

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 5th MARCH 2013**

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[9:30]

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

**COMMUNICATIONS BY THE PRESIDING OFFICER**

**1. The Deputy Bailiff:**

On behalf of all the Members I am pleased to welcome His Excellency, the Lieutenant Governor. [Approbation] There is nothing else under A.

[9:45]

**QUESTIONS**

**2. Written Questions**

**2.1. DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING ALLEGATIONS IN RESPECT OF THE HISTORIC CHILD ABUSE INVESTIGATIONS:**

**Question**

Can the Minister inform members whether, in the early stages of the historic child abuse investigation, both a current States Member and an individual still employed by the States and himself facing a number of allegation relating to abuse, went to Haut de la Garenne and attempted to gain access past the Police cordon stating that they needed to collect/remove personal material?

**Answer**

The States of Jersey Police have no formal record of any such visit by either party and with the passage of time, there is no-one still serving within the States of Jersey Police who is able to confirm that any such visit took place.

However, I am aware that Deputy Kevin Lewis was very familiar with the building because of the time that he had spent there during the production of the Bergerac series. The premises were used for the Bergerac series for about 7 years after they had ceased to be used as a Children's Home.

When mention was made in the press of a large bath on the premises, he contacted the States of Jersey Police in order to offer them assistance. His offer was accepted and he met the then Deputy Chief Officer Harper and, without entering the building, showed him from the outside the area where the bath was situated.

I am also aware that one ex-officer has a recollection of a suspect turning up at Haut de la Garenne, as did other parties throughout the early stages of the Haut de la Garenne part of the investigation, but that no attempt was made by the suspect to enter the site.

**2.2 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PAYMENT METHODS OFFERED TO THE PUBLIC BY STATES OWNED UTILITY COMPANIES:**

**Question**



Could the Minister as representative of the shareholder, list the payment methods offered to the public by States owned utility companies for monthly or quarterly billing so that it is easy to identify those unable or unwilling to accept cheque payments?

**Answer**

Presently all States-owned utilities accept payment by cheque but JT propose a change as explained below.

The tables below show the methods of payment, which are currently accepted, and how payments can be made to JT, Jersey Water, JEC and Jersey Post.

<b>Method of payments</b>	<b>Jersey Post</b>	<b>Jersey Water</b>	<b>JEC</b>	<b>JT</b>
Cheques	Yes <sup>(1)</sup>	Yes	Yes	Yes <sup>(2)</sup>
Cash	Yes	Yes	Yes	Yes
Direct Debits	Yes	Yes	Yes	Yes
Standing Orders	Yes	Yes - By prior arrangement	No	No
Other methods	Credit/debit cards	Credit/ debit cards, bank transfers, online	Pay as you go, debit cards, online	Credit/debit cards, online, Payzone

- (1) Cheques are not accepted for sales over the counter however Jersey Post continue to accept cheques from some companies and have agreed limits which vary from customer to customer.
- (2) Cheques are currently accepted however JT has proposed that payment by cheque will be withdrawn from the second quarter of 2013.

<b>Where to make payment</b>	<b>Jersey Post</b>	<b>Jersey Water</b>	<b>JEC</b>	<b>JT</b>
By Post	Yes	Yes	Yes	Yes
In person at head office	Yes	Yes	Yes	Yes at JT's shop
At a Post office	Yes	Yes	Yes	Yes
Other places	N/A	Online, phone	Phone, Online	Phone, Online, Payzone

The four Utilities are commercial businesses and some encourage customers to use electronic payment methods. Like many retailers, JEC offers discounts to customers who pay electronically.

JT has given presentations to various user groups about the planned withdrawal of cheques, including Age Concern, and further communication is planned.

JT have also partnered with Payzone, which will give customers the option to pay in person by cash, card or cheque. JT's decision to implement Payzone bill payments was taken with elderly residents in mind.

**2.3 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF FOOT AMPUTATIONS IN JERSEY IN THE LAST TWO CALENDER YEARS ASSOCIATED WITH DIABETES:**

**Question**

Would the Minister state the number of foot amputations, if any, that have taken place in Jersey in the last two calendar years as a result of complications arising from diabetes and what procedures are in place to avoid amputations?

**Answer**

Nine patients with diabetes have had toe or lower leg amputations over the last two year period. Without scrutinising individual patient notes it cannot be known whether the procedure was due to complications related to their diabetes or not.

There are several services in place to help prevent complications related to diabetes and thus help avoid amputation including:

- Dietetic service - to help patients understand how they can improve their diet to assist with weight loss and control of their diabetes
- Specialist nurse education - to ensure patients are aware that they are at greater risk of damaging their feet and that they may take longer to heal from any injury
- Regular diabetes follow-up - the frequency of which will depend on the individual's need and level of control
- Chiropody - advice on how maintain healthy feet and to assisting, where appropriate, with nail cutting which can be a cause of foot injury
- Podiatry - for patients with specific problems, with some patients being seen weekly if they have developed ulcers. The aim is to encourage healing, prevent infection and deterioration, which could lead to amputation

**2.4 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE REVOCATION OF 'BULK' LICENCES FOR EMPLOYMENT:**

**Question**

What targets, if any, are in place for 2013 to speed up the revocation of 'bulk' licences for employment and could the Minister identify the numerical reductions planned and the sectors to which they apply?

**Answer**

The new Control of Housing and Work (Jersey) Law, 2012 - which will significantly improve the ability to vary licences for local employment - is the responsibility of the Chief Minister. It is not therefore for the Economic Development Minister to set targets in relation to the new Law.

However, I take a view, with colleagues on the Migration Advisory Group, including the Assistant Chief Minister as Chair, that underutilised non locally qualified licence capacity should be significantly reduced in 2013 to near to nil. It is therefore vitally important that the new Control of Housing and Work (Jersey) Law, 2012, is brought into effect as soon as possible.

At the same time, it is not appropriate to set firm targets for the total number of non-locally qualified licences, as each case should be considered on its own merits, reflecting the different constraints faced by each business in its endeavours to find suitable staff.

Indeed, we must remember that local employment is created and safeguarded by private businesses, and it is not in our interests to act in a manner that is detrimental to those businesses. Under the Economic Growth and Diversification Strategy, the focus of Economic Development Department's activity is to establish and support high value, high growth businesses. As such it is important that there is the flexibility to allow the Migration Advisory Group to allocate licences where necessary to attract the necessary skills to enable these businesses to deliver employment growth for locally qualified people.

**2.5 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT CLAIMANTS PURSUING FURTHER AND HIGHER EDUCATION RATHER THAN IMMEDIATELY SEEKING EMPLOYMENT:**

**Question**

Would the Minister identify the circumstances in which the Department would award Income Support to claimants who seek to enhance their job opportunities through the pursuit of further and higher education rather than by immediately seeking employment?

**Answer**

As students reach compulsory school leaving age they are faced with a number of options - they can immediately seek employment, they can combine employment with further training through an apprenticeship, or they can remain in the education system, pursuing qualifications either through further or higher education.

When young people in Income Support households reach compulsory school leaving age they become subject to the employment conditions included within the Income Support law. These state that all adults should be engaged in full-time remunerative work unless they fall within one of a limited number of exceptions.

One of those exceptions relates to approved full-time education or training. Any young person who remains in full time post compulsory education up to the age of 19 is automatically exempted from the employment condition. These young adults are normally included within the Income Support household of their parents. Young adults can also make claims in their own right in specific situations, for example, young people with disabilities and care leavers.

For young people who choose to seek employment immediately but do not find a job straight away, the Advance to Work scheme provides both support and work-related training to help them enhance their job opportunities. A jobseeker aged under 19 participating in Advance to Work will be included in the Income Support household of their parents with exceptions, as above, for young people who need support in their own right.

If a young person chooses to enter higher education, they will continue to be included within the Income Support household of their parents (up to a maximum age of 25). During any period of higher education, the family will continue to be entitled to accommodation and household components based on the family size including the student. The living component for the student is not available during term time (whilst the student is receiving a grant from the Education, Sport and Culture Department). However the student can apply for a living component to be included in the parents' claim if they are resident in Jersey during university holidays and are fulfilling the normal job seeking requirements. Again, some young people will be entitled to support in their own right during vacations.

## **2.6 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INTRODUCTION OF A FINANCIAL OMBUDSMAN:**

### **Question**

Would the Minister advise the Assembly on progress to date in introducing the Office of Financial Ombudsman and state the date by which he expects to have the Office in place?

### **Answer**

A Financial Ombudsman service is one of the areas where it is highly beneficial for Jersey and Guernsey to work together in order to deliver best value for money and ensure a consistent approach across jurisdictions. As such, we are working towards establishing a Channel Islands Financial Services Ombudsman.

The current position is as follows:

- A consultation exercise was carried out with the industry in 2011, followed by a finance industry working party being established to consider funding models;
- The Jersey law is now in the final stages of drafting and is currently being amended to encompass the pan-Channel Island nature of the Scheme; and
- Several meetings have been held with officers in Guernsey and significant progress has been made in ensuring that parity with regard to jurisdiction, scope, funding, and retrospective, so as to avoid potential arbitrage, is maintained between the two Bailiwicks.

The aim is for both Islands to submit legislation for consideration during 2013 with a pan-Channel Islands Financial Services Ombudsman Scheme becoming operational in early 2014.

## **2.7 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING PRIVATE PROSECUTIONS:**

### **Question**

Will H.M. Attorney General clarify whether or not there has ever been a private prosecution in Jersey's history; if so, when and what this involved and where can the details be found; further still, where is the law written that still currently excludes private prosecutions and when and why was this implemented?

### **Answer**

There are no private prosecutions in Jersey. They are not a part of Jersey Law.

In the case of the Att.Gen. v Devonshire Hotel Ltd (1987-88 JLR 588-589) the Court said:

“The position of the Attorney General in relation to the prosecution of offences is very succinctly put by Charles Le Quesne in “*A Constitutional History of Jersey*” at 23 (1856):

*“He [the Procureur] is, from his Office, Public Prosecutor. No individual is allowed to prosecute for crime, except the Attorney General, on behalf of the Crown. All reports of the police to the Royal Court are to be presented through him, and the accusations against prisoners, in consequence of those written reports, are brought forward by him. He is often consulted by the police in matters of difficulty, and they are guided by his instructions ... He is the upholder of public order, and can prosecute for all crimes and misdemeanours.”*

An Order in Council of 23rd November, 1749, confirmed by a further Order of 31st October, 1751, declares that “*the Procureur is the Superior Officer [as between himself and the King's Advocate] and the proper person to commence and carry on all criminal prosecutions ...*”. The Order also recognises that the Procureur has a common law right to enter a *noli prosequi* in certain cases.”

Article 6 of the Loi (1864) réglant la procedure criminelle, provides that all cases take place in the name of the Attorney General.

Unlike in England and Wales private prosecutions are not a part of Jersey law. In England and Wales, however, the Director of Public Prosecutions has the power under Section 6(2) of the Prosecution of Offences Act 1985 to take over the conduct of any private prosecution and to proceed with it or withdraw it.

## **2.8 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING MISCARRIAGES OF JUSTICE IN JERSEY:**

### **Question**

Has there ever been recorded an acknowledged miscarriage of justice (the conviction and punishment of a person for a crime they did not commit) in Jersey; and if so, when did this take place and what did it involve?

### **Answer**

The Law Officers' Department is not in a position to conduct historical research and accordingly the Attorney General is not in a position to answer this question.

It is assumed that the question is not intended to refer to cases in which conviction or sentence has been overturned on appeal.

Whilst the Attorney General is not aware of any "acknowledged miscarriage of justice" as defined in the question any conviction is subject to rights of appeal to a higher court and, for a conviction in the Royal Court, to the provisions of Articles 26 and 43 of the Court of Appeal (Jersey) Law 1961 the full terms of which may be found online.

**2.9 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE CONTENT OF THE INFORMATION TO ACCOMPANY THE REFERENDUM PUBLICITY:**

**Question**

Given that the Electoral Commission stated in its final Report that if Option B was ever implemented the consequence would be greater inequality of representation for urban parishes, will the Committee be ensuring that this reality is made clear to all Islanders within information accompanying the referendum publicity?

**Answer**

The Committee has commissioned a voter registration campaign to encourage eligible voters to register (the closing date for registration being 3rd April) and, importantly, to use their vote on 24th April. As part of that campaign, the Committee will draw attention to the Electoral Commission's final report. The Committee will also endeavour to highlight the existence of formal campaign groups.

PPC does not intend to publish its collective view on the relative advantages and disadvantages of options A, B and C. It expects instead that public debate on the referendum question and the Commission's final report will be fuelled by the establishment of formal campaign groups, which may choose to engage with the public on the question of equality of representation.

**2.10 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF COMITÉ DES CONNÉTABLES REGARDING INFORMING ISLANDERS OF THE IMPACT OF THE REFERENDUM ON URBAN PARISH REPRESENTATION:**

**Question**

Given that the Electoral Commission stated in its final Report that if Option B was ever implemented the consequence would be greater inequality of representation for urban parishes, will the Comité des Connétables be ensuring that this reality is made clear to all Parishioners prior to the referendum in order that people may make an informed vote for cross-island equality?

**Answer**

No, the Comité des Connétables will be playing no part in the promotion of any option for reform. Whilst individual Connétables hold different views on the reform options and will no doubt promote those as they see fit; the States decided that it was not appropriate to involve the Connétables in the organisation of the referendum and so neither do we consider it appropriate for the Comité des Connétables to take an active rôle.

That said, it is important that all parishioners are fully aware of the implications for the Island's government of each of the options so that they may make an informed choice when they vote and we expect the groups campaigning for the different options to ensure the full information is provided.

The Commission stated that Islanders will have to indicate whether or not the automatic right of the Constable to sit in the States is of greater importance than achieving equal representation for every voter. The Commission also made clear that if Constables were not members of the States and wished to stand for election as a Deputy that they would sit in the States as a Deputy for that district to represent the district and not their own parish. Parishioners must therefore decide if each parish should have its Constable in the States to ensure it is represented effectively and to provide the "joined up government" which the States have been promoting for a number of years.

Ultimately we must ensure the format of the States Assembly provides an effective government for this Island.

## **2.11 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE BASIS FOR REFUTING THAT AN EAST EUROPEAN SEX RING WAS OPERATING WITHIN THE ISLAND:**

### **Question**

On what evidence have the police based their statement that no East European sex ring has been operating within the Island?

### **Answer**

The term East European Sex Ring was written as part of the graffiti on the wall, which started this investigation.

The statement issued by the States of Jersey Police reads as follows:

*"During the investigation into the graffiti on the sea wall at St Aubin no evidence was found to suggest any of the allegations made were true. A number of individuals were spoken to, including the people named in the writing. Some of those people identified as being involved in this supposed "sex ring" no longer reside in Jersey and haven't done for a number of years.*

*Due to there being no indication that these allegations are true the incident is being investigated as an act of malicious damage.*

*No one has been charged in relation to this incident.*

*However, if new evidence came to light we would investigate thoroughly."*

The States of Jersey Police have not to date found any evidence of an Eastern European Sex Ring operating in Jersey.

**2.12 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING JERSEY TELECOM'S ACCEPTANCE OF CHEQUES:**

**Question**

Further to his statement during recent questions that Jersey Telecom's acceptance (or otherwise) of cheques 'was a matter for the Board', would the Minister, as the shareholder representative, ensure that the Board continues to accept cheques for the foreseeable future so as not to inconvenience elderly residents who would need to make journeys with cash to pay their telephone account?

**Answer**

JT has advised that for any elderly residents who are concerned about travelling with cash, JT is able to accept card payment over the phone.

JT also offer Internet Banking, Direct Debit and continuous credit or debit card payments to provide customers with more choice and flexibility.

JT's decision to withdraw cheques as a payment method comes following a considerable decline in their use. More than 90% of their customers choose other payment methods and as the administration of cheques is costly, JT believe by making these efficiencies they can pass on benefits to their customers.

JT have also recently partnered with Payzone, which allows bill payment and Top-Up facilities across Jersey. JT's decision to introduce Payzone bill payments was taken with elderly residents in mind. Customers will be able to pay by cash, card or cheque in person at local retailers throughout the island.

As part of on-going support JT are offering to help customers who pay by cheque to set up monthly Direct Debit and they will send out information with bills on how and where customers can pay. To help those groups who would be most affected by this change, JT are working closely with Age Concern to inform its members about the removal of cheques and the many alternative payment options available to them.

**2.13 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INVESTIGATION OF LOCAL FUEL SUPPLIES BY THE JERSEY COMPETITION REGULATORY AUTHORITY:**

**Question**

Would the Minister advise:

- (a) whether he has studied the report on local fuel supplies by the Jersey Competition Regulatory Authority (JCRA) and, if so, whether he was satisfied with its conclusions;



- (b) what involvement, if any, he has had regarding the recent threat of Super Unleaded discontinuation and, if so, what he intends doing about it;
- (c) of the nature of the lease that the States have with the consortium, including what precisely the States own at the fuel farm; and,
- (d) whether there is an increasing lack of competition in Jersey's fuel supply and, if so, whether he is working with the JCRA to resolve it and what possible solutions are envisaged?

**Answer**

- a) I have studied the report on local fuel supplies conducted by the JCRA; and I am satisfied with its conclusions.
- b) EDD officers facilitated a meeting with the JCRA, the Transport and Technical Services Department and the fuel suppliers on 14<sup>th</sup> February 2013, the notes of which have been circulated to all Members. A meeting has been arranged for Friday 8<sup>th</sup> March at 3pm to allow the fuel suppliers to provide States Members with a detailed briefing.
- c) The Public entered into a 10-year ground lease on 22nd June 2007 with Shell (U.K.) Limited and Esso Petroleum Company Limited for the site known as 'LC03 Fuel Storage Site' at La Collette. On 26th July 2009, the Public agreed to an assignment of the lease from Shell (U.K.) Limited to La Collette Terminal Limited. Jersey Property Holdings, representing the Public, is in discussion to consider renewal of the current site lease that expires on 31st January 2016. The Public does not own any of the operational plant and equipment on the site.
- d) The JCRA is not aware of evidence that would suggest '*an increasing lack of competition in Jersey's fuel supply*'. In fact, there appears to have been a significant increase in price competition at the retail level following the introduction of regulations requiring forecourts to display prices at the roadside (the Draft Price Indicators (Amendment) (Jersey) Regulations 2012). The regulations were passed by the States Assembly in November 2011 and came into effect in September 2012, following recommendations from the JCRA. It is notable that the States Statistics Unit identified a material reduction in the price of motor fuel in the December round of the RPI: on a quarterly basis, petrol and diesel prices were down by 10p and 6p per litre, respectively, in Jersey compared with down by 6p and 3p per litre, respectively, in the UK.

There has been no change in the number of importers or distributors of road fuel in Jersey in recent times. Rubis lodged an application with the JCRA in November 2012 for approval of its proposed acquisition of Esso's share in La Collette Terminal Limited, and it is understood that the JCRA has received a significant number of responses to the public consultation on that application.

The JCRA's investigation of that proposed acquisition is continuing, and currently it is waiting for further information from the parties. It may conduct further public consultation on this proposed acquisition.

I should clarify that the JCRA is an independent body, conducting its functions under the Competition (Jersey) Law 2005, and the Minister plays no direct role in its investigations.

**2.14 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE GRANTING OF PLANNING PERMISSIONS INCONSISTENT WITH THE ISLAND PLAN 2011:**

**Question**

Will the Minister advise the Assembly whether he has granted planning permissions, or such permissions have been made under his delegated authority, in accordance with Article 19(3) of the Planning and Building (Jersey) Law 2002, which permits development which is inconsistent with the Island Plan 2011, and, if so, would he provide details of each application and state his reason for allowing permission inconsistent with the Island Plan 2011 in each case?

**Answer**

Whether a development is inconsistent with the Island Plan is usually a matter of interpretation. As with all such matters, it depends on an individual's own perception of the development. Many developments might be regarded as compliant with the Island Plan by the Minister, but others may disagree.

Equally, most schemes will bring several policies of the Plan into play. Planning judgement is exercised by the Minister and his delegates by arriving at a balanced consideration of those policies, some of which may support and some of which may not support a particular scheme.

Whilst the Department does hold information (in the form of its officer's reports) on such policy interpretations, to answer the Deputy's question would necessitate the publication of all such reports. This is regarded as an unnecessary and unwieldy action, when all such reports are already published on the Department's website and available for all to see.

