.P. Southern:

So he does not have to show that he knows anything at all about what he is proposing?

The Connétable of St. Clement:

Could it be possible to defer this item until tomorrow when the Minister, perhaps, will get briefed in the meanwhile?

Senator P.M. Bailhache:

May I assist the ...

The Deputy Bailiff:

I would be grateful, yes.

Senator P.M. Bailhache:

If Members would look at schedule 3 of the Regulations they will find the schedule of what the registrar will record when the report is made to the registrar of a birth in an aircraft registered in Jersey and it sets out the registration mark of the aircraft, the date and place of birth. So presumably if the aircraft is in mid-air then that will be recorded in the schedule. If the aircraft was taxiing across a runway in a particular part of the world then that would be recorded as the place of birth and so on. The other parts of the birth are fairly standard, I should have thought, for all births of children born in Jersey. The only difference appears to be in the first 2 parts of the schedule. I do not think, with respect to Deputy Southern, that it is unclear. It is perfectly clear what Members are being asked to approve.

The Attorney General:

Just to assist on that. If we turn back to Schedule 1 under "birth" there are some guidance notes for filling in the form and (b) says: "Actual position if known, otherwise approximate position, e.g. 40 miles west of Lisbon or over northern France." [Laughter]

[17:00]

Senator L.J. Farnham:

Can I thank Senator Bailhache and the Attorney for their clarification and it is what I said. It is clearly set out in schedule 3 and it is dependent, as I said, on the status of the aircraft and the birth or death will be ... the birth would, in the case of this question, would be registered as such.

The Deputy Bailiff:

Do you then maintain the Regulations 1 to 3?

Senator L.J. Farnham:

Yes.

The Deputy Bailiff:

We will take the 4 separately. Members in favour of adopting Regulations 1 to 3 kindly show. Those against. Regulations 1 to 3 are adopted. Those in favour of adopting Regulation 4 ... the appel is called for. I invite Members to return to their seats.

Deputy J.M. Maçon:

Can you just clarify what Regulation 4 is please?

The Deputy Bailiff:

Regulation 4 is the saving for father of illegitimate child. It is Regulation 4 as set out in the draft Regulations. If Members have returned to their seats I will ask the Greffier to open the voting.

POUR: 34		CONTRE: 6		ABSTAIN: 4
Senator P.F. Routier		Deputy J.A. Martin (H)		Connétable of St. Saviour
Senator A.J.H. Maclean		Deputy G.P. Southern (H)		Connétable of St. John
Senator I.J. Gorst		Deputy M. Tadier (B)		Deputy L.M.C. Doublet (S)
Senator L.J. Farnham		Deputy J.M. Maçon (S)		Deputy T.A. McDonald (S)
Senator P.M. Bailhache		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green		Deputy R. Labey (H)		
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

All Members in favour of adopting Regulation 5 kindly show? Those against? Regulation 5 is adopted. Do you propose the matter in Third Reading?

Senator L.J. Farnham:

I do.

The Deputy Bailiff:

Seconded in Third Reading? **[Seconded]** Those Members in favour of adopting the Regulations in Third Reading kindly show. Those against. The Regulations are adopted in Third Reading.

17. Humanist and Open-Air Marriages (P.65/2015)

The Deputy Bailiff:

The next item of Public Business is the Humanist and Open-Air Marriages proposition lodged by Deputy Doublet. Members will recall that paragraph (a) has been withdrawn and therefore I ask the Greffier to read paragraphs (b) and (c).

The Greffier of the States:

The States are asked whether they are of opinion, (b) to agree in principle that the current legislation be amended to allow the solemnisation of marriages in the open-air including public spaces such as beaches and, (c) to request the Chief Minister or Minister for Home Affairs as appropriate to bring forward for approval by the States the necessary draft legislation to give effect to the proposal.