**2.15 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PERFORMANCE OF THE PLANNING DEPARTMENT IN PROCESSING PLANNING AND BUILDING APPLICATIONS SINCE 2010:**

**Question**

Will the Minister provide the following information of the performance of the Planning Department in processing planning and building applications since annual performance figures were last published by the Comptroller and Auditor General in 2010, such figures to include the following information –

- (a) the number of planning and building applications determined;
- (b) the number of applications approved;
- (c) the number of applications rejected;
- (d) the number of applications withdrawn;
- (e) the number of applications for which decisions were outstanding at year end;

- (f) the number of applications determined within 8 weeks;
- (g) the number of applications determined within 13 weeks;
- (h) the average time taken to determine applications; and,
- (i) the number of requests for reconsideration?

**Answer**

- (a) **the number of planning and building applications determined;**  
 Planning 2011, 1,512  
 Planning 2012, 1,566  
 Building 2011, 1,092  
 Building 2012, 1,145
- (b) **the number of applications approved;**  
 Planning 2011, 1,224  
 Planning 2012, 1,249  
 Building 2011, 1,079  
 Building 2012, 1,140
- (c) **the number of applications rejected;**  
 Planning 2011, 236  
 Planning 2012, 254  
 Building 2011, 2  
 Building 2012, 0
- (d) **the number of applications withdrawn;**  
 Planning 2011, 52  
 Planning 2012, 63  
 Building 2011, 11  
 Building 2012, 5
- (e) **the number of applications for which decisions were outstanding at year end;**  
 Planning 2011, 382  
 Planning 2012, 199  
 Building 2011, 15  
 Building 2012, 52
- (f) **the number of applications determined within 8 weeks;**  
 Planning 2011, 191  
 Planning 2012, 851

A five week target is set for processing building applications. In 2011 98.5% of applications were dealt with in 5 weeks or less. In 2012 it was 99.5%. In the cases where the target was missed this was by less than 6 days.

- (g) **the number of applications determined within 13 weeks;**

Planning 2011, 917\*

Planning 2012, 396\*

\*Figures given for planning are for decisions taken between 8 and 13 weeks, to avoid double-counting with the answer given to (f) above.

For Building Control, please refer to the answer given in (f) above

(h) **the average time taken to determine applications;**

Planning 2011, 123 days

Planning 2012, 102 days

Building Control: Figures for average times are not recorded. However, it is estimated that for any given 12 month period, the average time to determine building applications is considerably less than five weeks.

(i) **the number of requests for reconsideration?**

Planning 2011, 92

Planning 2012, 78

This service is not extended to building applications.

**2.16 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE DIRECT COSTS INCURRED BY THE PLANNING DEPARTMENT IN PROCESSING PLANNING AND BUILDING APPLICATIONS DURING 2012:**

**Question**

Will the Minister detail the direct costs incurred by the Planning Department in processing Planning and Building applications respectively during 2012, such costs to include the staffing of each of the Development Control and Building Control teams dealing with applications, together with an attributable share of administrative overheads, but excluding costs associated with other departmental cost centres?

**Answer**

<b>Planning and Building Costs</b>	<b>2012 Actual</b>	
<b>Planning (Development Control)</b>		
Staff Costs	£1,246,257.29	
Non-Staff Expenditure	£159,088.19	
Total Overhead allocations	£435,720.00	
<b>Total Direct Expenditure IB2</b>		<b>£1,841,065.48</b>
<b>Building (Building Control)</b>		
Staff Costs	£898,990.99	
Non-Staff Expenditure	£51,398.39	
Total Overhead allocations	£214,207.00	
<b>Total Direct Expenditure IB4</b>		<b>£1,164,596.38</b>
<b>Grand Total</b>		<b>£3,005,661.86</b>

Note:

The figures above do not include the cost of Legal Searches, Policy and Projects, Historic Buildings and Mapping, as these are not regarded as direct costs incurred in processing Planning and Building applications.

**2.17 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE TOTAL INCOME RECEIVED FROM PLANNING AND BUILDING APPLICATION FEES RESPECTIVELY, FOR EACH OF THE LAST FIVE YEARS TO 2012:**

**Question**

Will the Minister advise the total income received from planning and building application fees respectively, for each of the last five years to 2012 and provide detailed information of the planning and building fees received during 2012 including:

- (a) the number of individual applications falling within each category of fee defined under the Planning and Building (Fees) (Jersey) Order 2008;
- (b) the total income received in respect of each fee category;
- (c) the maximum and minimum fees charged within each fee category;
- (d) the amount of refund of fees made to applicants; and,
- (e) the number fees which were waived and the reasons for waiver?

**Answer**

The income received from planning and building applications fees for the period 2008 to 2012 is as follows:

Year	Building application income receipted	Planning application income receipted
2008	£965,648.70	£838,351.10
2009	£1,108,553.58	£1,057,140.77
2010	£1,168,805.26	£1,221,476.93
2011	£1,219,080.04	£1,531,633.11
2012	£1,102,684.51	£1,317,614.35

To provide the detailed information (a to e) requested requires several hours of detailed work and I will provide the answer to Members as soon as possible.

**2.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE MODERNISATION REVIEW OF PUBLIC SECTOR TERMS AND CONDITIONS:**

**Question**

Will the Chief Minister –

- (a) inform members what the 70 policy issues to be covered by the modernisation review of public sector terms and conditions will be?
- (b) outline the process to be used and the projected timescale over which these issues are to be agreed with employee representatives?
- (c) state whether employee representatives will be allowed time away from work to contribute to the process and, if not, why?
- (d) identify which of these issues are contractual and therefore requiring negotiation and agreement with public sector representatives, and which are employer policies and can be imposed after consultation?
- (e) agree to share the legal advice with employee representatives regarding the extent to which these issues are contractual?
- (f) inform members of the extent, if any, of the involvement of Atos in this process?
- (g) state whether there is a target for savings to be achieved from this process, and, if so, what that is?

### Answer

The Employer met on 21 February with a combined Trade Union Group including the main Paygroups (Teachers, Nurses, Manual Workers, and Civil Servants) to explain the processes and timetables that the Employer hopes to use, working in partnership with Trade Union Colleagues, to reshape the States of Jersey policy framework. The meeting was advised of the content below and I am pleased to share it with States Members.

a) The review will address the following policies:

POLICY GROUP	BATCH	POLICIES COVERED
Pay Protection/Buy-Out	1	Pay Protection, Buy-Out
Manpower Control 1 Employment Related	2a	Recruitment and Selection, Recruitment of Temporary Staff, References, Induction, Employment of People Beyond Retirement Age, Employment of Close Relatives, Employment of People with Past Criminal Offences, Employment of Overseas Nationals Conflict of Interests
Manpower Control 2 Other	2b	Redundancy, Redeployment, Secondment, Probation, Increments and Incremental Progression, Succession Planning, Career Management, Retirement, Acting Up, Equality & Diversity, Exit
Flexible Working and Leave	3	Sickness Entitlement and Leave, Annual Leave, Maternity, Adoption, Paternity, Unpaid Leave, Special Leave, Career Break, Inclement Weather , Flexitime, TOIL

POLICY GROUP	BATCH	POLICIES COVERED
Managing Attendance	4	Managing Attendance, Return to Work, Occupational Health, Disclosure of Medical Records, Workplace Stress and Medical Rehabilitation, Managing People during Pandemics.
Allowances, Overtime, etc.	5	Allowances (include First Aid, Mileage, etc.)Overtime, Standby, Call Out.
Collective Disputes & Facilities	6a	Collective Disputes, Facilities
Disciplinary & Grievance	6b	Disciplinary, Grievance, Bullying & Harassment, Investigations, Code of Conduct, Suspensions
Job Evaluation	6c	Job Evaluation
Performance and Capability	7	Performance Management, Capability, Training and Development, Financial Support for Professional Qualifications, Performance Review and Appraisal, Increments and Incremental Progression
Expenses and Over/under Payments	8a	Expenses and Over/under Payments
Car Parking	8b	Car Parking
Health & Wellbeing	9	Health and Safety, Drug and Alcohol, Smoke Free Policy, Display Screen Equipment
Transfer of Public Service Employees (TOPSE)	10a	(TUPE)
Reporting Serious Concerns	10b	‘Whistleblowing’
Political Activities	11	
Employee Recognition	12	Including retirement benefits and gifts
Access to Personal Information	13	Data protection in relation to Personal Information

POLICY GROUP	BATCH	POLICIES COVERED
Staff Benefits	14	Promotional Offers, Flexible Benefits

b) The process to be followed is shown in the table below:

(N.B As stated above, this process has already been shared with TUs and is subject to review depending on the progress of consultations)

ACTIONS TO BE TAKEN	ESTIMATED TIME TAKEN FOR EACH TASK	CALENDAR TIME LINE
<b>Preparation Phase</b>		<b>Start</b>
1. Send out information requests to States departments to : <ul style="list-style-type: none"> <li>• confirm adherence to States wide policies/collective agreements on terms and conditions of service, and</li> <li>• gain copies of departmental variations where they exist.</li> </ul>	0.5 day	
2. Collate information on current provisions	1.5days	
3. Determine legal position with regard to the legal status of a policy/procedure or a term and condition of service and the obligations on the Employer attached to their revision and implementation.	0.2 day	
4. Receive and collate information from departments within a suitable format	0.5 day	+2 weeks
5. Set out current provisions for all public sector pay groups including departmental variations within a format suitable for presentation to departments/pay groups.	1 day	
6. Analyse current provisions and determine key points for consideration/ presentation/ consultation/ negotiation in the development of revised provisions.	1 day	
7. Undertake best practice research (E.g. covering UK public sector/“blue chip” companies/IDS/CIPD/ACAS/JACS)	2 days	
8. Identify and present gaps between current practice and best practice in a suitable format for presentation to departments/pay groups.	1 day	
9. Analyse best practice provisions and determine key points for consideration/ presentation/ consultation/ negotiation in the development of revised provisions.	1 day	+2 weeks



ACTIONS TO BE TAKEN	ESTIMATED TIME TAKEN FOR EACH TASK	CALENDAR TIME LINE
<b>Development and Consultation Phase</b>		
10. <b>Develop 1st draft policy or T&amp;C of S</b> that is jargon free and suitable for a line manager to implement without HR support. In addition, where appropriate, draft process map and FAQs.	2 days	
11. Prepare paper work and set up meetings with HR BPs/Line managers/Pay groups. Send out information to attendees of these three groups.	1 day	
12. Meet and consult with HR BPs/Line Managers/Pay Groups	1 day	
13. Collate feedback from HR Business Partners/Line Managers/Pay Groups into a suitable format for presentation to departments/pay groups.	1 day	+2 weeks
14. Analyse feedback from HR Business Partners/Line Managers/Pay groups	0.5 day	
15. <b>Develop 2nd draft policy/procedure or Terms and Conditions of Service and where appropriate process map and FAQs.</b>	1 day	
16. Prepare paper work and set up meetings with HR BPs/Line managers/Pay groups, <u>or</u> send out the information and seek feedback.	1 day	
17. Meet and consult with HR BPs/Line Managers/Pay Groups.	1 day	
18. Collate feedback from HR Business Partners/Line Managers/Pay Groups into a suitable format for presentation to departments/pay groups	0.5 day	
19. Analyse feedback from HR Business Partners/Line Managers/Pay groups	0.5 day	
20. <b>Develop 3<sup>rd</sup> and final draft policy/procedure or Terms and Conditions of service and where appropriate process map and FAQs.</b>	0.5 day	
21. Send out final draft for comments.	0.5 day	
22. Make any final adjustments to the draft and distribute	0.5 day	
<b>23. Give notice of projected implementation date</b>	0.5 day	+ 2 weeks
		<b>Min. 6 weeks</b>
<b>Notice period</b>		
24. Notice period for implementation	90 days	

c) Employee representatives are allowed time away from work to participate in the consultative process wherever possible.

- d) & e) Legal advice is currently being sought regarding the contractual status of each of the policies and this information will be shared with TU representatives as part of the consultation process. This advice will also clarify which are employer policies and can therefore be implemented after consultation.
- f) Atos have not been involved in this process.
- g) At present, no savings target has been assigned for the policies review process. The purpose of the review is to ensure the States of Jersey has in place a consistent, sustainable policy framework which encompasses good practice and has a regard for the future legislative direction of the Island in support of public sector reform.

**2.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FINALISATION OF A SET OF PRINCIPLES BASED ON THE UK TRANSFER OF UNDERTAKINGS (TUPE) LEGISLATION:**

**Question**

Will the Chief Minister report what progress, if any, has been made towards finalising a set of principles “as good or better than” the UK Transfer of Undertakings (TUPE) legislation to be applied to transfers of undertakings in Jersey promised for the end of 2012 and, if not, why not?

Does he accept that the presence of TUPE style legislation would have enabled a smooth transfer of staff from Connex to CT Plus on “the same terms and conditions as apply at the date of issue of any tender documentation” as agreed by the Environment and Public Services Committee on 30th August 2005, in its response to the Committee of Inquiry into the award of the bus services contract and, if so, will he act promptly to bring forward TUPE style proposals as a matter of some urgency to prevent such difficulties following transfer of undertakings in the future?

**Answer**

Deputy Southern will recall from his meeting with the States Employment Board (SEB) in September last year about TUPE style legislation, that Officials are working to develop a Code of Conduct that the Public Service will use when or if such transfers are considered.

He will also recall that a joint (Employer /TU) working party, led by the CEO Ports of Jersey is looking at the issues of staff transfer from States of Jersey to a States owned entity as part of the planning for Ports Incorporation. The dialogues in this working party are a live, practical example informing the development of the Code. The progress on this issue is on the agenda of the meeting of the SEB on 22nd March 2013. I would be happy to update Deputy Southern after that meeting.

I cannot accept that TUPE style legislation would have helped in the scenario with the bus drivers, as the dispute was over working practices and not core contractual terms and conditions.

**2.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE PROVISION OF A BREAKDOWN OF NON-LOCALLY QUALIFIED LICENCES AS AT THE END OF 2009:**

**Question**

Will the Minister expand on his answer to question 7447 of 19th February 2013, by providing a breakdown by sector of the 9,100 non-locally qualified licences referred to, as at the end of 2009?

**Answer**

<b>Non Locally Qualified Licences</b>	<b>As at end 2009</b>
Agriculture and Fishing	304
Manufacturing	250
Electricity, Gas and Water	47
Construction and Quarrying	641
Wholesale and Retail Trades	1,148
Hotels, Restaurants and Bars	3,017
Transport, Storage and Communications	208
Financial and Legal Services	2,137
Computer and related activities	44
Miscellaneous Business Activities	524
Education, Health and Other Services	780
<b>Total</b>	<b>9,100</b>

**2.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF MIDDLE GRADE AND SENIOR DOCTORS WHO HAD LEFT THE SERVICE OVER RECENT MONTHS:**

**Question**

Will the Minister provide details of how many middle grade and senior doctors have left the service over recent months along with their stated reasons for doing so, indicating in which area they specialised?

Will she further inform members what arrangements, if any, are in place to ensure the continued delivery of these services, along with the number of locums employed?

**Answer**

**Middle Grades and Consultants who have left (or are leaving imminently) since December 2012.**

Accident and Emergency	Consultant	Retired (Dec 12)	Immediate replacement of Consultant. No gap in service delivery
Accident and Emergency	Middle Grade	Promotion to UK post (10 March 2013)	Locum in place to backfill pending successor starting in May 2013.
Medicine	Middle Grade	Promotion to UK post (Jan 13)	Successfully recruited replacement in February

			with agreed start date of 1st August 2013. Interim locum in place
Medicine	Middle Grade	Left Island for family reasons (Jan 13)	Locum in place pending substantive recruitment. Advert closes 25th March 2013.
Anaesthesia	Middle Grade	Internal promotion (5 March 13)	Staff Grade replacement recruited and working 3 months notice. Locum in place in interim.
Medicine	Consultant (Respiratory)	Retiring (20 March)	Locum in place from date of retirement. Substantive role advertised with a closing date of 18th March

**Middle Grade and Consultants who have provided notice of intention to leave but have not yet left.**

Specialty	Grade	Reason for leaving	Service delivery arrangements
Medicine	Middle Grade	Resigned for personal reasons (May 2013)	Locum in place. Advert closes on 25th March 2013.
Medicine	Middle Grade	Leaving Island for family reasons (April 2013)	Locum cover to be sourced prior to departure.
Anaesthesia	Middle Grade	Promotion to UK post (April 2013)	Advert in BMJ. Locum to be sourced to cover any gaps.
ENT	Consultant	Retiring (30 March 2013)	No service delivery issues as re-engaging on fixed term contract.
General Surgery	Consultant (Breast)	Retiring (May 2013)	Locum cover being sourced. Recruitment process for substantive replacement is underway

**2.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INTEGRATED REWARD FRAMEWORK TO RESOLVE THE STRUCTURAL INEQUALITY BETWEEN NURSES AND OTHER HEALTH PROFESSIONALS:**

**Question**

Will the Chief Minister provide details of the integrated reward framework to resolve the structural inequality between nurses and other health professionals, referred to in his answer to question 7446 on 19th February 2013, and, in particular, advise how much this framework might cost and in what timeframe it can be delivered?

**Answer**

The integrated reward framework will be designed to provide equal pay for work of equal value by introducing harmonised terms and conditions for States of Jersey Healthcare employees (Nurses, Midwives, Civil Service allied health professionals such as Physiotherapists, Porters, Health Care Assistants etc.). A single pay structure will provide employees with rates of basic pay that are managed through a fair job evaluation and pay management system that will also include incremental progression based on competency development, contribution and performance.

Building on the equal pay for work of equal value review undertaken in 2012 with our Trade Union colleagues, we are currently planning the workforce modernisation of Health and Social Services. Accordingly, the cost of the new reward framework will only be crystallised when we have designed the final reward structure and negotiated the assimilation of employees.

Bearing in mind the complexity of the existing employment conditions of pay groups that deliver Healthcare in Jersey, with full Trade Union partnership and the appropriate injection and allocation of resources, a new reward framework for Health and Social Services will be deliverable by December 2014.

**2.23 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE FUTURE OF THE ‘EXPLORER’ BUS SERVICE:**

**Question**

Will the Minister provide details of the frequency of service and number of passengers carried by each of the “*Explorer*” buses during the summer of 2012 by the former bus operator and advise whether an equivalent standard of service will be provided to the same key locations by the new operator CT Plus for the summer of 2013 and, if so, will he provide details?

**Answer**

During the summer of 2012, three Explorer bus services were operated:

- Blue, serving the south and west of the Island
- Green, serving the east of the Island
- Red, serving St Peter’s Valley and the north

The summer timetable was in effect for the period 27 May to 29 September 2012. The above services operated daily as follows:

- Blue, seven departures between 09:50 and 15:50
- Green, nine departures between 09:30 and 15:30
- Red, twelve departures between 10:00 and 16:00 (three of which were short workings to Living Legend)

Recorded passenger numbers on these bus services during this period can be summarised as follows:

	<b>From</b>	<b>To</b>	<b>Red</b>	<b>Blue</b>	<b>Green</b>
	27/5/12	3/6/12	2664	2811	2655
	4/6/12	1/7/12	12393	13827	8920
	2/7/12	29/7/12	13733	12192	9767
	30/7/12	26/8/12	14555	11884	10047
	27/8/12	23/9/12	12386	13150	8937
	24/9/12	29/9/12	2062	2053	1207
<b>Totals</b>			<b>57,793</b>	<b>55,917</b>	<b>41,533</b>

Purely to provide context, recorded passenger numbers on service 15 (the busiest bus route) during the same period were:

	<b>From</b>	<b>To</b>	<b>15</b>
	27/5/12	3/6/12	16985
	4/6/12	1/7/12	62401
	2/7/12	29/7/12	71187
	30/7/12	26/8/12	71875
	27/8/12	23/9/12	65139
	24/9/12	29/9/12	13983
<b>Totals</b>			<b>301,570</b>

It can be seen that the combined Explorer service carried approximately half the number of passengers as the 15. The Explorer service as a standalone group of routes has never reached its full potential. It has previously required a duplication of resources that was often inefficient. LibertyBus feel that it may be possible to allocate these in a more structured way to improve the service for everybody.

For the summer 2013, which is scheduled to commence on 26 May and run until the end of September, it is planned to allocate the equivalent driver and vehicle resources that in previous years were required to operate the Explorer services onto other, parallel routes so that key passenger destinations (including the main tourist destinations) have at least as good a level of service as in 2012, if not better.

By way of an example, the 12, 12A, 14 and Blue Explorer services which in summer 2012 each ran once or twice an hour presented a confusing range of services to similar locations, with some journeys running practically empty and others heavily overloaded. These would ideally be replaced by a simpler, easier-to-promote trunk route with a high frequency core section, and suitably-timed variations/route extensions to additional destinations.