17.1 Deputy L.M.C. Doublet:

Before I begin it has occurred to me that for the sake of openness and transparency while we are debating a proposition which will affect our marriage laws I should ensure that Members are aware than I am engaged to be married. **[Approbation]** I do hope that Members will agree with me it does not constitute a conflict because we run the risk of clearing out the Assembly given that marriage is quite a common affliction, I think, among Members. **[Laughter]** I do not know where that one came from. I just want to thank the Minister for the open discussions that we have had around this and for publishing comments in time for me to read them which is appreciated. So this issue first came to my attention really being of the marrying age. I am aware of lots of friends, acquaintances, Islanders who cannot marry outdoors and want to. At the moment people go to lots of convoluted arrangements involving doorways and working out how many walls there are on buildings when they are making their marriage arrangements. Lots of them ultimately go off-Island to have the outdoor wedding that they want. I know it is not just me that has realised this is an issue. Deputy Maçon has questioned the Minister for Home Affairs and I am sure others have thought about it previously as well. So it is quite clear that there is a problem here and a gap in our legislation and the law is there to serve the people so if it is reasonable then we should facilitate it, and I do believe this is a reasonable proposition. I just want to clarify my intention behind the proposition. My intention is that open-air marriage should be open to civil weddings, for religious groups and also once we have debated the proposition, for non-religious belief groups such as humanists. I know that the Dean is not here but I know that he is in support of this as well on the basis of freedom to express beliefs. So my reasons are; people want this, there is a demand from the public for it. The *J.E.P. (Jersey Evening Post)* did a poll on whether open-air marriage should be allowed; 93 per cent said yes. So people do want this change. Two, it would be very simple to implement. At the moment marriage ceremonies are confined to 2 different categories of buildings, churches and other religious buildings or approved premises and these must be registered with the Connétable. So it would be fairly simple to change the legislation from approved building to just approved location. So it is simple to do. Incidentally the Minister, if this does pass, may like to consider rather than regulating buildings and locations switching to a system which many other jurisdictions do, which regulates the celebrant rather than the location, which cuts out a lot of bureaucracy and just would facilitate this principle of open-air marriage in a much simpler way. So

I would of course be happy to discuss that at the drafting stage. So there are 2 reasons there. There are another 2 reasons which are both benefits to the people of Jersey. The first benefit would be in line with the Chief Minister's stated intention to strengthen the institution of marriage in Jersey. More people may choose to get married if they can have a ceremony that is meaningful to them in a place that is meaningful to them and we do have a lot of people in Jersey that have a very outdoor lifestyle, beautiful beaches. People may have a meaningful location that they want to choose so we might see more people getting married and again when people do marry in a place that is special to them that marriage might be more likely to last if they have constructed it in a way that is meaningful and special to them. Second, and this is the money argument here. The second benefit, and I think it is a very powerful one, there are huge economic benefits to be had here. First of all, less Jersey couples will be taking their money off the Island to get their beach wedding in another jurisdiction. They will be able to have it here and their money will stay within our economy. Also we will get wedding tourism I believe. It is a very compelling reason when we are trying to diversify our economy; there is a really simple change that we can make here to encourage people over to the Island. We have got so much beauty here, a real wealth of beautiful locations. It is an ideal option for people in the U.K. They do not have to get on a long-haul flight to the Caribbean, they can come to Jersey and get married on one of our gorgeous beaches. When you think the average U.K. wedding spend, and this is just for venue, catering, photography, flowers, cake and entertainment, is nearly £13,000. Yes, that does not include things like hairdressers, makeup artists, nail artists, suit hire, which people would also be spending money on in Jersey, and again their guests. If you are a wedding guest coming to Jersey you might extend your stay before the wedding or after the wedding. You are going to be spending money in shops, in restaurants and you are going to be sharing photos on social media of how beautiful Jersey is and what a wonderful destination it is. This will be so good for Jersey. I really hope that Members will agree with me and grab this opportunity to do something really positive for Islanders and for our economy, so it is reasonable, people want it, it is simple to implement, it will strengthen marriage and it will increase wedding tourism. So I urge Members to support this proposition.

The Deputy Bailiff:

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

17.1.1 Deputy M. Tadier:

I think a lot of us have thought about this and well done to Deputy Doublet for bringing this forward as part of a package. I know she is only presenting part of this because unfortunately there is only partial support from the Council of Ministers for the overall package, but nonetheless I think it is a positive step. You have to excuse me if I was chuckling earlier, I hope it did not interrupt the Deputy's presentation when my colleague, who is no longer here, says: "What happens if you get married on a plane which is registered in Jersey on its way to England but flying over Guernsey?" **[Laughter]** That is probably quite a rare event. I do like the idea that it could boost tourism. In fact we may be able to get some return custom from it. We could do some deals that you get your second marriage at a discount if you come back to Jersey, if you sign up to it in advance, and maybe your third one would be entirely free. So there are definitely some marketing opportunities there. More seriously though, I think that Deputy Doublet has hit the nail on the head; that clearly attitudes towards marriage have changed. It has become much more of a personalised thing. I think they always were but perhaps the way in which one goes through the ceremony is necessarily going to be different and people want to tailor that to themselves, whether that is through eventually having a humanist ceremony recognised or whether it is the traditional religious ceremony or it is just something completely secular, perhaps in an outdoor location and I think we have to respect that because opinions and views are diverse and individuals are diverse and what is important; it is about how the couple and their friends can celebrate their special day together and the memories that would create. It seems to me that we should be taking, on this day of all, French Nationale and