Simplifying the core network will allow LibertyBus to focus on marketing the journey opportunities possible on the standard network, rather than maintaining separate standalone networks for visitors and locals. This will allow more scope to replace the established and rather limited range of tickets with some much more suitable products that will encourage and allow the locals and visitors to get the best out of the bus network. LibertyBus who under the new contract bear the revenue risk will take the lead in this area.

The bus service is the Island's and so the final form the timetable takes will be dependant upon the response from the public and businesses to the summer timetable consultation in April. To allow informed discussion during the consultation, work on outline summer timetables has recently begun, with the goal in many cases of enhancing frequencies. However at this time and until the April consultation has been undertaken, it is not possible to meaningfully provide the level of detail requested for summer 2013.

While this does not directly relate to summer timetables, further to the above and in the interests of transparency, during 2012 the Explorer services also operated daily during a 'shoulder period' of 7 April to 26 May 2012:

- Blue, seven departures between 09:50 and 15:50
- Green, nine departures between 09:30 and 15:30
- Red, nine departures between 10:00 and 16:00 (without the summer-only short workings to Living Legend)

And also at weekends and during school holidays between 6 October and 4 November 2012:

- Red, nine departures between 10:00 and 16:00 (without the summer-only short workings to Living Legend)

Passenger numbers during these 'shoulder periods' were:

	<b>From</b>	<b>To</b>	<b>Red</b>	<b>Blue</b>	<b>Green</b>
	7/4/12	8/4/12	545	899	514
	9/4/12	6/5/12	5545	9347	4739
	7/5/12	26/5/12	5601	11016	6063
			<b>6090</b>	<b>10246</b>	<b>5253</b>
	6/10/12	21/10/12	1383	-	-
	22/10/12	4/11/12	1568	-	-
<b>Totals</b>			<b>2951</b>	-	-

It can be seen that, compared to the peak summer period, passenger loadings during either side of the peak summer season were considerably lower. The proposals for the 'Easter' timetable for 31 March to 26 May 2013 recognised this and proposed that services should be adjusted to match the needs of passengers.

Optimising the allocation of resources to ensure the most is made of the bus capacity available will allow improved 'shoulder period' service levels to be achieved elsewhere, where passenger demand is higher. Any changes to be introduced will reflect the results of the consultation for the Easter timetable with both the public and businesses, which closed on 1 March 2013. A timetable is at present being compiled on the basis of the comments received for approval and publication later in March.

While the 2013 Easter timetable will only operate for eight weeks, it is intended that the elevated 'shoulder period' services provided during this period will become the future norm for a new improved Island winter service. This will mean for the first time all core routes will have

meaningful services throughout the year, including Sundays, to the benefit of resident and visitor alike.

**2.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE PROVISION OF A DETAILED CHRONOLOGY OF ALL NEGOTIATIONS AND CORRESPONDENCE WITH THE PUBLIC SECTOR UNIONS IN DISPUTE WITH THE STATES OF JERSEY OVER THEIR PAY AND CONDITIONS:**

**Question**

Will the Chief Minister produce, on behalf of the States Employment Board, a detailed chronology of all negotiations and correspondence with the Public Sector unions in dispute with the States of Jersey over their pay and conditions, setting out all offers, counter offers, clarifications and so on, in order that members can objectively assess the true position of the negotiations?

**Answer**

Given the time available to answer this question, the information in the table below focuses on the main meetings and correspondence in chronological order between the Employer and Public Sector unions/associations during the 2012/2013/2014 pay review to date.

Date	Description of Activity
13th Oct 2011	Manual Workers' claim: 1 year deal at £30 consolidated/ week/employee with effect 1st Jan 2012. Existing terms and conditions of service to continue.
21st Oct 2011	Civil Service claim: 1 year deal at 5.4% with effect 1st Jan 2012.
4th Nov 2011	Meeting with Manual Workers to clarify pay claim.
7th Nov 2011	Head Teachers' claim: 1 year deal at September RPI plus restructuring of the Leadership Spine.
5th Nov 2011	Jersey Fire and Rescue Service Association pay claim. 1 year deal at 7.5% with effect 1st Jan 2012, plus 1 day annual leave.
15th Nov 2011	States of Jersey Police Association claim: 1 year deal at 2.5% with effect 1st Jan 2012 and a reduction in working week of 30 minutes.
20th Nov 2011	Meeting with Civil Service Staff Side re: clarification of claim and discuss background to negotiations.
29th Nov 2011	Teachers pay claim: 1 year deal at 5.4% with effect 1st Jan 2012.
1st Dec 2011	Letter from Civil Service Staff Side to the Employer providing supporting information for claim.
14th Dec 2011	Employer's letter to Jersey Prison Service Association re: pay review and confirmation of Agreement with Prison Officers for 2011-2015 including new pay structure and modernisation agreement. (Confirmed by JPSA 15th Dec 2011).
<b>10th Jan 2012</b>	<b>SEB Meeting: To determine Public Sector Pay Negotiation Strategy.</b>
15th Jan 2012	Nurses and Midwives' pay claim: 3 year deal at Sept RPI plus 1% for each year with effect 1st Jan 2012.
18th Jan 2012	Meeting of Corporate Management Board to discuss Employer's approach to



	pay review.
27th Jan 2012	Jersey Fire and Rescue Service Association seeking a meeting with the Employer.
27th Jan 2012	Employer's letter to States of Jersey Police Association re: specified allowances.
30th Jan 2012	Meeting with Civil Service Staff Side re: pay review.
2nd Feb 2012	Meeting with Manual Workers re: pay review.
<b>7th Feb 2012</b>	<b><u>SEB Meeting: Public Sector pay review update.</u></b>
8th Feb 2012	Employer's letter to Manual Workers re: pay review.
8th Feb 2012	Employer's letter to Civil Service Staff Side re: pay review.
9th Feb 2012	Meeting with Jersey Fire and Rescue Service Association to discuss their pay claim.
9th Feb 2012	Jersey Prison Service Association claim for Senior Prison Officers/Unit Managers: 1 year deal at 5.4% with effect 1st Jan 2012 plus Hay evaluation of jobs.
16th Feb 2012	Meeting with Civil Service Staff Side re: pay review.
20th Feb 2012	Meeting with Head Teachers re: pay review.
21st Feb 2012	Meeting with Manual Workers re: pay review and set out the Employer's position.
23rd Feb 2012	Meeting with Teachers re: pay review.
27th Feb 2012	Employer's offer to Manual Workers (2012 – 0% unless savings/increases in efficiency can be realised; 2013 – 0% unless savings/increases in efficiency can be realised; 2014 – 2.5% with effect 1st Jan 2014 subject to development of a modernisation agreement).
27th Feb 2012	Employer's offer to Civil Service Staff Side (2012 – 0% unless savings/increases in efficiency can be realised; 2013 – 0% unless savings/increases in efficiency can be realised; 2014 – 2.5% with effect 1st Jan 2014 subject to development of a modernisation agreement).
1st Mar 2012	Letter from Civil Service Staff Side re: Employer's offer dated 8th Feb 2012. Meeting with Civil Service Staff Side re: pay review.
2nd Mar 2012	Employer's offer letter to all pay groups (2012 – 0% unless savings/increases in efficiency can be realised; 2013 – 0% unless savings/increases in efficiency can be realised; 2014 – 2.5% with effect 1st Jan 2014 subject to development of a modernisation agreement).
<b>5th Mar 2012</b>	<b><u>SEB Meeting: Public Sector pay review update. Maintain Employer's offer. Agree Terms of Reference for Nurses and Midwives' equal pay review project.</u></b>
6th Mar 2012	Meeting with States of Jersey Police Association re: pay review.
7th Mar 2012	Employer's letter to Jersey Fire and Rescue Service Association re: pay claim and general approach of the Employer.
8th Mar 2012	Employer's letter to Jersey Fire and Rescue Service Association re: RPI figures.
8th Mar 2012	Meeting with Manual Workers re: pay review.
9th Mar 2012	Employer's letter to Teachers re: pay review.
14th Mar 2012	Employer's letter to Head Teachers re: pay review.
19th Mar 2012	Letter from Teachers re: pay review.
<b>19th Mar 2012</b>	<b><u>SEB Meeting: Public Sector pay review update</u></b>
20th Mar 2012	Meeting with Jersey Prison Service Association re: Senior Prison Officers/Unit Managers pay review and specified allowances.

22nd Mar 2012	Letter from Nurses and Midwives re: pay review
23rd Mar 2012	Employer letter to States of Jersey Police Association re: pay review, specified allowances and workforce modernisation.
23rd Mar 2012	Employer's letter to Civil Service Staff Side re: funding of award in 2012/2013.
23rd Mar 2012	Meeting with Teachers re: pay review.
26th Mar 2012	Letter from Head Teachers re: pay review.
27th Mar 2012	Employer's letter to Jersey Prison Service Association re: RPI figures. Employer's letter to Jersey Prison Service Association re: Senior Prison Officers/Unit Managers pay review setting out the Employer's approach.
28th Mar 2012	Meeting with Head Teachers re: pay review. Letter from Head Teachers re: responses from members concerning lunchtime supervision.
29th Mar 2012	Jersey Fire and Rescue Service Association response to Employer's letter dated 7th Mar 2012. Amended claim – 1 year period of 4% with effect 1st Jan 2012.
30th Mar 2012	Letter from States of Jersey Police Association re: pay review.
3rd Apr 2012	Meeting with Manual Worker's re: pay review.
3rd Apr 2012	Letter from Teachers re: financial queries in relation to Public Sector pay review.
5th Apr 2012	Meeting with Nurses and Midwives re: pay review.
11th Apr 2012	<b><u>SEB Meeting: Public Sector pay review update plus agreement to increase the Employer's offer (2012 – 0% plus guarantee of no compulsory redundancies plus no changes to major terms and conditions of services; 2013 – 1% non-consolidated; 2014 – 3% consolidated pay award in return for a modernisation agreement).</u></b>
12th Apr 2012	Employer's letter to Teachers confirming the forwarding of their letter dated 3rd Apr 2012 to the Treasury Dept.
23rd Apr 2012	Treasurer's briefing to all Public Sector pay groups.
30th Apr 2012	Meeting with all Public Sector pay groups re: the Treasurer's briefing and way forward for negotiations.
2nd May 2012	Employer's offer letter to all pay groups (2012 – 0% plus a guarantee of no compulsory redundancies for 2012 plus a guarantee of no reductions in main terms and conditions of services; 2013 – 1% non-consolidated; 2014 – 3% in return for modernisation agreement).
11th May 2012	Meeting with Nurses and Midwives re: pay review
14th May 2012	Letter from pay groups to Employer (excluding Police) stating they could not recommend acceptance of offer (2nd May 2012) to membership but wish to pursue further talks.
14th May 2012	<b><u>SEB Meeting: Public Sector pay review update and way forward</u></b>
20th May 2012	Letter from States of Jersey Police Association with revised claim.
21st May 2012	Employer's letter to all pay groups letter dated 14th May 2012 outlining main issues of concern to the Employer.
22nd May 2012	Meeting with Teachers re: pay review.
24th May 2012	Meeting with Head Teachers re: pay review.
28th May 2012	<b><u>SEB Meeting: Public Sector pay review update</u></b>
1st Jun 2012	Employer's letter to Jersey Fire and Rescue Service Association re: specified allowances.
1st Jun 2012	Employer's letter to States of Jersey Police Association re: specified

	allowances.
7th Jun 2012	Meeting with States of Jersey Police Association re: Public Sector pay review.
12th Jun 2012	Employer's letter to Teachers re: pay review and media statement.
13th Jun 2012	Letter from Teachers re: pay review and media statement.
<b>19th Jun 2012</b>	<b><u>SEB Meeting: Public Sector pay review update</u></b>
27th Jun 2012	Employer's letter to States of Jersey Police Association re: understanding of final offer.
28th Jun 2012	Meeting with Jersey Fire and Rescue Service Association re: pay review and specified allowances.
<b>28th Jun 2012</b>	<b><u>SEB Meeting: Public Sector pay review update</u></b>
2nd Jul 2012	Meeting with Civil Service Staff Side re: pay review.
<b>3rd Jul 2012</b>	<b><u>SEB Meeting: Public Sector pay review update</u></b>
9th Jul 2012	Meeting with States of Jersey Police Association re: Employer's final offer.
10th Jul 2012	Meeting of all Public Sector pay groups and Chief Executive Officer to discuss Public Sector pay review.
11th Jul 2012	<b><u>Paper to SEB: Public Sector pay review update and confirmation of Employer's final offer</u></b> (2012 – 1% non-consolidated; 2013 – 1% consolidated pay award and 1% non-consolidated pay award; 2014 – 4% consolidated in return for modernisation agreement).
11th Jul 2012	Employer's letter to States of Jersey Police Association re: final offer.
12th Jul 2012	Employer's final offer to all Public Sector pay groups (2012 – 1% non-consolidated; 2013 – 1% consolidated and 1% non-consolidated; 2014 – 4% in return for modernisation agreement). The Employer reaffirmed its intent to remove telephone rental allowance and reduce mileage allowance and clarify its application.
13th Jul 2012	Statement from Chief Ministers' Department given to all Public Sector pay groups re: the Employer's final offer. Letter to all staff from the Chief Executive outlining rationale for the Employer's final offer with questions and answers.
13th Jul 2012	Formal signing of States of Jersey Police Association Agreement for 2012/2013/2014 in line with Employer's generic final offer.
20th Jul 2012	Meeting with Jersey Fire and Rescue Service Association re: pay review and specified allowances.
23rd Jul 2012	Letter from Jersey Fire and Rescue Service Association rejecting the Employer's offer.
<b>23rd Jul 2012</b>	<b><u>SEB Meeting: Public Sector pay review update</u></b>
24th Jul 2012	Letter from Nurses and Midwives re: pay review.
8th Aug 2012	Meeting with Nurses and Midwives re: equal pay project.
9th Aug 2012	Meeting with Jersey Fire and Rescue Service Association re: pay review, specified allowances and proposed new pay structure.
9th Aug 2012	Meeting with Civil Service Staff Side re: the Employer's final offer.
13th Aug 2012	Letter to Civil Service Staff Side re: pay review and modernisation.
14th Aug 2012	Meeting to Civil Service Staff Side re: pay review and specified allowances.
17th Aug 2012	Meeting with Manual Workers re: Manual Workers response to final offer.
28th Aug 2012	Employer's letter to all pay groups re: pay review.
28th Aug 2012	Employer's letter to Civil Service Staff Side re: Employer's final offer.
29th Aug 2012	Employer's letter to Nurses and Midwives re: proposed way forward for equal pay project.

3rd Sept 2012	Meeting with Manual Workers re: closure of pay review.
3rd Sept 2012	Letter from Head Teachers re: pay review.
<b>4th Sept 2012</b>	<b><u>SEB Meeting: Public Sector pay review update</u></b>
5th Sept 2012	Employer's letter to Manual Workers re: workforce modernisation. Employer's letter to Manual Worker's re: specified allowances and a guarantee of no compulsory redundancies for the duration of the agreement. Also included an alternative award for 2012 of £400 lump sum to all employees (instead of 1%).
10th Sept 2012	Meeting with Civil Service Staff Side re: Employer's final offer, specified allowances, workforce modernisation and a guarantee of no compulsory redundancies for the duration of the agreement.
12th Sept 2012	Meeting with Jersey Fire and Rescue Service Association re: pay review, specified allowances and proposed new pay structure.
12th Sept 2012	Letter from Teachers to Chief Executive re: revision of pay claim.
12th Sept 2012	Meeting with Nurses and Midwives re: pay review.
13th Sept 2012	Employer's letter to Jersey Fire and Rescue Service Association re: proposed firefighter career progression framework.
13th Sept 2012	Employer's letter to Civil Service Staff Side re: confirmation of the Employer's final offer.
13th Sept 2012	Meeting with Teachers re: Employer's final offer.
<b>18th Sept 2012</b>	<b><u>SEB Meeting: Public Sector pay review update and way forward.</u></b>
21st Sept 2012	Letter from Nurses and Midwives re: pay review and rejection of the Employer's final offer.
26th Sept 2012	Meeting with Teachers re: scope for modernisation.
27th Sept 2012	Letter from Civil Service Staff Side re: pay review and allowances.
27th Sept 2012	Meeting with Jersey Prison Service Association re: senior Prison Officers/Unit Managers pay review. Letter from Jersey Prison Service Association re: potential new pay structure for Senior Prison Officers/Unit Managers.
3rd Oct 2012	Meeting with Nurses and Midwives re: pay review.
5th Oct 2012	Meeting with Head Teachers re: pay review.
11th Oct 2012	Employer's letter to Civil Service Staff Side re: pay review including mileage and application of award.
12th Oct 2012	Letter from Jersey Nursing Association to Chief Minister re: concerns over Nursing pay.
15th Oct 2012	Letter from Jersey Fire and Rescue Service Association re: proposed new pay structure.
16th Oct 2012	Meeting with Teachers re: Public Sector pay review.
<b>18th Oct 2012</b>	<b><u>SEB Meeting: Nurses and Midwives' pay review update</u></b>
19th Oct 2012	Chief Minister's letter to Jersey Nursing Association re: Jersey Nursing Association's concerns. Letter from Nurses and Midwives to Chief Minister re: pay review.
25th Oct 2012	Meeting with Jersey Fire and Rescue Service Association re: proposed new pay structure and specified allowances.
19th Oct 2012	Letter from Manual Worker's to Employer rejecting the Employer's offer dated 5th Sept 2012.
29th Oct 2012	Chief Minister's letter to Nurses and Midwives re: pay review.
8th Nov 2012	Chief Executive Officer's letter to all Public Sector staff and all Public Sector pay groups setting out rationale for the final offer.

8th Nov 2012	Employer's offer to Manual Workers re: pay review and workforce modernisation.
12th Nov 2012	Letter from Head Teachers revising their pay claim.
14th Nov 2012	Employer's letter to Head Teachers re: pay review.
19th Nov 2012	Letter from Head Teachers confirming their intention to put the Employer's final offer to members with a recommendation for rejection.
19th Nov 2012	Employer's letter to Teachers re: pay review.
21st Nov 2012	Civil Service ballot result rejecting the Employer's final offer (322 against and 315 for the Employer's final offer).
26th Nov 2012	Meeting with Civil Service Staff Side re: pay review.
<b>27th Nov 2012</b>	<b><u>SEB Meeting: Public Sector pay review update and way forward and Nurses and Midwives' pay review.</u></b>
27th Nov 2012	Letter from Civil Service Staff Side confirming ballot result and rejection of the Employer's final offer.
30th Nov 2012	Letter from Civil Service Staff Side to Chief Minister re: ballot result and seeking meeting.
30th Nov 2012	Letter from Teachers expressing concern over mileage allowance.
4th Dec 2012	Meeting of all Public Sector pay groups re: Employer's position with regards to the Public Sector pay review and proposed implementation of Employer's final offer.
4th Dec 2012	Communication from the Chief Executive Officer to all staff and all Public Sector pay groups concerning the rationale behind the implementation of the Employer's final offer.
4th Dec 2012	Following the support of the Council of Minister's, the Chief Minister gave statement to the States Assembly concerning the implementation of the Employer's final offer.
4th Dec 2012	Letter from NASUWT (one of three Teacher Unions) to the Chief Minister notifying him of the intention to seek the assistance of JACs.
4th Dec 2012	Meeting with Nurses and Midwives re: pay review.
7th Dec 2012	Meeting with Jersey Fire and Rescue Service Association re: proposed new pay structure.
10th Dec 2012	Letter from Civil Service Staff Side to Chief Minister seeking independent and binding arbitration. Letter from Civil Service Staff Side to Chief Executive re: pay review and seeking meeting with Chief Executive.
10th Dec 2012	Meeting with Jersey Prison Service Association re: proposed package agreement.
10th Dec 2012	Letter from NUT (one of three Teacher Unions) notifying of the intention to declare a dispute.
10th Dec 2012	Employer's letter to Nurses and Midwives re: revised pay offer (2012 – 1% non-consolidated; 2013 – 3% consolidated; 2014 – 4% consolidated plus guarantee of no compulsory redundancies for the duration of the agreement and removal/alteration of specified allowances).
11th Dec 2012	Letter from Head Teachers re: concern at implementation of Employer's final offer.
12th Dec 2012	Manual Workers' letter to the Employer re: implementation of the Employer's final offer and declaration of a dispute.
12th Dec 2012	Letter from NUT (one of three Teacher Unions) to Chief Minister declaring dispute with Employer and the intention to seek assistance via JACs.

13th Dec 2012	Meeting with Nurses and Midwives re: pay review.
14th Dec 2012	<b>Paper to SEB: Jersey Fire and Rescue Service Association 2012 pay review and proposed new pay structure.</b>
14th Dec 2012	Letter from Chief Executive to Civil Service Staff Side re: pay review.
17th Dec 2012	Letter from Chief Executive to Manual Workers re: pay review.
<b>18th Dec 2012</b>	<b>SEB Meeting: Public Sector pay review update and Jersey Fire and Rescue Service Association proposed pay structure.</b>
19th Dec 2012	Letter from Jersey Nursing Association re: implementation of the Employer's offer and notice of a collective dispute with SEB.
20th Dec 2012	Letter from Manual Workers via Viberts Jersey Lawyers to Chief Executive re: implementation of Employer's final offer.
20th Dec 2012	Letter from Royal College of Nursing re: implementation of the Employer's final offer.
21st Dec 2012	Letter from Royal College of Nursing to Chief Minister with invite to meeting of the membership on 24th Jan 2013.
24th Dec 2012	Letter from Manual Workers via Viberts Jersey Lawyers to Chief Executive re: pay review.
2nd Jan 2013	Letter from Manual Workers via Viberts Jersey Lawyers to Chief Executive re: Employer's final offer.
8th Jan 2013	Employer's letter to Jersey Fire and Rescue Service Association re: final offer.
9th Jan 2013	Meeting with Jersey Fire and Rescue Service Association re: new pay structure, specified allowances and pay review.
11th Jan 2013	Chief Executive's response to Manual Workers via Viberts Jersey Lawyers re: letter dated 20th Dec 2012. Chief Executive's response to Manual Workers via Viberts Jersey Lawyers re: letter dated 24th Dec 2012.
21st Jan 2013	Revised final offer to Jersey Fire and Rescue Service Association re: the proposed new pay structure.
21st Jan 2013	Letter from Manual Workers via Viberts Jersey Lawyers to Chief Executive re: final pay offer.
21st Jan 2013	Meeting with Nurses and Midwives re: pay review.
21st Jan 2013	Employer's final offer to Jersey Fire and Rescue Service Association re: proposed new pay structure and removal of specified allowances.
22nd Jan 2013	Meeting with Jersey Fire and Rescue Service Association re: proposed new pay structure.
24th Jan 2013	Letter from Chief Executive to Manual Workers via Viberts Jersey Lawyers in response to letter dated 2nd Jan 2013.
30th Jan 2013	Meeting with Civil Service Staff Side re: pay review and allowances.
<b>31st Jan 2013</b>	<b>SEB Meeting: Public Sector pay review update and proposed final offer for new pay structure for Senior Prison Officers/Unit Managers</b>
31st Jan 2013	Letter from Chief Executive to Manual Workers via Viberts Jersey Lawyers re: letters dated 2nd Jan 2013 and 21st Jan 2013.
1st Feb 2013	Employer's final offer to Jersey Prison Service Association re: proposed new pay structure/modernisation agreement for Senior Prison Officers/Unit Managers.
4th Feb 2013	Meeting with Jersey Prison Service Association re: Senior Prison Officers/Unit Managers proposed 'package' agreement. JPSA will recommend acceptance of Employer's final offer.

<b>21st Feb 2013</b>	<b><u>SEB Meeting: Nurses and Midwives' pay update</u></b>
21st Feb 2013	Employer's letter to Civil Service Staff Side re: pay review including allowances.
26th Feb 2013	Letter from Civil Service Staff Side seeking clarification on criteria for application of 4% pay increase in with effect 1st Jan 2014.

**2.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PUBLIC ACCESS TO THE OPERATIONAL RECORDS OF BELLOZANE:**

**Question**

Would the Minister advise where the information detailing the type of items burnt at Bellozanne and the chimney and flue temperatures can be accessed and, if the records are not accessible to the public, why not?

**Answer**

The Bellozanne Incinerator burns municipal solid waste and commercial waste. The make up of this waste is detailed in the solid waste strategy 2005.

The Transport and Technical Services Department has archived the log sheets for the last 5 years of operation of the Bellozanne Energy from Waste Plant and these records are held at the offices at Bellozanne. The Department will be transferring these records to the Jersey Archive during the second quarter of 2013. In the interim period, should a member of the public require any data about the Bellozanne EfW then they only need contact the Department and Officers will endeavour to provide them with the information that they require.

However, I would like to state that although the Department holds operating data including the temperature of the flue gas at various points within the boilers these temperatures have no relation to the likely dioxin content of the flue gases.

The more relevant temperature which is important from a combustion point of view is the combustion temperature. The waste incineration directive sets out that the combustion temperature must be in excess of 850°C for two seconds. The temperature of the combustion at the flame will be significantly greater than 850°C and the flue gas will cool as it rises up the gas pass. The 'two second' residency temperature will move depending on flue gas flow rate. Therefore this temperature has to be calculated using complex computer calculations. This is a requirement of modern 'WID' (Waste Incineration Directive) plants.

The Bellozanne Incinerator did not have the facility to calculate the 'two second' residency temperature therefore the data recorded cannot accurately be used to determine the 'two second' residency temperature. It is fair to say however, that as Bellozanne did not have any start-up burners, the combustion temperature at start-up and shutdown would not have met the 'two second' residency temperature requirement. The gas cleaning installed at Bellozanne was only designed to remove particulates, so the emissions from Bellozanne would be significantly higher than a modern plant.

The Bellozanne incinerator was not designed to meet the 'WID' standard, and hence would not have met this standard.

**2.26 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING SECURING PUBLIC NETWORKS IN JERSEY FROM CYBER TERRORISM:**

**Question**

Would the Chief Minister advise members what steps, if any, have been taken to secure public networks in Jersey from state sponsored or malicious cyber terrorism?

**Answer**

States of Jersey takes the threat from cyber-attacks as a serious issue and recognises that the States of Jersey may be an attractive target for either a denial of service attack, data theft, website defacement, spamming, or other types of cyber-attacks.

I am sure members will understand that not all security measures can be made public.

Information Services works with specialist security companies to monitor the security market trends. Investment is made into security technology to ensure the appropriate level of protection is in place to prevent such attacks. The security implemented must be balanced against ease of reasonable access for authorised users.

**2.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SCREENING CONDUCTED ON STAFF AND MEMBERS OF THE PUBLIC LIVING AROUND THE BELLOZANNE AREA:**

**Question**

Further to the response given on 19th February 2013, would the Minister give full details of the screening conducted on members of the public living around the Bellozanne area and employees at Bellozanne and advise –

- (a) when the tests were conducted;
- (b) how many people were tested;
- (c) how these people were selected;
- (d) what the results were; and,
- (e) what publicity was given/how were people notified of the results?

**Answer**

In 2006 and 2007 residents close to Bellozanne were offered blood screening for heavy metals i.e. cadmium and lead. This screening was funded by HSSD.

This screening programme was by invitation and all residents who lived in close proximity to the plant were invited to take part. There was no compulsion.

Residents were sent a screening form to be taken by them to a Hospital appointment where a blood sample was taken. The results were referred back directly to the resident and their GP.



3 residents were tested in total and no abnormalities were found.

HSSD does not hold information screening or health surveillance relating to TTS employees.

## **2.28 THE DEPUTY OF ST. PETER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CURRENT LENGTH OF WAITING LISTS TO SEE HOSPITAL CONSULTANTS:**

### **Question**

Further to the response given on 11th December 2012, could the Minister advise of the current length of waiting lists to see hospital consultants, include preliminary lists to get on to waiting lists?

### **Answer**

As explained in the answer to Question 7409 on 19 February 2013, there is a single waiting list per consultant/speciality. There is no separate “preliminary” waiting list with different waiting times attached to it. The waiting time clock starts from the date of receipt of GP’s referral, regardless of whether or not the patient is sent an appointment immediately.

Regrettably, due to operational pressures, HSSD has not been able to verify waiting time information across all medical and surgical specialities within the timeframe for submitting answers to written questions.

As set out in the answer to previous questions HSSD is committed to reducing waiting times and is therefore undertaking a ‘root and branch’ review of waiting list management across all specialities. This will include verification of all waiting times in a manner which is more meaningful to patients (ie. will enable HSSD to provide patients with a more accurate estimate of when their appointment will be, as opposed to a statement related to how long other patients have waited).

As part of this process, HSSD will provide updated information to the Assembly about waiting times across all specialities, and about the scope of the review, at the end of March.

## **3. Oral Questions**

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

Sorry, before we start Oral Questions, Members will be aware that the Minister for Economic Development is out of the Island and his Assistant Ministers are not present either. Under 27(2) of the States of Jersey Law therefore, I would like to designate a Minister for Treasury and Resources and thereby ask him to answer question 2, which Deputy Le Hérissier has tabled under Oral Questions this morning.

### **The Deputy Bailiff:**

All right. That is the only question, Chief Minister, is it, of the Minister for Economic Development?

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

As far as I am aware, Sir, yes.

### **The Deputy Bailiff:**

Right, we come to question time and the first question Deputy Baudains will ask of the Minister for Treasury and Resources.

[9:45]

**3.1 Deputy G.C.L. Baudains of St. Clement of the Minister for Treasury and Resources regarding the progress of the Fort Regent Political Steering Group:**

Further to the publication of the Fort Regent Political Steering Group Interim Report R.134/2011, when will the group report its findings, and will a development plan be presented to the States for debate?

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

Sir, can I ask my Assistant Minister to be rapporteur for the question?

**Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):**

The Steering Group met on 30th November 2012 and agreed that the strategic review of the Fort was the preferred way forward. The Steering Group has instructed officers, with the assistance of the States of Jersey Development Company, to develop an appropriate project plan to engage with the market in conjunction with Education, Sports and Culture Sport Strategy Consultancy Paper that was issued last week. This piece of work is nearing completion and will be considered by the Steering Group at its next meeting, scheduled for 18th March this month. Progress has been made with regard to the number of standalone projects and opportunities at the Fort, and I have previously circulated to Members an update based on the previous Steering Group report R.134/2011. The Fort forms the largest part of the Mont de la Ville regeneration zone, which will be subject to Supplementary Planning Guidance to be developed and issued by the Minister for Planning and Environment. It will be a matter for this Minister as to whether the resulting plan will be brought to this Assembly for debate.

**3.1.1 Deputy G.C.L. Baudains:**

I wonder if the Assistant Minister could advise why the progress has been so slow and whether it has anything to do with the funding issues for the site?

**Deputy E.J. Noel:**

To take the second part of that question first, no it has not been related to funding. Fort Regent is a difficult nut to crack. We have failed to address these situations in previous Assemblies and to be honest I am a bit disappointed myself at the lack of progress over the last 12 months. It has come to light that it is probably down to the fact that the way we try and do this across a large range of departments, and it is no one particular officer's role to address the Fort Regent issues. That is something that is changing in the next 3 months and we will have a dedicated officer whose role will be to drive forward the development of the Fort and to provide a long-term sustainable solution.

**3.1.2 Deputy M. Tadier of St. Brelade:**

Will the Assistant Minister first of all remind us which other States Members are now on the Steering Group?

**Deputy E.J. Noel:**

The Steering Group consists of myself, 2 Members from Education, Sport and Culture, as the political representation.

**3.1.3 Deputy M. Tadier:**

A supplementary: was the Steering Group consulted by the Minister for Transport and Technical Services or the department before plans were unveiled recently for Snow Hill car park and how that might impact on possible access to Fort Regent from Snow Hill, which has been discussed in the past?

**Deputy E.J. Noel:**

I can confirm that I was present at the working group that looked into the possibility of extensions to car parking at Snow Hill, along with other politicians that attended that workshop.

**3.1.4 Deputy M. Tadier:**

Was that in his capacity though as the Steering Group, or did he attend in a different capacity from Property Holdings?

**Deputy E.J. Noel:**

That was in my capacity as ... having delegated responsibility for Property Holdings, and thus Fort Regent.

**3.1.5 Senator L.J. Farnham:**

I wonder if the Assistant Minister would agree that the neglect of Fort Regent over the years is nothing short of a disgrace and especially now, given the straightened economic times we are in, it would be a very good idea to expedite the regeneration proposals; and will he therefore undertake to move this right up the list of his priorities so something can be done with the Fort very soon?

**Deputy E.J. Noel:**

That is exactly why I have instructed officers to rearrange Internal Affairs, to make sure we have a dedicated individual responsible for delivering some solutions for Fort Regent.

**3.2. Deputy R.G. Le Hérissier of St. Saviour of the Minister for Treasury and Resources (designated by the Chief Minister to discharge the functions of the Minister for Economic Development in his absence) regarding the supply of super unleaded fuel to the Island:**

What steps has the Minister taken to ensure an uninterrupted supply of Super Unleaded fuel and what contingency plans, if any, does he have in place should supplies be terminated by the current fuel suppliers?

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

I will do my best to answer this question. I was given 10 minutes' notice, but I have been aware of some background to this. The Deputy will be aware that Economic Development does not have direct authority with regard to maintenance of supply of different types of fuel in Jersey. Members will be aware that there is a related responsibility - wearing my other hat - in relation to Property Holdings, because the Fuel Consortium holds a lease for the Fuel Farm. However, all parties recognise the impact that this decision by the Fuel Consortium will have on a small group of Islanders, as well as Channel Island Motorsport. Officials have facilitated meeting between the Channel Islands Competition and Regulatory Authorities (C.I.C.R.A.), Transport and Technical Services, Property Holdings and fuel suppliers, on the issue. A statement is being issued by the Fuel Consortium, consisting of Rubis and Esso, and a working group consisting of fuel importers, wholesalers and distributors is being set up to support affected consumers and motoring associations. This has been welcomed. All parties have also agreed to work together to support Channel Island Motorsport with a view to arranging one-off imports of higher octane petrol for their events in connection with their health and safety requirements. The fuel companies are also

enquiring about the logistics and costs of supplying Super Unleaded fuel directly to a number of the Islands larger forecourts, thereby avoiding the requirement for storage facilities at La Collette Fuel Farm, which caused the decision to terminate the supply of this particular type of fuel to the Island.

### **3.2.1 Deputy R.G. Le Hérissier:**

I am sure the Minister might now have examined the consortiums arguments in some detail. Is he, as the property landlord, not surprised that 3 tanks are going to be refurbished by the middle of 2013 and by pure chance it appears that the fourth tank - in other words, the contentious tank - is going to take a year to be refurbished. Not only that, when it is refurbished, it will no longer hold Super. Does he not think that is very odd?

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

I am advised that there is a multi-million pound investment underway, going into the tanks at the Fuel Farm, in order to improve the standards and to comply with international post-Buncefield regulations. There is significant investment required in the tanks. It is the tank that is currently holding this type of fuel, the Super unleaded fuel, that is needing to be repaired and the Fuel Consortium made the decision - it seems to me a sensible decision in light of these maintenance requirements - to safeguard the supply of, and the storage of appropriate quantities of fuel, for what is effectively the vast majority of the fuel requirements of Jersey. This is, while important to a minority group of people, obviously a small amount of the total supply in Jersey.

### **3.2.2 Deputy G.C.L. Baudains:**

With the Minister wearing his Economic Development hat, I wonder if he could assist here, because it does seem to me that the fuel companies have been treating their customers with disrespect. It is more an economic issue than a supply issue. Could he tell us why the J.C.R.A. (Jersey Competition Regulatory Authority) has not been more active than they have? I have read the minutes of the meeting of 15th February. Has the Minister read those minutes and is he satisfied with the performance of the J.C.R.A.?

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

I am not sure that I can speak for the Minister for Economic Development, but having been the previous Minister for Economic Development and having set up the J.C.R.A., I have indeed read the minutes and I am satisfied that the J.C.R.A. moved into action, putting in the appropriate communication with individuals, facilitated the meeting and are trying their best. However, this is an issue which is clearly falling in between a number of stools. The J.C.R.A. does not in itself have the ability - as far as I understand them to be - to require the Fuel Consortium to deliver this type of fuel. Neither is there currently a service level agreement between the States and the fuel companies to supply this type of fuel. I can inform Members that with regard to new lease for the Fuel Farm - the original lease was signed in 2007. It expires at the end of 2016 - we had a discussion at the Treasury yesterday, at the extent to which we would be working with Economic Development, and other interested government departments, and the J.C.R.A., to see whether or not it is appropriate - and I cannot promise it - to put in place service level agreement in any discussions with a new Fuel Farm lease which is under discussion and would commence in 2016.

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

Notwithstanding those meetings and the J.C.R.A. involvement, is the Minister satisfied in regard to the period of notice that the fuel companies have given for the withdrawal of Super Unleaded fuel? Is he satisfied that the public of the Island have had enough notice?

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

I think that is a very good question. Clearly the notice period that was given was not very long but I really cannot comment as to whether or not that was right in the circumstances, given what I am advised are issues in terms of important maintenance that are happening in relation to the fuel storage tanks. I understand there is a further meeting which a number of Members have been invited to, of which then Members individually will have the opportunity of asking and putting those points to the fuel companies, and they will make their own minds up about whether or not their behaviour has been unreasonable.

#### **3.2.4 Connétable P.J. Rondel of St. John:**

Given the multi-million pound investments that are required, some years ago, the Minister may recall, when we had the committee system we used to meet regularly in France, and it was floated at that time that the French authorities in Normandy were quite keen for us to have a fuel farm, or similar, over in France and a pipeline to Jersey. Has that been explored in recent times, given that it would be advantageous to us? It would free up our land and have an oil line and gas line over to the Island.

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

There are many Members of which the Connétable of St. John is one, who look back at the committee system with rose-tinted spectacles. There were perhaps many opportunities to discuss. The fact is, that I would remind the Connétable - and I am happy to forward him the report - the Minister for Planning and Environment is currently consulting on an energy policy. A White Paper was, I think, distributed to Members of which energy supply and energy security is a part. My own reading of that report, and the conclusions, is that a pipeline - a gas pipeline - is not affordable. It has been put forward as a suggestion, but I do not think it is affordable. I understand that there have been suggestions of a fuel pipeline too, but I just do not think that they are realistic given the market size of Jersey. But, I am happy that Planning and Environment can update the Connétable as to whether or not those things are realistic. I think it is important that we do not raise expectations on things that are simply not deliverable because of the unfortunate cost relative to the size of the Jersey market. I know he is not going to be delighted about that but I am sorry.

#### **3.2.5 The Connétable of St. John:**

Supplementary? If the Minister can find millions of pounds to be wasted on Gigabit Jersey - as we have seen in the last few weeks - could he not look again in earnest at what I have said, because there was some positive work done at the turn of the century, whether it was under the old system or under the new system? Because whilst the Minister may not like to look back and see what was done successfully, possibly it is time he started looking in the past to see what he could bring forward to the future?

[10:00]

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

I recall a meeting held last week when we were discussing the airport, and the Connétable suggested we should be following Madeira in relation to a 200-metre extension to the airport. I researched that and found out that the cost of any 200-metre extension, quite apart from having problems with the Connétable of St. Peter and his Parish church, would cost 300 million Euros. Sometimes these things are good in aspiration but we just simply cannot deliver. So I dismiss and do not accept the unfair and unjustified comments about the important investment in infrastructure in regards to Gigabit Jersey. I absolutely want to invest in infrastructure, but it has to be cost-effective and efficient and I am happy to debate the issues with the Connétable.

#### **3.2.6 Senator L.J. Farnham:**

The Minister partially answered the question, when he stated that a new lease was about to be issued. Would he not agree, given what he said, that it is a good opportunity now to attach a schedule or service level agreement to this? Will he try hard to do that, because the distribution of fuel is such a key product for the Island? Secondly, one final small question on the end of that. I have been informed by an officer of the Economic Development Department that it is perhaps possible that Super Unleaded fuel, as it is known, is likely to be phased out worldwide over the next few years. Could he just comment on that, please?

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

The answer to the first question is “Yes”. Secondly, I am afraid I cannot be described as being a “petrol head” and I do not understand the extent to which there is ... but I do understand that there are changes in the fuel market, notably the rise of ethanol and other organic-based fuels that is an issue. These are issues which can be discussed at the meeting which is going to be held, I think, on 8th March, where Members can ask the fuel companies effectively what the evolution of different fuels are. I hope I have been at least partially successful in answering something that is not within my portfolio?