all that, we should be looking perhaps more to the French model where as you have your state marriage and then you have a ceremony on top of it and you can do that in any way you like because essentially, as far as we are concerned, if you take away all the trappings that come with it, marriage for our purposes is a legal contract between 2 individuals at the moment, between a man and woman, but presumably going forward between 2 consenting individuals. That is the basic thing and it is in the eyes of the law. Now, if somebody wants to go off and add something to that afterwards, whether that be a religious ceremony, a humanist ceremony, a pagan ceremony, going up to Plémont, standing on one leg on top of a Puffin's egg and saying vows among one's friends dressed in a hula-hoop then of course that can be done but that is not the marriage. That is the way the person and the friends and the family choose to celebrate and endorse the relationship that they have and that is not of any concern to us ultimately. What is of concern to us is the legal standing and so I think we need to simplify the whole thing so that we can pave the way for whether it is a humanist marriage, a secular service to take place and we cannot really do that of course until we wrestle away the privileged position that the Church of England has when it comes to being able to perform marriages, legally binding. It is fine that they can ... because Catholics cannot do that. Methodists, can they? Okay, but the Church of England, I know, has a special status when it comes to being able to perform legally binding marriages. I may be incorrect on that but the point is there needs to be fairness across the board. It should be that we have state registered people who perform marriages in the eyes of the law and then other services can be performed afterwards which are not legally binding marriage services, they are just either a solemnisation, an endorsement or the celebration of the marriage which would happen usually after that process, and I think if we can all agree that that is perhaps a good way forward and I know there is some work going on even on the same sex marriage consultations. That may be the simplest way to do this.

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

As we know, yesterday the Chief Minister lodged a proposition on same sex marriage and divorce reform, a proposition that was originally intended to include proposals for open-air weddings and increased flexibility in the content and format of civil wedding ceremonies. What we also know of course is that Deputy Doublet beat him to it. I urge Members to support parts (b) and (c) of the Deputy's proposition because of course no one will argue that we live in a glorious Island and that we should be allowed to enjoy it on our wedding day. It is madness, of course, that people travel to other destinations to get married in the open-air when they should be able to do just that here in Jersey, whether it is on a beach, as the Deputy has made reference to, on a headland or any other outdoor location that has significance and meaning to them, as we have just heard from Deputy Tadier. Of course open-air weddings in Jersey would be wonderful for Islanders and they would benefit the economy as we have heard from the Deputy. However, while I am supportive of her proposition I must just urge a note of caution because allowing open-air weddings would not mean that people would be allowed to get married wherever they wanted to.

[17:15]

There would need to be some restriction on locations and those restrictions would be for very valid reasons. For example, there is an inherent risk with regard to the increased potential for sham or forced marriages, therefore permission would not be considered to permit weddings in, for example, people's living rooms and clearly we would not want to permit them in places that could be dangerous, such as the edge of a cliff. Continuing on the flying theme that we have been discussing this afternoon, nor would we permit a location considered unfitting for the importance and solemnity of marriage, such as mid-air skydiving. In allowing choice we do not want to lose sight of the solemnity and significance of the wedding and what it means, as I think Deputy Tadier has just said. It is an emotional and it is a legal commitment between 2 people so there are practicalities to be considered such as, for example, ensuring that there is a Plan B in place in the event of bad weather. Very simple to think about, but potentially something that we do not think