**3.2.7 Deputy R.G. Le Hérisier:**

Just to remind the Minister of Operation Neptune in World War 2 where the British ran a pipeline - within months it was built - from Dorset to the French Coast, to bring fuel. If I may carry on, could the Minister comment on the fact that the number of vehicles identified - 2,500 - is a gross possible underestimate, simply because it is based on an average mileage in Jersey, whereas most of those vehicles, or a lot of them, will be classic cars doing very low mileage? Secondly, would he not acknowledge that all vehicles using Premium fuel could indeed use Super fuel, whereas the opposite does not apply? So, in other words, had the priority been on keeping a Super source of supply, it could have been much more useful to a much broader range of motorists? Thank you.

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

I am not going to try and be an expert on different types of fuel. The fact is, is that what I can say is that E.D. (Economic Development) have worked well in order to bring the consumer groups... there has been a lot of email traffic, there have been a lot of representations made. I think the fuel consortiums are well aware of the problems and the answer that I gave some moments ago is that there are alternative ways of finding solutions for this particular group of motorists - whether or not it has been underestimated or overestimated, it is still a small percentage of the overall fuel in Jersey. Alternative arrangements are being attended to and I wish that E.D. and the officials and Property Holdings will work with other interested parties in order to try and find a solution for this particular issue.

**The Deputy Bailiff:**

During the course of the Minister for Treasury and Resources answering the last questions, a telephone went off and the Connétable of St. Saviour coincidentally it appears left at the same time. Were those connected?

**Deputy E.J. Noel:**

Sir, I can vouch for the Connétable. It was the Deputy of St. John’s phone.

**Connétable S.W. Rennard of St. Saviour:**

I came to my colleague’s rescue, Sir.

**The Deputy Bailiff:**

Very well. I am not sure if that means you are going to pay the fine for him. [Laughter]

**The Connétable of St. Saviour:**

Definitely not, Sir.

**The Deputy Bailiff:**

The Greffier will note that the Deputy of St. John is due to pay a fine.

**3.3 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the legal costs of the Historic Child Abuse Redress Scheme:**

Will the Chief Minister detail how much money to date Mourant Ozannes have been paid for handling the Historic Child Abuse Redress Scheme and how much in total to date has been paid out to abuse victims?

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

The Historic Child Abuse Redress Scheme is progressing well. It is my intention to provide Members with all the expenditure details at the conclusion of the scheme. The scheme is ongoing and figures released now would be unrepresentative of the scheme as a whole.

**3.3.1 Deputy M.R. Higgins:**

Obviously the Chief Minister does not want to tell us because the fees going to Mourant Ozannes are well in excess of what abuse victims are getting and there is no doubt at the end of this scheme the only winners, and I do not really like to talk about winners and losers, but the people who are going to be rewarded the most are going to be Mourant Ozannes and the other lawyers involved in this case. The abuse victims are being paid a pittance. Does the Chief Minister not agree?

**Senator I.J. Gorst:**

I do not agree with the last statement but the Deputy is quite right. Ministers recognised at the start of this scheme that the bands and the amounts payable to victims were consulted upon and expert advice was received from U.K. (United Kingdom) Q.C.s (Queen's Counsel) but Ministers were always aware that there would be a requirement for independent lawyers to administer the scheme on behalf of government, that is Mourant Ozannes, and as the Deputy knows, legal fees in Jersey are adequate to say the least. The scheme also allows for the payment of the legal fees for those legal advisers to the individual claimants.

**3.3.2 Deputy T.M. Pitman of St. Helier:**

Just to echo the previous point, would it not be a great opportunity for the Chief Minister to send a message by appealing to the legal firm to work for free? Would that not send a good message that these people are really important and Jersey takes its responsibilities seriously? Does the Chief Minister not agree? A great chance for the legal industry to not be accused of just being a moneymaking gravy train.

**Senator I.J. Gorst:**

I would not agree with that either. I am extremely grateful for the work that Mourant Ozannes and the partners and lawyers involved in administering the scheme have done on our behalf. They have a very difficult task, they have to act impartially, and we should not underestimate what that means to them and I believe, and I have said it publicly before, that we should be grateful to them for undertaking this work. Of course, we should pay their fees as we will be paying the fees of the legal advice to the individual claimants. It is right that they take legal advice and have help themselves with regard to their claims.

**3.3.3 Deputy M. Tadier:**

Will the Chief Minister explain what other experts, for example, psychiatrists who may be called upon to provide background reports are being called on as part of the redress scheme and whether those costs will be included in the final report?

**Senator I.J. Gorst:**

That is absolutely right. The costs of the scheme will be disclosed. They will be broken down obviously into legal fees and other costs incurred in the scheme. Be in no doubt that the Council of Ministers are well aware that this scheme will cost millions of pounds but we still believe it is the right thing to do.

**3.3.4 Deputy M. Tadier:**

Does the Chief Minister anticipate at this point that the legal and professional fees will far exceed the amount of compensation being paid out to those victims under the scheme?

**Senator I.J. Gorst:**

It is difficult to say that they will far exceed but do not forget that for each claimant there will be the legal fees of the lawyers administering the scheme on behalf of Government and also the legal fees of the individual advice. We do not know exactly what that relationship will be. We will be aware of it once the scheme is completed and that is made public but one may suggest, from looking at these simple numbers, it might be 2 to one but it is too early to say.

**3.3.5 Deputy M.R. Higgins:**

Did the Chief Minister negotiate with Mourant Ozannes the contract and did he cap their fees and also is he prepared to publish the interactions given to Mourant Ozannes in handling the claims?

**Senator I.J. Gorst:**

The Deputy asks me a question to which I do not have the information to hand. Of course fees were negotiated, as you would expect, but I do not have a copy of any written instructions in front of me because I am not sure that is quite how the scheme came into being so I would have to inquire further. I am not sure it is quite that straightforward.

**3.3.6 Deputy M.R. Higgins:**

Could the Chief Minister say whether he capped the level of fees? When he negotiated them, did he put an upper limit as to what Mourant Ozannes could get?

**Senator I.J. Gorst:**

It is a number of months since this work was undertaken, in actual fact by the previous Council of Ministers. They were the ones that instructed Mourant Ozannes to administer the scheme. I do not recall that there was a cap but, as I say, it is a number of months ago.

**3.4 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the recent resignation of middle grade doctors:**

Would the Minister confirm whether 4 of the 8 middle grade doctors employed in the hospital have left during the past month or so as reported at a recent Scrutiny hearing by one of the medical directors. If so, can the Minister explain why this happened, what notice the doctors gave, and what immediate action was taken to address the vacancies?

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

For clarification, 4 middle grade doctors have not left in the past month; 2 have left in the last month, having resigned in the last 4 months; 2 different middle grade doctors resigned last month



but are still serving out their notice period. Action taken includes implementing a timely recruitment process with one vacant post already recruited to and arranging locum cover to ensure continuity of service. The answer to question 7488, which sets out which middle grades have left or resigned since December 2012, also sets out the reasons for leaving, which include promotion, family or personal reasons.

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

I am referring to the answers given to a written question submitted by Deputy Southern. I note that one of the posts that were advertised has been filled but apparently the successful applicant will not take the post up until August 2013. I am curious, because I do not think this question was answered, as to how much notice was given by the 2 doctors who left for personal reasons. It seems to me that applicants coming from the U.K. have to give their U.K. post 6 months' notice but does that happen in reverse?

#### **The Deputy of Trinity:**

All Health and Social Services doctors, in line with all other medical posts, provide a minimum of 3 months' notice on resignation. While the recruitment process starts immediately, it takes a minimum of 10 weeks plus the notice period that the incoming candidate must serve, which also depends on their training commitments where they are.

#### **3.4.2 The Connétable of St. John:**

Of the locum cover, is the remuneration higher than that of middle grade doctors and, if so, by how much? How many locums has the Minister got within the hospital at this time?

#### **The Deputy of Trinity:**

I have not got the exact figure of how many locums we have got but the locums are a fact of life of a hospital because we always have to account for sickness or going to have some training or continuing with our continuous professional development. To make sure there is continuity of service we will always have to rely on locums, but the number of locums, I know, has dropped over the last couple of years especially, but I do not have the number of actual locums at the moment.

#### **3.4.3 The Connétable of St. John:**

The answer was not sufficient because I asked if the locums' remuneration was higher than that of middle grade doctors and if so, by how much?

#### **The Deputy of Trinity:**

I do not have the exact figure of how much but I would presume it would be higher.

#### **3.4.4 Senator S.C. Ferguson:**

The General Medical Council paid a surprise visit to the Island because of the number of concerns being raised. What comments did they make on this significant number of resignations?

#### **The Deputy of Trinity:**

To put the resignations in perspective, we have 54 middle grade doctors working within the hospital and, as you see, some have gone to promotion to the U.K. That should be kind of applauded that within this small busy hospital we have enough experience so that the middle grades can go on to be promoted and some go because of family reasons. I wish none would go but that is a part of life that we have to contend with. Regarding the G.M.C. (General Medical Council), I have not seen that report as yet.

[10:15]

### **3.4.5 Deputy G.P. Southern of St. Helier:**

It is interesting that the number should be 54 when the answer to question 7488 lists 11 vacancies, recent leavers or about to leave, and 8 locums in place. Does the Minister consider it a healthy situation to be working with 20 per cent of your staffing requirement covered by locums?

#### **The Deputy of Trinity:**

As I said, locums are a fact of life. To help the middle grade doctors too, we have appointed 3 Clinical Fellows, which are like Foundation 3 hosts who assist the middle grade doctors in the undertaking of daily work. Also we are helping middle grade doctors with transferring patients to the U.K. that need to have medical cover. Locums unfortunately are a fact of life.

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

Supplementary, if I may, Sir?

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

The Minister has answered, Deputy. The Minister is also subject to questions without notice shortly and so there will be an opportunity for come back then and I also have other Members wishing to ask questions.

### **3.4.6 Deputy K.L. Moore of St. Peter:**

Does the Minister consider that pay is an issue for middle grade doctors and is her department giving this issue their consideration?

#### **The Deputy of Trinity:**

Pay was an issue a couple of years ago and it was the Locum Negotiations Committee that renegotiated the pay and conditions, if I remember rightly, and so it is there but also you have got to work out that there is a shortage of middle grade doctors too from the U.K.

### **3.4.7 Deputy J.H. Young of St. Brelade:**

The Minister has given the impression that there is not a problem here and all is fine. Could she tell us, has she done any comparative figures of medical staff turnover at other equivalent acute hospitals elsewhere and can she indicate clearly whether or not there are any factors which give her cause for concern and doubt that there is no complacency? Can she confirm that she is not complacent about that?

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

For the purposes of Hansard, Deputy Young is pretending to be Deputy Higgins but not to worry. Minister, would you like to answer the question?

#### **Deputy J.H. Young:**

Sorry, Sir, apologies to the House.

#### **The Deputy of Trinity:**

I am never complacent because it would be nice to think that we had a full quota of consultants, middle grade doctors, nurses and allied health professionals but we have a staff of over 3,000 and there will always be some turnover. That is just a fact of life. We work hard with our middle grade doctors but by the nature of what they do and in a small busy hospital where they gain an awful lot of experience, some of them will just move on to promotion or go back to their home country, having gained a lot of experience. Some will retire when they get to 60 or 65 but I am never complacent because recruitment and retention is an important part of running this hospital.

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

The Minister earlier side-stepped the question from Senator Ferguson regarding the G.M.C. visit by saying she had not seen the report. Will she tell Members what she does know about the G.M.C. visit and what their concerns were, even if she has not read the report? Please fill us in with the background.

#### **The Deputy of Trinity:**

I was aware that the G.M.C. came over. I think it was in relation to part of the revalidation but I do not have all that information.

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

Is the Minister satisfied that her H.R. (Human Resources) Department is dealing with these vacancies in a robust manner?

#### **The Deputy of Trinity:**

Yes, but I can say it is a complex issue because it does take time to employ anybody if they only give 3 months' notice because by the time you have relooked at their job description, gone out to adverts and interviewed and the new applicant gives his or her notice and starts working, providing they have not got any training still left to do or part of their C.B.D. (case-based discussion) to continue, it does unfortunately take longer than 3 months. I wish it did not but unfortunately it does.

### **3.5 Deputy J.H. Young of the Minister for Planning and Environment regarding a Planning Obligation Agreement for Plémont Holiday Village:**

Will the Minister provide an update of his progress towards the required Planning Obligation Agreement for Plémont Holiday Village and advise the Assembly whether, since his reply to my written question of 15th January this year, any issues have emerged or been identified which may cause delay?

#### **Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):**

The Planning Obligation Agreement has been drafted by law officers and is near to completion. The only outstanding item at present relates to the amount of the commuted sum payments for long-term landscape maintenance. I hope to have this resolved in the next few days following which the Planning Obligation Agreement can be signed and the planning permission released. Since Deputy Young's written question of 15th January 2013, nothing has been identified that should cause any further delay in the preparation and completion of the Planning Obligation Agreement.

#### **3.5.1 Deputy J.H. Young:**

Will the Minister confirm that he has not received any written approaches or challenges to either the inspector's report and his decision, including a request to hold back the Planning Obligation Agreement, until those issues are properly addressed?

#### **Deputy R.C. Duhamel:**

I have received a hand-written letter on 30th January from the Council for the Protection of Jersey's Heritage. That letter has been passed on for guidance and legal information in order to write an answer to that organisation and, other than that, no other communications have been received.

#### **3.5.2 Deputy J.H. Young:**

Would the Minister confirm whether that letter from the Council for the Protection of Jersey's Heritage, which I believe to be on 31st January, requested that he exercise his powers under Article 18 of the Planning and Building Law to reopen the planning inquiry in order for the inspector to examine matters which the Council have put forward that require review?

**Deputy R.C. Duhamel:**

It did, among other things, and also suggested that I might come to the conclusion that I was misguided in making the decision as indeed was the planning inspector in writing his report.

**3.5.3 Deputy T.M. Pitman:**

Can I first just commend the Minister for the excellent job he did in sticking to principles when making his decision and could he just inform the Assembly whether he has come under any political pressure to try and make him backtrack on his decision?

**Deputy R.C. Duhamel:**

I am not prepared to comment on that.

**3.5.4 Deputy J.A. Hilton:**

Can the Minister just tell Members whether the transfer of privately owned land to the public will form part of the Planning and Obligations Agreement?

**Deputy R.C. Duhamel:**

It does.

**3.5.5 Deputy J.H. Young:**

Can the Minister confirm that he will be replying to the Council, and in that reply will he take account of the fact that in the U.K. procedures exist for planning inspectors' reports to be reviewed where challenges occur and no such process takes place in Jersey?

**Deputy R.C. Duhamel:**

I will be replying and a letter of reply is being drawn up by my officers as we speak.

**3.6 Deputy G.C.L. Baudains of the Minister for Treasury and Resources regarding the extent of States ownership of property and infrastructure at La Collette:**

Would the Minister advise of the extent of States ownership of property and infrastructure at La Collette, provide details of the lease with the fuel companies and advise whether the lease provides any safeguard for the continued supply of high octane petrol?

**Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):**

I have distributed to Members a plan of the whole area of La Collette that shows the extent of the public land ownership. The network infrastructure at La Collette such as roads, sewers, *et cetera*, is managed by the Transport and Technical Services Department. T.T.S. (Transport and Technical Services) also has ownership of the maintenance responsibility of fire-fighting equipment to the fuel farm. The public does not own any of the fuel farm operational plant or the equipment on the site. The public has a 10-year ground lease with Esso Petroleum Company Limited and La Collette Terminal Limited which expires on 31st January 2016. The current lease does not provide any safeguard for the continued supply of higher octane petrol or any other fuel type. However, I am taking some further advice on this issue with regard to improving the Island's fuel security for the future.

### **3.6.1 Deputy G.C.L. Baudains:**

I believe the lease is between Jersey Property Holdings and La Collette Terminal Limited. I wonder if the Assistant Minister could advise who the owners of La Collette Terminal Limited are, given the current attitude of the fuel companies towards customers.

### **Deputy E.J. Noel:**

The current lease is between Property Holdings and Esso Petroleum Company Limited and La Collette Terminal Limited. I do not know the exact beneficial ownership of both those companies but one could assume that Esso owns one and Rubis owns the other.

### **3.6.2 Deputy R.G. Le Hérissier:**

Would the Assistant Minister not concede that the reason we own the Fuel Farm is because fuel is seen as a strategic issue and the States therefore have a major public interest in ensuring that it flows to the right people? Would he not therefore further accept that the way in which the calculations have been made, e.g., 2,500 cars only needed based on very questionable assumptions, e.g., everyone can go and buy their additives if they are worried, e.g., Premium rather than Super should be supplied, would he not accept that he has to look very seriously at all these assumptions before he rents out the Fuel Farm to quasi-monopoly operators?

### **Deputy E.J. Noel:**

I agree with Deputy Le Hérissier that the security of our fuel supply to the Island is absolutely vital. As I have already mentioned, under the current lease we have no mechanism to enforce continuation of the fuel supply. It just so happens that we are in negotiations with the leaseholders of the site because they want to make a substantial investment in that site. Part of any new lease that will be given we will ensure, either through the lease or through a service level agreement, that we will maintain security of supply of all types of fuel to the Island in the future.

### **3.6.3 Deputy R.G. Le Hérissier:**

Just for clarification, does that mean when the Assistant Minister says “security of supply of all types of fuel” that he will be fighting for Super Unleaded to remain as one of those fuels?

### **Deputy E.J. Noel:**

It means that we will be making sure that Jersey has the fuel that it needs for its economy to operate and for Islanders to live. Fuel types will change at some point in the future. There may be a scenario where nobody uses petrol and everybody uses diesel or *vice versa*. So the fuel supply needs to be appropriate to our needs at the time.

### **3.6.4 Deputy G.C.L. Baudains:**

I wonder if the Assistant Minister could have a chat with his counterpart at Economic Development regarding with whom we have the lease with because I have alternative answers here. According to Economic Development, the lease is with La Collette Terminal Limited, not the 2 fuel companies. Would the Assistant Minister also make available to Members the lease so that we may see what is in the current one and as he is drawing up a fresh lease, would States Members have any input into that?

### **Deputy E.J. Noel:**

With regards to who are the lessees on the actual document; that is quite easy to establish. I am advised that it is those 2 companies. I am happy for Deputy Baudains or any other States Member to make an appointment at Property Holdings to view the actual lease. Obviously I am not going to provide copies of that lease because I am advised that it goes to several hundreds of pages. With regards to future leases, any lease that Property Holdings signs with any operator for land at La

Collette is like any other lease in that it will be subject to Standing Order 168 and the 15-day rule. Therefore States Members will have an opportunity to scrutinise any lease that is signed on behalf of the public.

[10:30]

**3.7 Deputy T.M. Pitman of the Chairman of the Privileges and Procedures Committee regarding revisiting the recommendations made in the Carswell report regarding the dual role of the Bailiff:**

Following the decision in Sark to end the dual role of the Seneschal, what actions, if any, will the committee be taking to revisit the recommendations made in the Carswell Report for Jersey to end the dual roles of the Bailiff?

**Connétable A.S. Crowcroft of St. Helier (Chairman, Privileges and Procedures Committee):**

As I promised the last time this was raised in the States, the Privileges and Procedures Committee considered the subject at our last meeting on 7th February. We agreed to establish a sub-committee to revisit the Carswell recommendations with particular reference to recommendation 2 and the consequent impact on recommendations 3 and 4. The sub-committee consists of myself as Chairman, Deputy Martin of St. Helier and Deputy Tadier. Draft terms of reference for the sub-committee are to be agreed by the full committee imminently and it is intended that the sub-committee will then set about producing draft recommendations and a Green Paper that will invite public comment on various options.

**3.7.1 Deputy T.M. Pitman:**

I thank the Chairman for his answer. I do not know whether the Chairman has read Advocate Sinel's excellent deconstruction of the myth that Jersey's justice system is human rights compliant but of particular interest here is that he highlights how the Jersey system is worse than the recently removed Sark system. Given that insider view, will the Chairman agree to bring those proposals forward to put an end to this archaic situation for debate before the summer recess?

**The Connétable of St. Helier:**

I am not aware of the authority the Deputy mentions but I am happy to read it if he would like to furnish me with a copy. I cannot see much hope of bringing anything forward to the States before the summer recess simply because the sub-committee needs to do its work, consult the public, and then get the approval of the full committee before it can bring anything to this Assembly and I cannot see that happening by the summer recess.

**3.7.2 Deputy M.R. Higgins:**

Could the Chairman tell us what lobbying or meetings he has had with, for example, the Bailiff, the Deputy Bailiff or any of the other officers mentioned in the Carswell Report about retaining their positions?

**The Connétable of St. Helier:**

None whatsoever.

**3.7.3 Deputy M.R. Higgins:**

Will the Chairman publish the previous meetings that took place where the lobbying took place?

**The Connétable of St. Helier:**

I think one of the things that the sub-committee will need to do is to look at what has happened to the Carswell Report, including the in-committee debate and the work done by the previous Privileges and Procedures Committee. We will obviously review what they have done and if and

when we bring the matter back to the States, that kind of information would certainly be contained in it.

**3.7.4 Deputy R.G. Le Hérissier:**

Will the Chairman and his sub-committee be talking to those unlikely democratic reformers, the Barclay brothers?

**The Connétable of St. Helier:**

I am sure we will consult as widely as possible.

**3.7.5 Deputy T.M. Pitman:**

Will the Chairman advise whether he thinks it is necessary to go to the public, and I support going to the public on most things, but is it necessary to go to the public on something that is clearly not human rights compliant and could easily be forced upon us anyway and hopefully will?

**The Connétable of St. Helier:**

I do not think that I implied that we were proposing a referendum, merely that we would be consulting the public and other parties about the options that the sub-committee comes up with, so I do not really think I need to comment on whether the current system is human rights compatible or not. Clearly, I think the matter is worth bringing forward which is why I have formed the sub-committee and we will just have to see whether the committee as a whole and the States as a whole and the public as a whole agree with the concerns that have motivated me.

**3.8 Deputy G.P. Southern of the Chief Minister regarding the process for consultation over the modernisation of terms and conditions for the public sector:**

I draw Members' attention to question 18 in the written questions, which may inform this question. Would the Chief Minister advise whether the process for consultation over the modernisation of terms and conditions for the public sector consists of weekly meetings during working hours and if so, are all the staff representatives given time away from work to attend and to what extent do such meetings constitute formal negotiations?

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

The proposed consultation process involves the ongoing opportunity of staff representatives to contribute to each successive draft of a policy in addition to the attendance of meetings with the employer. In discussion with pay groups, future meetings have recently been rescheduled at different times during working hours on a fortnightly basis to aid the participation of staff representatives. I am committed to ensuring that appropriate facility time is given to employee representatives to attend these meetings and contribute to the policy development process. The meetings are part of a consultation process. Where necessary, especially on contractual matters that require negotiation, extra meetings will be held with pay groups, both collectively and individually.

**3.8.1 Deputy G.P. Southern:**

Is the Chief Minister aware that there are only, I believe, 2 pay groups with full-time and part-time representatives who can regularly attend such meetings and that my information is that some representatives have already been refused permission to attend these meetings? Does he believe meetings for consultation purposes when the consultees cannot attend is an effective and best practice?

**Senator I.J. Gorst:**

I think I already answered that in my opening comments. If the Deputy is aware of specific individuals who are not able to attend, obviously he would not expect me to be able to deal with that across the floor of this Assembly, but if he wishes to let me know who they are, I will ensure that if there is a problem, it is rectified because it is important that these consultation meetings take place.

**3.8.2 Deputy G.P. Southern:**

I do not believe it is a question of individuals. I believe that the majority of reps have been already informed that they cannot attend such meetings on a regular basis. Is the Chief Minister aware of that?

**Senator I.J. Gorst:**

The Chief Minister is aware of what he has just read out, that meetings have been rescheduled at different times to aid the participation of staff representatives. If the Deputy is telling me that that still is not working, then of course we are prepared to relook at it.

**3.8.3 Deputy G.P. Southern:**

Would the Chief Minister inform Members when he expects to hear legal advice as to what is consultation and what is negotiation on terms and conditions because I certainly have looked at the content and I can see at least 7 of these 14 boxes are clearly terms and conditions which are subject to negotiation and must be formally proceeded with, not consultation.

**Senator I.J. Gorst:**

Yes, the Deputy of course picks on a difficult area with regard to the status of policies being contractual and non-contractual and therefore subject to either negotiation or consultation. The Deputy is asking me when another Member of this Assembly's department is going to be able to provide advice. I suspect that he would be far better asking that Member of the Assembly.

**3.8.4 Deputy G.P. Southern:**

Does the Chief Minister consider that what he has set up here is an example of good practice when he has not received the advice as to which of the topics he is attempting to consult on is subject to full negotiation rights and not otherwise? Surely the whole process cannot start until he has received that advice so he knows what is consultation and what is negotiation. Without that, it is meaningless.

**Senator I.J. Gorst:**

I do not agree with the Deputy at all. It surely is right for the employer to consult on all policies and as I said in my opening comments, some of which then will be subject to further negotiation.

**The Deputy Bailiff:**

Very well. We would now be coming on to question 9, but Senator Ferguson, I understand you are withdrawing that question? Very well, we come to question 10 which Deputy Tadier will ask of the Minister for Transport and Technical Services.

**3.9 Deputy M. Tadier of the Minister for Transport and Technical Services regarding the commitments given by one of his predecessors in relation to future bus company staff transfers:**

Does the Minister consider that he has failed in his duty to deliver the commitment given by one of his predecessors, the Environment and Public Services President, on 30th August 2005 to transfer all bus service employees on the same terms and conditions as apply at the date of issue of any



tender documentation in the case of mechanics and cleaning staff transferred from Connex to CT Plus?

**Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):**

As I have previously set out to Members, there was no obligation to deliver the transfer of all staff on the same terms and conditions. On 30th August 2005, the Environment and Public Services President provided Environment and Public Services' response to the 2005 Committee of Inquiry Report. No commitment was given by E. and P.S. (Environment and Public Services) in relation to any future bus service contract to transfer all bus service employees on the same terms and conditions. Environment and Public Services' response explained that following issues arising in relation to the employee terms and conditions, the Connex contract had been amended in this regard. Please see paragraphs 2-4 of my response to written question 7152 tabled on 23rd October 2012 for the full text of clause 18.3 of the Connex contract and information about the same.

**3.9.1 Deputy M. Tadier:**

Does the Minister not agree or will he confirm whether the aforementioned President or even himself as Minister before the transfer gave oral assurances to the staff saying that the terms would be transferred on the same conditions? If so, does he acknowledge that breaking one's word may not be an obligation but it is certainly not particularly good practice?

**Deputy K.C. Lewis:**

The recent transfer of the bus service contract took place in accordance with the terms of the Connex contract. CT Plus, now operating as Liberty Bus, offered employment on the same key terms and conditions to all Connex staff who were eligible to transfer, including in relation to pension, holiday entitlements, healthcare, basic working hours and continuity of service entitlement.

**3.9.2 Deputy G.P. Southern:**

I shall examine the statement made in 2005 by E. and P.S. and ask the Minister to say which bit of this statement is not a commitment: "On expiry of the bus contract, the committee shall", not may, but shall: "require in any tender documentation that the incoming service provider submit proposals that ensure that all of the contractor's staff are taken on by the incoming service provider on the same terms and conditions as apply at the date of the issue of any tender documentation." Which part of that statement is not a commitment to re-engage staff in the bus company on the same terms and conditions and has the Minister not failed to do so?

**Deputy K.C. Lewis:**

That was never part of the contract. Clause 18.3 states that the Minister will use his best endeavours to transfer the staff across. The previous ... yes, go on.

**The Deputy Bailiff:**

The Minister was giving way to you, Deputy.

**Deputy G.P. Southern:**

I shall read the line before then: "Clause 18.3 refers to the consequences of termination ... includes the following conditions." So 18.3 does include the conditions that I just read out.

**Deputy K.C. Lewis:**

That was never part of the contract. Deputy Tadier is referring to the mechanics. As with all staff who were eligible to transfer, Liberty Bus offered mechanics the same key terms and conditions as previously included in relation to pension, holiday entitlements, healthcare, basic working hours

and continuity of service entitlement. In advance of the transfer to a new shift pattern, it was agreed with staff to ensure that the service had mechanical support during operational hours. Liberty Bus increased the mechanics' hourly and overtime rates of pay to above those required by contract. Liberty Bus also included an additional callout rate and for information, one apprentice fitter was promoted as a result of the transfer.

### **3.9.3 Deputy T.M. Pitman:**

Is the Minister aware of concerns that individuals are being forced into a situation where they leave their job or are dismissed because the company can then pick up people from Social Security and the unemployed and make about £7,000 per person? If that is the case, does the Minister think that is satisfactory?

### **Deputy K.C. Lewis:**

Absolutely not. I am not aware of anyone being dismissed for any other reason than as set down in his or her contract.

### **3.9.4 The Connétable of St. John:**

Would the Minister agree or otherwise that the original tender process was flawed? I am going back to when the J.M.T. (Jersey Motor Transport) and other contractors and Connex were tendering. Therefore, that being the case, would it be right to move forward using the same basis as a flawed tender process in any negotiations with the current contractors?

[10:45]

### **Deputy K.C. Lewis:**

The Constable is right. There were areas in the original ... going back how long I am not sure, there was an official inquiry into that and it was decided by everyone concerned that we would use the Connex contract as a basis for the new contract.

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

The Minister has changed the phrase he used since the last time I grilled him about this. He now says key terms and conditions have not been changed. Does that mean that some terms and conditions have been changed?

### **Deputy K.C. Lewis:**

Nothing will be exactly the same. Different companies operate in different ways but the key terms and conditions are exactly the same.

### **3.9.6 Deputy M. Tadier:**

I think Orwell would probably call it exactly the same but completely different in the Minister's doublespeak. Can the Minister emphasise, when he says the same key terms and conditions have been kept, does he mean that simply the titles have been kept? It means that overtime still exists and under the new contract, you will still get overtime even though the overtime will only kick in, for example, at 52 hours rather than 39 hours and the overtime rate will be less not the same, but overtime itself will still exist? Is that what the Minister means when he says key terms and conditions remain the same?

### **Deputy K.C. Lewis:**

It is not exactly the same. Things have changed. Different companies operate in different ways but the basic salaries have been increased.

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

That is misleading the House. He has information that salaries and earnings have substantially reduced for similar hours among the bus staff. That is misleading the House. I cannot believe that was accidental.

**Deputy K.C. Lewis:**

The basic pay has increased.

**3.10 Deputy J.H. Young of the Minister for Transport and Technical Services regarding the frequency of the route 12 day time bus service:**

When the Minister approves the new CT Plus timetable, will he ensure the frequency of the route 12 daytime bus service to the residents of Noirmont, Portelet and Ouaisne is improved or the service at least restored between 10.00 a.m. and 5.00 p.m. each day as provided by the previous operator?

**Deputy K.C. Lewis (The Minister for Transport and Technical Services):**

I should first point out that both the service 12 and service 12a follow the same route between St. Helier, St. Aubin, St. Brelade's Bay, La Moye and Corbière. Service 12 terminates at Corbière and follows the reverse of the above route back towards St. Helier and service 12a extends to L'Etacq before returning to Corbière on to St. Helier. The standard 12 route operates in the early morning, 6.15 a.m. to 9.20 a.m., the evenings 5.00 p.m. to 11.48 p.m. while the extended 12a route forms the daytime service. Since Liberty Bus began operating the public transport network on 2nd January between 10.00 a.m. and 4.50 p.m., all departures on the 12 and 12a have operated exactly the same times as both autumn/winter 2012 timetable and the autumn 2011/spring 2012 timetable under the previous bus operator. Specifically, buses in the westbound direction call at Portelet at 11.37 a.m., 1.37 p.m., 2.37 p.m. and 4.37 p.m. and buses in the eastbound direction call at Portelet at 9.56 a.m., 10.56 a.m., 12.56 p.m., 2.56 p.m. and 3.56 p.m. with an additional journey at 4.16 p.m. Monday to Fridays only. The only change under Liberty Bus has been the way these departures are depicted within their timetable booklets. As service 12 has been separated out from service 12a and printed on different pages, it is possible this mistakenly gives the impression that daytime buses do not operate to Portelet. As the casual reader might look into the service 12 timetable pages, they conclude that there are no buses calling at Portelet between 8.56 a.m. and 5.22 p.m. I understand that Liberty Bus plan to revise the format in the next timetable booklet publication so that all services to Portelet appear on the same page.

**3.10.1 Deputy J.H. Young:**

I thank the Minister for his masterly answer. Is he saying that casual readers of the new timetable - and I am pleased to see Members have got it - particularly those residents who live in that important part of my Parish constituency, have misunderstood? What they are saying is that they used to get a half-hour service and this is important and now they propose to have a 2-hourly service. Is he saying that somehow this has all got confused and they are wrong?

**Deputy K.C. Lewis:**

What I am saying is because it is separated out in their directory, it is misinterpreted. All I can say is turn over the page. [Laughter]

**3.10.2 Deputy J.A. Hilton:**

Does the Minister not think it makes a mockery of the States of Jersey supporting the tourism industry to potentially remove a bus service from the number 20 bus route up at La Pouquelaye or

La Grande Route de Mont a l'Abbe to be precise? Also, what consideration is he going to give to those elderly people who have to walk an additional half mile to catch the bus?

**The Deputy Bailiff:**

Deputy, this is a question about the route 12 bus service to Noirmont, Portelet and Ouasine. That is the thrust of the question. We are not going to open questioning to every bus route on the Island. [Laughter]

**3.10.3 Connétable D.W. Mezbourian of St. Lawrence:**

Notwithstanding that route 12 appears to be travelling west, I have been told by Parishioners that they have been waiting for the service near Millbrook only for it not to appear and I wonder whether the Minister can confirm this and advise what he is doing to rectify it.

**Deputy K.C. Lewis:**

All services are up for discussion at the moment. More meetings are being held and any deficiencies are being rectified as soon as possible. If the Constable would like to contact Liberty Bus, I am sure they would be happy to hear from her.

**3.10.4 Deputy R.G. Le Hérisier:**

Would the Minister not confirm that the times he has read out do not allow for the timely conveyance of Deputy Young's Parishioners to appear before the Planning Applications Panel? [Laughter]

**The Deputy Bailiff:**

Minister, I suppose this is probably not within your scope of expertise. [Laughter]

**Deputy K.C. Lewis:**

I have no idea what time the Planning Applications Panel starts but I am sure we can accommodate them.

**3.10.5 The Connétable of St. John:**

Given the questioner's luck within St. Brelade on route 12 to have had or having a 2-hour service or a half-hour service, is there any chance that route 12 could be redirected to St. John and we have the half-hour service there? [Laughter]

**The Deputy Bailiff:**

No, Connétable, I am not going to allow that one. If I may say so, it was an imaginative effort.

**3.10.6 Deputy G.C.L. Baudains:**

Would the Minister not agree that this is symptomatic of the Island-wide bus service at the present time and would he not agree that it would have been better for the new operator to have followed the old Connex routes until it was realised what changes, if any, were necessary because things are changing almost on a daily basis and people are now getting used to getting back in their cars?

**Deputy K.C. Lewis:**

Yes, in hindsight I would agree but the Deputy is well aware of the problems that we have had with CT Plus Liberty Bus and they are being rectified on a daily basis and I am urging CT Plus Liberty Plus to pull out all the stops to get everything sorted as soon as possible [Aside] ... no pun intended.

**3.10.7 Deputy J.H. Young:**

Would the Minister accept that there is considerable confusion and will he make attempts, please, to try and communicate clearly in a form that people can understand that the frequency of the bus services will be restored to not less than it was previously, particularly where they are subject to delays, missed buses and so on and route 12 can sometimes take more than 2 hours to get where they wish to go?

**Deputy K.C. Lewis:**

It is my wish not just to match the previous bus service but also to exceed it and I am having now weekly meetings with Liberty Bus to ensure that that happens.

**3.11 Deputy R.G. Le Hérissier of the Minister for Treasury and Resources regarding the future of the Gigabit Jersey project following staff redundancies at the company sub-contracted to roll out the scheme:**

As the shareholder representative, what lessons, if any, has the Minister learned from the Gigabit Jersey project and how will the project be taken forward in the light of staff redundancies at the company subcontracted to roll out the scheme?

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

As Members will be aware, while the laying of the fibre optic network has progressed well, connections to homes fell short of the original targets. This issue is now being dealt with by J.T. (Jersey Telecom) and the main contractor has dismissed its subcontractor and put alternative arrangements in place. J.T. have signed a new improved agreement with their primary contractor, CH2M Hill. J.T. anticipate that the new agreement will significantly increase the rate of connections to the new fibre optic network and bring the project back up to speed. As far as lessons are concerned, as with all projects, there are always things to be learned because issues will arise. It is, of course, in the handling of problems that the judgments should be made about performance. In this case, I have learned 3 things. Firstly, the memorandum of understanding between J.T. and the States as shareholder has worked well in a situation where a problem has arisen and Members who attended the briefing last night I think will be in no doubt of the fact that the J.T. Board has responded quickly and robustly to deal with the problems that have arisen. Secondly, both J.T. and their main contractor, CH2M Hill, are absolutely committed to this project. Thirdly, I have learned that Gigabit Jersey project, while certainly having some rollout issues, remains absolutely essential and an important investment for the Island's economic future prosperity. The redundancies by the subcontractor are of course regrettable, particularly for the individuals and their families. What I think also should however be said is that the project is continuing as planned and the same amount of work has to be done. J.T. are working with Social Security and have placed recruitment adverts in order to find the necessary people to recruit. I am advised that many people on Social Security's register have already applied to continue the work on Gigabit Jersey project and I am also advised that J.T. are now recruiting staff directly.

**3.11.1 Deputy R.G. Le Hérissier:**

While the legal issues are such that the same 100 cannot be necessarily re-employed, would the Minister assure this House that every endeavour will be made within the law to indeed re-employ the 100 who have been given the impression that they were on secure contracts, who were introduced with considerable publicity as part of a Back to Work programme and now find themselves totally stranded?

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

The Deputy will be aware that there are appropriate things that I can say about the subcontractor and of course this is an issue between J.T.'s subcontractor, and I am limited in what I can say and what it is appropriate to say. Of course I was very concerned about the issue of redundancies and I shared those issues with the Minister for Social Security and Chief Minister and the Minister for Economic Development and I have been kept closely informed of developments by J.T. All I think I can safely say is that the work and project continues as planned and that individuals are required in large numbers to deliver that and I hope that message is clear for those individuals.

### **3.11.2 The Connétable of St. John:**

Recently we have been getting flyers yet again from J.T. about people signing up for a free installation. Could the Minister tell the House what percentage to date of homes have been connected to the system?

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

The network across the Island, in fact the fibre spine, has been delivered extremely well and I have got some interesting statistics which I will circulate of just the scale of cabling. I think it is some 380 kilometres - I am sorry it is in kilometres - of cabling has been done and there are approximately 2,000 homes that have been connected. Under the revised arrangements, I am advised by J.T. that there is going to be a target of approximately 4,400 homes going to be connected by the end of this year and the project will then ramp up next year and it is a 5-year project and will therefore thereafter accelerate quickly. That was not the schedule that was originally given. It is homes connected that is delayed and that is what has been the focus of J.T. to ensure that there is a subcontractor in place that will deliver homes connected.

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

Just a request. Can we get it first, please?

[11:00]

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

I do not know. I do my best to answer shareholder questions but I am not a shadow director of J.T. and there are many Islanders that are equally frustrated. This is a great project for Jersey. People are eagerly anticipating getting their connection, including Deputy Higgins, and I will put a request in but I do not think a politician should get any special favours in terms of rollout. We want this project rolled out as quickly as possible and all the arrangements are being put in place to deliver just that.

### **3.11.4 Deputy G.C.L. Baudains:**

I wonder if the Minister could explain why the process followed was not the same as other countries have adopted, in other words, in not taking the fibre into the house but keeping it in a hub and bringing copper into the house which gives the same speed but a lot less problems. Would it not have been quicker and easier to make the installation in that way?

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

I do not think I understand the question. I think that Deputy Baudains is trying to suggest that fibre could be connected to effectively a cabinet and not fibre connected effectively to the home. I am not the technical expert but I did do a lot of work on that project. The fact that Jersey is going to have broadband fibre connections right to the home is the unique selling point. That is the thing that is future-proofing Jersey. Yes, there are jurisdictions that are putting fibre to the cabinet and then using copper to the home but that is not going to deliver the jump forward in terms of leading world-beating technology. We are going to be very quickly in the case of even though we have got

homes that have not been connected at the same speed, when this project is delivered, we will be a world-leading jurisdiction with an infrastructure which the Connétable of St. John will want to celebrate, I am sure.

**3.11.5 Deputy R.G. Le Hérissier:**

The Minister talks about home connections being the issue and we know it was because of the very low rate of connections, 740-odd, in August to January. This is what now proves an unrealistic total of 2,000 a month. Could the Minister tell us how he is going to get an even flow of work while he retains financial structures which are meeting a high degree of customer resistance?