about in these circumstances. For example, bad weather would mean that the wedding ceremony, potentially, would need to be conducted somewhere else and how would the guests know in advance? Very simple of course, common sense, it is agreed in advance, dictated by common sense. However, how would the information that there was a Plan B be made available to the public, particularly, potentially, a member of the public who would want to object to the wedding. Very sound issues that need to be considered. So while supporting the concept of open-air weddings for a number of reasons, as I have already mentioned, we recognise that in developing the legislation needed to make them happen we must also speak with our communities' religious leaders to find out whether they want to be able to conduct open-air weddings. At the moment they are obliged to conduct them only in the churches, or we should even limit open-air weddings to civil marriage ceremonies only. The Chief Minister's same sex marriage proposition allows for same sex religious marriage but it ensures that religious organisations and their officials can opt in. Collectively we need to consider whether or not similar provisions are needed with regard to open-air ceremonies. I understand that unfortunately open-air weddings bring added cost to the celebrants, notwithstanding the fact that we know that potentially they will benefit the Island's economy. Locations must be safe, as I have mentioned earlier. Landowners must be happy that their land may be used and Plan B arrangements must be vetted and approved and obviously the taxpayer cannot fund this, therefore we will need to introduce a user pays fee scale that covers the cost of administration but that does not make a profit from people on their wedding day. While these matters must be considered there is nothing there that we cannot resolve in order to go ahead with allowing open-air weddings. In changing the law we also propose that people should have more choice over the content of their civil wedding ceremony. While they are not religious we do not need to insist that they are devoid of all religious content. Religious hymns, readings and music have meaning to many people regardless of their faith. When the States debated the Marriage and Civil Status Law in 2001 they adopted an amendment lodged by the Tourism Committee because they agreed that couples should, and I quote: "Have freedom to select music or readings of their choice." Unfortunately that decision from 2001 has not translated into practice so we propose to amend the law to provide clarity. So in conclusion a year ago the States of Jersey secured Plémont headland for the people of this Island and in urging Members to support the Deputy's proposition I, for one, look forward to receiving an invitation to a wedding in the natural open surroundings of the Plémont headland.

17.1.3 The Connétable of St. Martin:

The past 4 years have been somewhat of a very steep learning curve since becoming a Connétable. I had a background with municipality prior to that and also worked enforcing legislation, interpreting legislation for 35 years. I had some idea of what to expect as a Connétable but one of the most unusual responsibilities that falls upon us is the registering of buildings for the solemnisation of weddings and approving other premises to allow weddings to take place. Until the Deputy's proposition today I suspect far fewer people in the Island realised the roles of the Connétables in the process. I have a number of premises in the Parish of St. Martin that are registered; there are hotels, we have got the castle, some of them spring to mind, and for one and 3-year periods. I have also received inquiries for approved premises for weddings, some more unusual than others but all within the spirit of the Marriage and Civil Status Law, the Civil Partnership Law and the Approved Premises Order. It has meant much time researching as each has appeared on the desk because there are not frequent applications at the moment and it has resulted in visits to houses and buildings and indeed a visit undertaken to the Écréhous as a one-off wedding, and we did have a Plan B ready for that occasion because of the weather. I am grateful for the support of my Parish Registrar and also to the Superintendent Registrar for all the support and advice that she has given me in the role and I am sure my colleague Connétables have been given similar support from her. The suggestion of increased wedding tourism to the Island may be

a little bit off the mark. I would be a little bit disappointed if I was with my fiancé thinking that the country I am going to for an open-air wedding had a commercial slant on it and there was some huge economic benefit. Who said romance is not dead? But of course the other thing we have to look at, we are not the Seychelles, Bermuda or Mauritius so we might not have the weather. I do not think we will have the numbers of people travelling to the Island that Deputy Doublet may think. It might be a greater number of local people taking the opportunity. There are 2 issues that I really wanted to speak about this proposition if approved today and I am sure it will be. I would ask the Minister for Home Affairs, and it has been said in the comments papers, has to consult with the Comité des Connétables throughout the preparations of the draft legislation because of the increased role we will have in the future, and I know the Constable of St. Lawrence has mentioned it. There are other departments that will have to be liaised with too, Economic Development because of the beaches, Minister for Transport and Technical Services because of the public parks. There will be this manpower implication for the Parishes. We have not the staff like some of the States departments to deal with it and it will be the Parishes receiving the calls on the Saturday lunchtime, I have no doubt, when somebody wants to complain, and there will be complaints from people; it upsets their routine. I am sorry, we know that will happen. You will not get an officer from Visit Jersey or from T.T.S. (Transport and Technical Services) on a Saturday lunchtime. So there will have to be some control, some form or order so that parties just do not turn up, section areas of land or the beach to hold the wedding. How long would it last if it was delayed because of rain and so much more? So I think there will be additional work for the Parishes. Finally, the other issue that I want to address; I can understand the different reactions from the Anglican Church and the Catholic Churches with reported support coming from the Dean and the Anglican Church and concerns from the head of the Catholic Church on the Island, the Monsignor. This has been reported by the media leading up to the debate today. There are many venues where couples can already marry and I have mentioned a few earlier. However, the head of the Catholic Church on the Island is quite clear that Catholic marriage is a sacrament of that church and therefore any marriage needs to be in line with the Catholic rites and this must remain so. If a couple wish to have a Catholic wedding, the choice of a venue a couple want is theirs, I have no doubt, but the choice as to whether the priest wishes to carry out the wedding service at a given location, away from his church, must remain with the priest alone who cannot be forced to conduct a wedding ceremony where the couple may insist it should be taking place, whatever views the couples may have on their human rights or perceived discrimination.

17.1.4 Deputy P.D. McLinton:

Married on the edge of a cliff? Thanks for that. That was a brilliant. A certain number of people would say their marriage is basically summed up in that one sentence but still. I did a bit of research on this and although a number of religions say you have to get married in a church, the Bible does not in fact state this. I am sure the Dean might be able to correct me on this fact but as he is not here, I know he reads a good deal more Bible than I do, you will just have to take my word on this. The Bible simply implies that you must obey the law of the land and that is what we are here today to sort out. In fact the U.K. itself is looking to amending the law of its land with regard to the self-same subject and notwithstanding the humanist element of the proposition, which Deputy Doublet will seek to bring to this Assembly in due course, which I look forward to supporting, the U.K. are seeking to allow marriages to take place in the open with a proviso that the register be signed indoors. Also Plan B, I think is a very good idea and makes eminent common sense. A few of the points that Deputy Doublet makes, the case for permitting the solemnisation of marriages in the open-air, (a) it would give couples more freedom and choice in how they marry and result in less people marrying off-Island. More people marrying in Jersey because we would be flexible in our approach to where weddings are allowed to be held. I do not want to make it about money but it can be. This would, therefore, mean that the money would remain on the Island and it

would attract overseas members of the couple's family to bring yet more money into the economy and to see how amazingly beautiful our Island is. Another point that Deputy Doublet makes, it would increase wedding tourism to the Island, yea. More people from outside the Island would choose to come to Jersey in order to marry and this could mean that they choose to spend their honeymoon here as well. Just imagine returning to the halcyon days of Jersey, the Honeymoon Island. I am sure Visit Jersey, who could do with all the help this Assembly can give them, would be more than pleased to welcome them with open arms should they choose to come here. It has already been mentioned by the Connétable of St. Martin, addressing arguments against the proposal, it would inconvenience members of the public. Have you ever tried to drive through Trinity when there is a wedding on at the Parish church? That is a massive inconvenience which I am happy to bear for the happiness of the couples in question. **[Approbation]** I think that if a simple celebration of a couple's love for one another is ever viewed as an inconvenience by any member of the public whatever or wherever it is held, it speaks more about their shrivelled soul than the location of the ceremony being an inconvenience. **[Laughter]** There will always be somebody who feels the need to moan and to see the negative in everything. For goodness sakes, whatever you do do not let them win. Marriage is a solemn occasion which should be performed inside a building; is one of the other points. Says who? Not the Bible apparently. I am always suspicious of anybody who says: "My opinion is correct, yours is incorrect; therefore you must abide by my opinion." No. Freedom, choice and equality for all, I would suggest that if you are so adverse to the idea of attending an outdoor wedding, refuse the invitation to turn up. After all it is all about choice. I choose to support parts (b) and (c) of Deputy Doublet's amended proposition and look forward to supporting part (a) when eventually it comes before this Assembly.

The Deputy Bailiff:

We have now reached 5.30 p.m. Standing Orders require that I ask the Assembly whether it wishes to continue or to adjourn immediately and to continue tomorrow morning?

Senator P.F. Routier:

Can we finish this item?

Deputy K.C. Lewis:

May we ask how many further Members wish to speak?

The Deputy Bailiff:

I have one further person notifying a desire to speak. If any other Members wish to speak could they indicate now? There are another 3 Members who are indicating a wish to speak plus the reply. Did someone propose the adjournment?

Deputy M. Tadier:

Can we adjourn please or take a vote, one or the other?

The Deputy Bailiff:

The adjournment is proposed. Those in favour of adjourning? Therefore, the States is adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:30]