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

The Minister is not going to do anything because the Minister is going to hold the board to account with the Treasury to deliver on the project and that is important. I do not want to be in a position where we are politicising executive decision-making within J.T. There are issues about the cost of broadband but those are issues that must be resolved between J.T. and the regulator and I have got full confidence that the J.C.R.A. is going to deal with J.T. and put an appropriate structure in place. There is also a lot of misinformation that is going around, if I may say, not by the Deputy, about effectively the cost of broadband. I am absolutely convinced in this project that it is going to make a big difference for Jersey connections, a big difference for households. I am sure the Minister for Economic Development is in Israel today doing other things, importantly including boosting Jersey's image in the world in digital technologies and that is a fantastic thing on the basis of this project.

**3.11.6 Deputy R.G. Le Hérissier:**

I have to ask for clarification. Could the Minister outline how the rate of home connections is going to increase in a steady, ramped-up fashion, to use his phrase?

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

I refer the Deputy to the answers that I gave a few moments ago. The fact is that the subcontractor of J.T. is putting new arrangements in place that are going to ramp up those connections. He was at the briefing last night. He heard from the executive team at J.T. who have done a very good job, if I may say, in responding to this problem and holding the subcontractor to account. I also can say to the Assembly that I met a very senior director from the J.T. main subcontractor, not the sub-subcontractor, in my office on Friday and he gave me a personal commitment of that organisation's commitment to delivering this project, which I took great assurance from and they are going to solve these problems and we are going to deliver this great project for Jersey.

**3.12 Deputy J.A. Hilton of the Minister for Health and Social Services regarding delays in recruiting Consultants:**

What measures, if any, has the Minister taken to ensure that the delays experienced in recruiting a replacement respiratory consultant will not be repeated in the future?

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

Health and Social Services works to undertake all consultant recruitment in a timely fashion. The delays associated with the respiratory consultant were due to exceptional circumstances. As already stated in the recent Scrutiny meeting, Health and Social Services has already made the following improvements: that the job descriptions will be completed in a timely fashion and submitted to the appropriate Royal College and the Medical Staff Committee simultaneously rather than one after the other plus job adverts will carry a caveat stating that minor changes to the job

description may be made if deemed necessary. With the exception of the respiratory consultant, all the last 7 consultant recruitment processes have been executed in a timely fashion.

**3.12.1 Deputy J.A. Hilton:**

Can the Minister tell Members when she was informed of the protracted delay in recruiting another consultant and what her immediate reaction to that news was?

**The Deputy of Trinity:**

I was informed a little while ago and the news was a shame because I would like to say that all consultants, the interviews and the job descriptions are done in a timely fashion. The reason for the delay was the production of the job description that reflected the particular needs of the service going forward. That job description has to be right and unfortunately that took time as it had to go through the Royal College as all consultant job applications have to go to the appropriate Royal College as well as the Medical Staff Committee and unfortunately they requested some changes to the description and they delayed that return of the job description and that was what took the time unfortunately.

**3.12.2 Deputy G.P. Southern:**

In addition to this particular individual case, what measures has the Minister put in place to ensure that the structure of management does not repeat it in the future? What has changed now to make this a better practice than what was obviously fairly poor practice?

**The Deputy of Trinity:**

I would not say it was very poor practice. It was unfortunate and something that was out of our hands but I think, as I have said in my opening answer, that instead of just waiting, as I said, all job descriptions have to be sent to the Royal College for verification and the Medical Staff Committee so that we would do them all at the same time and so consequently put a caveat in the advert to say that it is subject to slight changes but the job description needs to be right at the onset.

**3.12.3 Senator S.C. Ferguson:**

The Minister says that all job descriptions have now to be sent to the Royal College. When did that commence?

**The Deputy of Trinity:**

It is not now, it has always been a practice.

**3.12.4 Deputy J.A. Hilton:**

Can the Minister assure Members that she feels that proper processes have been put in place in the H.R. Department and that unacceptable delays, as experienced in this case, will not be repeated in the future?

**The Deputy of Trinity:**

I hope so because it was unacceptable in some ways and I think that by putting it all out together to the Medical Staff Committee and the appropriate Royal College at the same time, and making sure that the job description is right going forward will prevent this happening again.

**The Deputy Bailiff:**

Very well, we come now to question 14 which Deputy Tadier will ask of the Chairman of the Comité des Connétables but before he does so, can I just mention to Members who will be listening to questions and answers in the adjacent rooms that we are at the minimum going inquorate and it would be helpful if some Members returned to the Assembly.



**3.13 Deputy M. Tadier of the Chairman of the Comité des Connétables regarding the use of Parish resources, funds and amenities to promote one side or another in the forthcoming referendum:**

Will any guidelines be issued regarding the use of Parish resources, funds and amenities, including Parish halls, Parish magazines and Parish websites to promote one side or another in the forthcoming referendum and what safeguards, if any, will there be to ensure that ratepayers' money is not used to fund a political campaign either for or against maintaining the automatic right of Constables to sit in the States?

**Connétable J.L.S. Gallichan of Trinity (Chairman, Comité des Connétables):**

It is not clear who is expected to issue guidelines. The States decided that it was not appropriate to involve the Connétables in the organisation of the referendum and so neither do we consider it appropriate for the Comité des Connétables to take an active role. The Comité des Connétables will not be issuing guidelines. The Parish financial year runs from May to April and when setting budgets last year, no provision will have been made for a referendum as it was not known that one would be held. In the event, the costs of a referendum are met in full by the States so ratepayers' money will not be used for this purpose. Parish finances are ultimately under the control of the Connétable and the Procureur du Bien Public and they are answerable to the Parish Assembly for their use. It is for the Privileges and Procedures Committee to consider whether taxpayers' money will be used to fund any campaigns by those promoting one or other options.

**3.13.1 Deputy M. Tadier:**

Perhaps the question was not clear enough and I am obviously going on the basis of what it says in the Code of Good Practice on referendums which I am sure my colleagues at P.P.C. (Privileges and Procedures Committee) and the Comité des Connétables will be interested in, perhaps the former more so which says that: "Administrative authorities must observe their duty of neutrality." It would be interesting to find out whether individual Constables are an authority in their own right and have to observe that and that public funds should not be used which I am grateful to have that confirmation. But the real question is, as a Comité, the 12 Constables are self-regulating and the guidelines were really asking about whether the guidelines would apply to the Connétables themselves. I already know, for example, that one Parish website has been used to promote a particular point of view. That may or may not be valid but that has obviously been set up by ratepayers' money which pays for the domain name and pays for the web space. That has already happened so will the Comité talk to the rest of the Constables and decide what the legitimate parameters are for campaigning using Parish resources?

**The Connétable of Trinity:**

I believe the Comité has already decided that but as you said, Deputy, one of the Connétables has obviously used his website. He is an individual person. He is a Connétable, he has got his views and this is why the Connétables will not be issuing guidelines because, as you can understand, there are some who have different views to others.

**3.13.2 Deputy M.R. Higgins:**

Will the Comité des Connétables not only be speaking to the Constables but also speaking to all the administrative staff in the Parish Halls to make sure that they do not embark on a campaign? It is one thing as individuals but using Parish Hall systems and their colleagues to make sure there is no campaigning either for or against. I am not saying any particular view but they should not be getting involved in an active campaign as part of their parochial duties.

**The Connétable of Trinity:**

Normally, and it goes whether it is a referendum or an election, anyone who commits to one side or the other or to a member of the public who may be standing for election has no right to be an *Adjoint* or to have any communications with the Parish system at all so on that case, I am happy that as you can see, the Connétables will be taking no administration on the referendum at all. That will be now handed over to the Parish Secretary and it is up to the Parish Secretary to inform those who are taking part as *Adjoints* at the referendum count that they have no commitment and they have not been supportive of one side or the other. It has to be a very neutral referendum.

**3.13.3 The Connétable of St. Helier:**

Is the Chairman aware that having a blog on the internet does not cost anything, it does not cost the ratepayers and indeed the only cost is the time of the person who does the blog?

**The Connétable of Trinity:**

As I do not have a blog, I would not know. [Laughter]

**3.13.4 Deputy G.P. Southern:**

Is the Chairman of the Constables' Committee, in the light of the statement by the Constable of St. Helier, aware of the guidelines from the Venice Commission, 2.2, equality of opportunity? This entails a neutral attitude by administrative authorities, in particular with regard to referendum campaigns.

**The Connétable of Trinity:**

Yes, we are aware of that.

**3.13.5 Deputy G.P. Southern:**

Does the Chairman consider that expressing an opinion in a blog is not being neutral?

**The Connétable of Trinity:**

I think the blog is not neutral because it is not supporting option B. I am saying that everyone's view is not ... we have to be neutral. The Constable of St. Helier has decided to go on a blog which is his freedom and he has said now that he thinks it has nothing to do with Parish ratepayers so that is the main thing that as long as ratepayers' money is not being used to promote ... you have to be fair. Ratepayers' money could be a variation of people. You could have someone who supports A, you could have someone who supports B, and someone who supports C so it is not right that the Connétables should be using ratepayers' money to promote either of these options.

**3.13.6 Deputy M. Tadier:**

I feel like I am telling tales out of school because I agree with the contents of this particular blog and, as far as I know, no other blog exists from the Parishes but the point is that this blog is not a personal blog, it is Parish registered domain name and to an impartial bystander it could be perceived to be the view of the Parish rather than the view of the individual who happens to be a Connétable. What I would like to seek reassurances from the Chairman is that in the next couple of weeks, for example, Parish magazines will not be used or if they are used that articles should be allowed to be put in from contributors on both sides, for example, and that Parish Hall access will either be that no one will be allowed to have Parish meetings or every group campaigning will be allowed to have Parish meetings, *et cetera*, so that equality of arms are made available to everybody. I am sure that the Chairman, being fair-minded, is probably going to agree to that anyway but it would be helpful to have something on the record.

[11:15]

### **The Connétable of Trinity:**

I did have something on Parish magazines which I will now do because the Deputy had 3 questions in his question. I found it was a bit long for an oral question so I just did the first part. I was amazed he did not come back and ask me about Parish Halls and magazines but now he has. Parish magazines have different models for operation and many have independent editors. One of the editors is a States Deputy. If the editor determines the contents of that magazine may include some columns, then it is down to each Parish but I believe - I am not too sure because we do not have a Parish magazine in Trinity - that most of them are already out and have been already printed so they will miss the referendum date. So I think on that case that most of the magazines are already out and the result of the vote 2 weeks ago was not known so there will be very little referendum items in. I would be saying if I was putting anything out myself ... you have to say that you want people to turn out and make sure that the 3 options are explained to your parishioners and that they turn out and vote for either of those options.

### **3.14 Deputy G.P. Southern of the Chairman of the Privileges and Procedures Committee regarding consideration of the Venice Commission's guidelines for referendum best practice:**

Did the Chairman or the committee give any consideration to the Venice Commission's guidelines for referendum best practice as outlined in their Code of Good Practice on referendums, in particular those relating to equality of opportunity and media impartiality prior to lodging P.5/2013 and if not, why not?

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

Privileges and Procedures did not consider the Venice Commission guidelines before lodging P.5/2013. Neither, I am advised, did the Electoral Commission. P.P.C. did what the States asked it to do when they agreed the Commission's terms of reference on 7th March 2012. It received the Commission's final report and recommendations on 10th January this year and it lodged P.5/2013 as soon as possible thereafter as per term of reference 4.

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

In that case, what part will P.P.C. play in the organisation of this referendum and, in particular, how will he and his committee ensure that balanced coverage must be guaranteed to proposals supported by opponents in public mass media broadcasts?

### **The Connétable of St. Helier:**

Clearly, established media organisations are already bound by existing codes of conduct. P.P.C. will be addressing some of the practical matters relating to the organisation of the referendum, including the question about whether any public funds should be made available to the different campaigns at its next meeting.

#### **3.14.2 Deputy R.G. Le Hérissier:**

Does the Venice Commission or indeed P.P.C. itself have anything to say about the threshold turnout and indeed the threshold vote that will, in the eyes of people, make this a legitimate vote because there is a real danger that low turnout will be seen as low interest and that this Assembly will not take it seriously?

### **The Connétable of St. Helier:**

I do not know whether the Venice Commission deals with percentage turnout or not. This matter was raised, I think, in the last sitting and it was pointed out then that the States have not made any

provision for a minimum turnout. Clearly, the percentage turnout is one factor which the States will take into account when it debates whatever recommendations arise out of the referendum.

**3.14.3 Deputy R.G. Le Hérisier:**

Just to clarify, but will P.P.C. be providing guidance, information, background from other jurisdictions, *et cetera*?

**The Connétable of St. Helier:**

I think once the referendum result is known clearly P.P.C. will have a job of work to do to respond to the public's wishes and will bring forward draft proposals to the States. It is at that point I would expect that the Committee would take account of turnout and would give its opinion to the States accordingly but, at the end of the day, it will be up to the States to decide what to do with the outcome of the referendum.

**3.14.4 Deputy T.M. Pitman:**

In the answer to written question 9, the Chairman made reference to drawing attention to the Electoral Commission's final report in this way. Given that it is almost a majority view that the final report is very misleading and it does not highlight the inequality that will occur with option B, does he think that something more needs to be done in that regard because there are no proper graphs at all? In fact, it is a pretty shoddy piece of work to be honest.

**The Connétable of St. Helier:**

I do not agree with the questioner that the report is misleading. It makes it very clear that there is a choice between maintaining the current Parish representation in the States and getting voter equity and that we cannot have both and it is up to members of the public to decide which they think is more important.

**3.14.5 Deputy G.P. Southern:**

What thought has the Chairman or his Committee given to such factors as access to the voter registers by campaigners and how he will ensure that spending by each of the 3 parties involved, because it is 3-way remember, is properly monitored and that spending limits are observed?

**The Connétable of St. Helier:**

I thank the Deputy for his questions. As far as I know, access to voter registers will be as currently exists under the law. Now, if I am wrong, I will clearly take advice on that. Spending, I believe there is currently no limit on the spending of whichever of the options wants to spend money on their campaigns. Luckily, of course, as I found with blogging, it is relatively cheap if not a free thing to do.

**Deputy G.P. Southern:**

I am glad the Constable thinks that running a campaign is a cheap thing to do.

**3.15 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the Human Rights compliance of the mental health legislation in Jersey:**

Further to her response to a written question 7435 on 19th February 2013 when the Minister stated that work was underway jointly between her department, the Chief Minister's and the Law Officers' Departments to update and amend the present mental health legislation in Jersey, will she advise whether the law is currently human rights compliant and when the amendments will be brought to the Assembly for debate?

**Connétable J.M. Refault of St. Peter (Assistant Minister for Health and Social Services - rapporteur):**

I am pleased to stand to advise the good Senator that the current Mental Health Law was reviewed during 2006 to ensure its compliance with the Jersey Human Rights Law 2000. All subsequent amendments to that law comply with the human rights legislation. There is a scoping document that is currently being drafted by Health and Social Services in consultation with the Chief Minister's Department, Home Affairs and Law Officers. Health and Social Services will take the scoping document to the Council of Ministers to seek approval for continued preparation of new mental health laws in light of the fact that there will be significant cost implications associated with any new laws. The timeframe for that scoping document and the States debate has yet to be confirmed and is still under development.

**3.15.1 Senator S.C. Ferguson:**

Considering that specialist U.K. human rights lawyers have observed that our Mental Health (Jersey) Law 1969 does not appear to be human rights compliant, does the Assistant Minister not realise that the work is now of some urgency?

**The Connétable of St. Peter:**

Yes, we are very much aware that we need to do some work but not necessarily with regard to human rights compliance because we are content with the advice that we received on that matter but there are some other areas where we are not in accord with mental health legislation in the U.K. and we are trying to bring this scoping document to address that and bring it forward as quickly as we possibly can.

**3.15.2 Senator S.C. Ferguson:**

In that case, when will the scoping documents and the amendments be coming to the Council of Ministers and to the Assembly? There is urgency in this.

**The Connétable of St. Peter:**

I think we all share Senator Ferguson's concern with this. In wearing one of my other hats with the Legislation Advisory Panel, we are only too well aware of the pressures on the Law Officers' Department in bringing forward new laws. We will continue to exert our pressure upon them to add to their current pressures to get this brought forward as soon as possible.

**Senator S.C. Ferguson:**

The Assistant Minister has not answered the question. Will he please answer the question, when is it coming forward?

**The Connétable of St. Peter:**

I think I have answered the question. I said when this is finally scoped and presented to the Council of Ministers. I cannot give you that date because the work is still under progress.

**3.16 Deputy M.R. Higgins of the Chief Minister regarding the number of Historic Child Abuse victims compensated to date:**

Will the Chief Minister advise how many historic child abuse victims have been compensated to date out of the total number of victims who have applied under the redress scheme and whether Mourant Ozannes are requiring some victims to go through the trauma of more than one - although it states on the paper "psychological assessment" - psychiatric assessment and if so, explain why?

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

As at 28th February this year, 31 claimants have accepted offers of compensation out of a total of 131 claims received. Some of those claims have now received funds. However, some are still in the process of documentation being finalised and the payments being processed. In relation to psychological assessments, the only claims where a further psychological assessment is being considered are cases where the claimant's own lawyer has requested an additional assessment.

**3.16.1 Deputy M.R. Higgins:**

Does the Chief Minister know that Mourant Ozannes are sending letters to the psychiatrists accusing some of the people who have claimed of lying and in some cases lying in situations and stating facts which are contained in records that they know to be true?

**Senator I.J. Gorst:**

I find it very difficult to accept that. If the Deputy has evidence of such correspondence, then I will be pleased to consider it and take the matter up with the scheme's legal advisers.

**Deputy M.R. Higgins:**

I will produce the evidence to the Chief Minister.

**3.16.2 Deputy M. Tadier:**

Is the Chief Minister aware that certain results of child abuse may be dissociative disorder which means that one does not necessarily recollect very easily what happened to one as a child and therefore one is also sadly subjected to a greater test from lawyers and the need for psychological background assessments, all of which can be very costly, both in terms of the personal trauma but also in physical economic cost which may exceed the actual compensation which that individual is seeking? On that basis, will the Chief Minister advise what kind of safeguards are put in place for proportionality of action from lawyers when racking up these fees and this trauma to make sure that it does not exceed the actual amount that will be paid out in the first place?

**Senator I.J. Gorst:**

The Deputy raises a very interesting question with regard to the condition he outlines and while I am not an expert in these matters, I recognise that individuals have gone through very difficult experiences and it can be extremely difficult for them to recollect that and the requirement to produce papers, historical records, and have psychological assessments can also be difficult and it is for each individual to decide, understanding that there may be implications if they feel unable to do so. I am not sure that I can address that particular question any further. For individuals who do feel able to do so, obviously there are costs implications for the schemes, for the lawyers and for their legal advice, but Ministers believe that that is appropriate and that for those that wish to do so, we should suffer the cost financially.

**3.16.3 Deputy T.M. Pitman:**

Given the points that Deputy Higgins has raised which I can also confirm, is the Chief Minister absolutely confident that all past records and documents that could probably help avoid some of these people having to go through quite so much trauma again have been passed on to the relevant parties, as I say, to try and reduce this trauma to the extent possible?

[11:30]

**Senator I.J. Gorst:**

As I said in answer to Deputy Higgins, I am not aware of that particular circumstance and it would perhaps be better if Members who have been approached by constituents who have got concerns if they themselves approach the scheme lawyers. As the Deputy knows, there are some cases where there is unfortunately a dearth of records. I met with an individual who was concerned only last

week about their particular records and I have taken that matter up with the scheme lawyers and with the department and asked them to review what records are available and if there are others on a file, so these are historical records. Unfortunately I do not think they are all as complete as we would like but the scheme still needs to work and make payments to victims who were abused. I would say that the department and the scheme lawyers are doing their best to try and correct or mitigate for where records are not as fulsome as we would like.

**3.16.4 Deputy M.R. Higgins:**

Will the Chief Minister also have a word with Mourant Ozannes and review with them the necessity of extra psychiatric assessments? The reason I am saying this is at least one person that I was aware of was almost suicidal after seeing what was being stated about them and being made to go through this particular trauma. I will also state to the Chief Minister that one of the people who it is being contested that they were even at Haut de la Garenne, I have spoken with other abuse victims who confirm that the person and other members of the family were there and if the lawyers were doing their jobs, they would have done the same. Would he please re-approach the lawyers and assess what they are doing before we have an unfortunate death on our hands?

**Senator I.J. Gorst:**

I do not have it within my power to make what are very difficult situations ... people have suffered abuse and that has affected their whole lives and this scheme and the Committee of Inquiry and those who engaged with it need support and help to be able to access the scheme and will also need it for the Committee of Inquiry. These are very difficult areas and they bring up memories for individuals which are difficult to deal with and need to be handled sensitively and, as I say again, I will of course speak to the scheme lawyers but if Members are approached by constituents with specific concerns, the right thing for them to do is themselves to sit down with the scheme lawyers and try and address issues as they arise. These are very difficult situations and it is not really appropriate for us to be trying to discuss them or come to conclusions across the floor of this Assembly.

**3.17 Deputy T.M. Pitman of the Attorney General regarding independent forensic testing of disputed statements and documents:**

Does a defendant have a legal right to request independent forensic testing of disputed statements and documents?

**Mr. T.J. Le Cocq Q.C., H.M. Attorney General:**

Yes. All persons charged with criminal offences have a right to a fair trial process and it is the duty of the courts and the prosecution to ensure that this happens. If a person charged with a criminal offence alleges as part of his case that the evidence against him has been forged or otherwise tampered with then that person may ask the prosecution for access to the disputed material so that it can be examined by an expert instructed by the defendant. The prosecution will normally make such arrangements as are reasonable in the circumstances of each case. If arrangements cannot be agreed, the defendant may then apply to the court, which can then give appropriate directions and rulings. The question also refers to disputed statements. If a defendant disputes the truthfulness or accuracy of a statement made by a witness, the normal procedure is for that witness to be called to give live evidence so that their account may be challenged in cross-examination.

**3.17.1 Deputy T.M. Pitman:**

I thank the Attorney General for his very informative response. Could he just enlarge slightly to say would this process of independent analysis of disputed documents or statements, does that have to take place in a certain facility? Is it down to the prosecution? Who controls the situation?

**The Attorney General:**

Ultimately if a process cannot be agreed, the situation is controlled by the court because the court will make whatever directions and orders it needs to in the circumstances. The prosecution will be anxious to ensure the integrity of the evidence, in other words, to come up with a system which ensures that the evidence is not compromised, it remains protected, but the prosecution will agree reasonable procedures to the extent that it can to ensure that any such evidence can be independently assessed. As I said, in the event that there is no agreement, then ultimately the matter is under the control of the court and the court will give whatever directions are appropriate.

**3.17.2 Deputy T.M. Pitman:**

Is the Attorney General then saying that it is possible one has a legal right to request the independent forensic statements and documents but one does not have a legal right to receive them necessarily as it is at the court's discretion? Is that the correct interpretation?

**The Attorney General:**

Everything that is subject to an application to the court carries with it the possibility that it will be acceded to or that it will be refused. I go back to the fundamental principle, however, that everyone is entitled to a fair trial and the courts are there to uphold that, as is the prosecution. If it is an important part of a defendant's case that a document or some other statement has been forged or altered, then it seems to be inevitable that the court will permit that to be tested forensically.

**3.17.3 Deputy T.M. Pitman:**

Irrespective of whether that allegation is made and simply the other party wishes to have possession or to see those documents and statements, what is the appeal mechanism if and when permission is refused by the court to give those documents over?

**The Attorney General:**

I am not sure I understand the question but the court makes a number of trial directions as it goes along. The trial takes place and it is at that stage that an appeal can lie against any conviction which follows from that.

**Deputy T.M. Pitman:**

The question was to whom is the appeal made if the court refuses?

**The Attorney General:**

If the court refuses, then an appeal would ultimately lie to the Court of Appeal on appeal against conviction if there were a conviction in that case.

**3.17.4 Deputy T.M. Pitman:**

Just so I understand, I think the point that Deputy Tadier was trying to get at, that I believe the Attorney General made reference to, if the trial was going on but if a case is finished and it comes to light or it is alleged that it comes to light that a document is disputed, contested, does that right to have this independent forensic analysis still exist?

**The Attorney General:**

Could I ask if the Deputy is talking about a situation in which a trial has taken place, there has been a conviction, avenues to the Court of Appeal have been exhausted and finished with, in other



words, generally procedurally the matter has been concluded? Can I ask the Deputy if that is the factual matrix that he is asking me to address?

**Deputy T.M. Pitman:**

I think I am trying to get a basic principle. As I say, evidence can come to light at any stage I imagine and what I am trying to say is if someone was already in prison and then it comes to light that something might not be as it should, do they still have that right to bring this to the attention and get some redress?

**The Attorney General:**

Yes, if the appeal procedure has not been exhausted, then it would be possible for a defendant in appropriate circumstances to appeal out of time and if there were strong reasons, then I am sure the court would order that new evidence be sought about a particular disputed document. If the appeal procedure has been exhausted, there remains under Article 43 of the Court of Appeal Law the ability to refer a matter to the Lieutenant Governor who himself can, in appropriate circumstances, refer matters to the Court of Appeal.

**3.17.5 Deputy T.M. Pitman:**

Could I just ask, is the Lieutenant Governor the final call for any person in this situation that the Attorney General has just described?

**The Attorney General:**

We are moving into the realms of enormously hypothetical situations. I am aware of no actual situation, I think, which goes beyond the Lieutenant Governor. Once the appeal procedure, which in some circumstances could be appealed as far as the Privy Council has been exhausted, then it is only under Article 43 can matters be referred to the Lieutenant Governor for him to exercise his discretion in those circumstances.

#### **4. Questions to Ministers without notice - The Minister for Education, Sport and Culture**

**The Deputy Bailiff:**

We now come to questions to Ministers without notice and the first question period is of the Minister for Education Sport and Culture.

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

Given now that the department has published its response to the discussion paper, can the Minister please inform the Assembly what the conclusions are towards the structure of secondary education?

**Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):**

There are a number of references within the consultation responses about secondary education. The way for me to look at it from now onwards is to involve my Ministerial colleagues to carry out further in-depth studies of the secondary education system. This will take some time and I intend to start by reviewing all of the reports that have been in the public domain since the States last made a decision with regard to this in 1995. It is going to take some time. There will not be any imminent changes or anything proposed. We need to take this slowly and not create instability in the system because that has the potential for adversely affecting our children's education that are currently in the system and I am not prepared to do that.

**4.2 Deputy G.P. Southern:**

In light of the public consultation on the future of sport on the Island, will the Minister assure Members that this is not an excuse for privatising facilities which the U.K. experience says has reduced standards and opening hours and produced rising costs?

**The Deputy of St. John:**

There is a wish from certain sectors of the public and also politically to look at this particular area. I think we need to wait for the publication of the sports strategy but I understand what the Deputy is talking about and it is not a particular area that the department is not familiar with and has already considered but we will have to wait until the end of the year when we publish the results. There will be a White Paper at that time so it will become clear at that point in time as far as the issues that the Deputy is concerned about.

**4.2.1 Deputy G.P. Southern:**

Will the Minister commit himself to the continuing excellence of our resources and sports facilities on the Island?

**The Deputy of St. John:**

Yes, I think the answer to that is a definite yes.

**4.3 Deputy M. Tadier:**

Given the importance of links with China in terms of our economy and the relationship which has been forged by the Minister for Economic Development with his counterparts in China, will the Minister be taking any action to make sure that future school leavers in Jersey may have the corresponding language skills in order to be able to engage with Chinese businesses in the future?

**The Deputy of St. John:**

I have a statutory body called the Curriculum Council that advises me on all of the items to do with language development and teaching and the content of the curriculum. I think we have to be careful that we do not overload our students with too much statutory content in the curriculum. It is already a difficult area for certain students to cope with. So although I am generally receptive, I am not at the point where I am going to start making decisions on the hoof about what should be taught in schools such as Chinese or what have you. We have already committed to increase the size of the number of teaching assistants for French. The Deputy is aware of that. That is an operational matter and it is carrying forward and it will continue. Really what I am saying is I am open to suggestions but it has to be demand-led and there has to be a very good case made for including it in curriculum, so I hope that answers the Deputy's question.

[11:45]

**4.3.1 Deputy M. Tadier:**

I am glad that the Minister is open to suggestions and demands and I may make suggestions and demands from him about the Chinese language inclusion. Would he consider perhaps appointing a Mandarin to advise on Chinese language tuition?

**The Deputy of St. John:**

The Deputy's pun is not lost on me and I thank him for his interest once more in language skills development but I think that perhaps it might be a useful thing for him to do to attend perhaps one of the sessions with the Curriculum Council to discuss it with them.

**4.4 Deputy J.M. Maçon:**

Can the Minister inform the Assembly with the redesign of the Music Service how much uptake has been taken within the non-fee-paying schools in the spread of music because I believe there is a

disparity between the non-fee-paying schools and the fee-paying schools in the uptake of the Music Service?

**The Deputy of St. John:**

Yes, I thank Deputy Maçon for his interest in this one. We are about to lodge a proposition in line with the Medium-Term Financial Plan which States Members agreed and which included a saving in the Instrumental Music Service. It is coming to the Assembly because it is a new user pays charge. The budget has already been cut incidentally and it is a non-statutory and extracurricular service. I hope that Members will wait and have a look at that and then we can discuss it and debate it in more detail then. As regards to the statistics that the Deputy was asking about, fee-paying and non-fee-paying, I can tell the Assembly that 43 per cent of the Jersey Music Service time is with fee-paying students. This when you look at it broken down into primary and secondary sectors, which I think is important, in the primary sector fee-paying schools 23.2 per cent, non-fee-paying 76.8 per cent but that is slightly misleading because in the secondary sector, the fee-paying schools account for 56.5 per cent and that is only at Victoria College and Jersey College for Girls, and the non-fee-paying sector, 45.5 per cent. So obviously some of the non-fee-paying sector in primary becomes fee-paying in secondary as they move through into secondary school. I hope that has given the Deputy what he needs.

**4.5 Senator S.C. Ferguson:**

One of the problems we have been having at Highlands is that children are moving on to Highlands and then having to be taught remedial reading, writing and arithmetic. How is progress going in ensuring that all children can read when leaving primary school?

**The Deputy of St. John:**

Yes, focus on the core skills, reading, literacy, mathematics, the sciences, is extremely important and I want Members and the public to know that that is one of my key priorities. In order to ensure that we are doing all of the right things, we are currently in the process of carrying out a maths review. This will be concluded by the end of this year. We will follow immediately with a literacy review where we will be looking at all of the teaching methods and the outcomes for children and then we will follow that with a sciences review. We cannot do them all at once because that puts too much pressure on schools. In addition to that, we are currently looking at the way that we fund, and we are in the middle of a review of special educational needs which will include English as an additional language as part of that. We are halfway through that. I am expecting that that report will come back to me soon and also it will, as I say, have reviewed the way that we fund primary schools to take care of those particular highly important areas.

**4.5.1 Senator S.C. Ferguson:**

It is quite a simple question. Are all children being able to read when they are leaving primary school? Surely the department does have a measure of this.

**The Deputy of St. John:**

Yes indeed we do. We have done a lot of work on measurement of one way or another and that kind of information is available on schools' websites and to the public and to parents in detail. That is all I can say really.

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

Further to his answer that he gave a few minutes ago about sports facilities on the Island, could the Minister tell the Assembly how soon we can look forward to a 4G artificial pitch so that we can play sport all year round?

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

That is in the sports strategy paper and we are looking for information from the public as to how they feel about this and how soon. I think we are going to have to see what comes out of it and see if we can find the funding. There is no funding specifically set aside for that but we may need to look to sports associations and clubs to see if we can do some kind of partnership in the future to make that kind of facility available but it certainly is something that we are looking at. All we need is the money to do it.

### **4.7 The Connétable of St. John:**

What percentage of non-English speaking children have another language as their first language and what monetary burden does this have on your education budget?

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

The percentage of children varies greatly across different schools. For example, in the town primary schools, the percentage of children that do not have English as their first language will be much higher than in some of the country Parishes. I do not have the 2 numbers specifically to hand that the Connétable is asking for. I will get it for him later and any other Members that are interested in those numbers as well.

### **4.7.1 The Connétable of St. John:**

Could the Minister give us a ballpark figure, whether it is 15 per cent across the whole Island, 20 per cent, 30 per cent, *et cetera*, please?

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

I know that in, for example, Rouge Bouillon School, I can cite an example there where in the foundation stage, that is right in the early years, it is something like 60 per cent but it would be wrong to say that children who do not have English as their first language always suffer with worse outcomes. There are a considerable number of children in this category who do extremely well at school and one should point to the fact that there is very often a very high level of parental involvement with those children, whether they are Portuguese, Polish or Eastern European. Also we provide a very good service of assisting them in the very earliest years and also that those 2 communities also provide some additional help by way of extracurricular language help with those young children.

### **4.7.2 The Connétable of St. John:**

Can I come back in on that? Given that such a high figure might be at one school, and it varies across the Island, how much does that affect your budget in the course of 12 months?

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

I have already explained to the Connétable I do not have that number exactly to hand. I will get it for him later and any other Member that wishes to know.

### **4.8 The Deputy of St. Martin:**

The Minister has told us this morning that the curriculum is demand-led. Could we assume, therefore, that if there is no demand for a particular subject, it might be withdrawn from the curriculum?

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

No, there are other items in the decision-making on curricula besides them being demand-led. That is only one part of it and we have to inevitably be driven in the curricula to children achieving results in qualifications and therefore we are inevitably led by the English curriculum in that way.

We cannot get away from that hard fact. In the end, children might want to go to university in the United Kingdom so the curriculum has to reflect that. They have to get exams in order to have access to higher education and the same goes for G.C.S.E.s (General Certificate of Secondary Education).

#### **4.9 Deputy J.M. Maçon:**

Given that Thursday this week is World Book Day, can the Minister advise whether he supports initiatives within our local schools and advise the Assembly what book he would want to promote on this day?

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

Children's book choice is wide and varied and my choice might not be a popular one. I am very interested in sport; I am interested in politics. I am not so sure how many younger children would be interested in politics. I have just received some hardback books that my late father has given me. One of them is called *A Thousand Days* and it is about the thousand days that President John F. Kennedy was in power. So that is my choice but I am not so sure it would be much good ...

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

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

We will know nothing more, Minister, because time has now expired. We come to the second question period for the Minister for Health and Social Services.

#### **5.1 Senator S.C. Ferguson:**

Given the recent report on Stafford Hospital and given the public disquiet over its findings, will the Minister undertake to release the report from the G.M.C. resulting from their uninvited surprise visit to this Assembly and if not, why not?

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

I am glad the Senator has asked that question because I am very pleased to be able to put her right. The G.M.C. was a planned visit in line with the Emergency Department with all other emergency departments in the U.K. and in conjunction with the Wessex Deanery to review the supervision arrangements for our foundation doctors which are doctors in training working in emergency departments. The visit was positive with good feedback and welcomed recommendations that the department is working on, for example, increased induction programme. Positive feedback was provided from the foundation doctors to the G.M.C. and the Deanery on their training and experience. A Jersey placement is always well subscribed by the U.K. foundation doctors due to the training and support given to them. The department has increased the number of consultants in the E.D. (Emergency Department) to provide more senior cover on the shop floor, especially out of normal working hours which does include weekends. This will also increase the amount of senior support for the junior doctors and out of hours.

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

Could the Minister explain why hydrotherapy services have been reduced by 50 per cent?

#### **The Deputy of Trinity:**

I am not aware that they have been reduced. There was an issue, I know, 2 or 3 years ago regarding a C.S.R. (Comprehensive Spending Review) proposition but that was not followed through. There has been some reorganisation in the department but I am not aware that they have been cut. I have used it myself and the service is well used and I must say it is a very good service.

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

Could you look into this please, Minister, as I have received communications from a parishioner which confirms this?

#### **The Deputy of Trinity:**

If the Deputy would like to give me that information, I will certainly look into it.

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

Will the Minister engage in talks with the Minister for Social Security as a matter of some urgency to ensure that short-term revisions to H.M.A. (Household Medical Account) or other measures are introduced to ensure that low income households can afford access to G.P.s (General Practitioners) and other primary health care?

#### **The Deputy of Trinity:**

The Minister for Social Security's department and my department invariably talk very often together and as the Deputy knows, we are looking at redesigning primary care which includes G.P.s, dentists, opticians and pharmacists. It is a piece of work that we are just beginning to undertake. This was approved by this Assembly back in October. It is a huge piece of work and it has to be completed at the scoping, at the consultation, and the proposition before September next year so it is a tight timescale. Until then, everything at the moment I would have thought would stay exactly the same.

[12:00]

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

If I may, a supplementary. That is long-term looking to come back to this House by September 2014. The fact is that there are many in our society on low incomes that cannot afford G.P.s now. What short-term measures will she discuss with the Minister for Social Security to make sure people can afford G.P.s?

#### **The Deputy of Trinity:**

As the Deputy knows, G.P.s are private businesses and I would like to think that G.P.s should know their patients very well and if there are patients who are finding it difficult, that they would help those families. The Deputy knows how to access Social Security very well. As I said, G.P.s are private businesses.

### **5.4 Deputy R.G. Le Hérisier:**

Can the Minister elaborate on the much-welcomed nurse-training scheme where she obviously has personal knowledge? Could she inform the House that this scheme results in the equivalent of a Jersey person or a U.K. person attending a U.K. university and obtaining a fully-fledged nursing degree? Could she assure the House that this is indeed what happens to the students on our scheme?

#### **The Deputy of Trinity:**

Indeed because nurse recruitment and training our own to help staff our own hospital is essential, and there are lots of different initiatives and I think one is going to be starting this September about a yearly training programme for student nurses linked with a university in the U.K. That is a big positive step forward. It will be on an annual basis. But also increasing places for on-Island training in Back to Nursing programmes because that was, I think, 8 nurses went on a Back to Nursing because, as you know, if you have been out for so many years, you need to do a Back to Nursing training and some of those are now working in the hospital. But also it is the other things

like nurse prescribing to help retain our own nurses and invest in them in their training because nurse prescribing is ... well we were lacking behind but this helps improve that and various programmes are put in place. So we are being very proactive in how we look at including our own nursing training but, on top of that, healthcare assistants to some positive investment in their training is important too because I would like to think that a certain proportion of healthcare assistants, once they get experience under their belt and working on the wards, would like to go on to do further nursing training and that can only be a benefit.

**The Deputy Bailiff:**

Minister, if you could just try and keep your answers a lot shorter, thank you.

**5.4.1 Deputy R.G. Le Hérissier:**

Just to clarify, will the people who have been on nursing training in the last few years be able to upgrade their qualification in order that they can reach fully-fledged staff nurse status?

**The Deputy of Trinity:**

Yes, I do not think that is a problem because as you have done your nursing training, you come out as a staff nurse.

**5.5 Deputy J.A. Hilton:**

I have in my hand a hospital pre-feasibility spatial assessment project which gives a slight validation process and it indicates that public consultation on the preferred site for a new hospital was due to commence in February 2013. Is the Minister able to tell Members exactly where we are with regard to the new hospital?

**The Deputy of Trinity:**

The Minister's oversight group and the various officers have been working extremely hard over this raising different issues and challenging Atkins who came over to do the hospital feasibility study. We are a little bit behind schedule unfortunately but I think that is all to our credit because we need to make sure that when we come out with our consultation and identifying the sites that it is right because it is a big amount of money and it is a big site that we would be looking for. But as yet, I have not got a revised timetable but as soon as I do I will let States Members know.

**5.6 The Connétable of St. Lawrence:**

Will the Minister advise us following treatment in a U.K. hospital, who is responsible for assessing whether home care is needed upon the patient's return to Jersey? Is it the U.K. hospital or is it ours?

**The Deputy of Trinity:**

I do not think there is one answer to that that fits all because everything must be done on a case by case basis. I would like to think that the hospitals in the U.K., when they discharge a patient who needs home care whatever region that is, will be in contact with the relevant, whether it is Family Nursing Services or whatever over here and to put it in place because it needs to be in place for when they come home.

**5.6.1 The Connétable of St. Lawrence:**

Supplementary? I have been advised today about one of my parishioners who spent 5 weeks in a U.K. hospital was sent home 2 days after heart surgery back to his flat in St. Lawrence where he had no one to look after him. Apparently there had been no communication with our hospital over here. He was sent with a prescription, he had no one to collect his prescription and he collapsed

and died shortly afterwards. Will the Minister make comment on that and advise me how that will not happen to another Islander?

**The Deputy of Trinity:**

I think what the Constable is saying is it should not happen and I would like to think that if the Constable and I could get together and see why it did not happen, why there was not good communication from the U.K. hospital over here because it should not happen and I am very sad that it did.

**The Connétable of St. Lawrence:**

I would be happy to meet with the Minister.

**5.7 Deputy T.M. Pitman:**

Child Protection. In the rare instance of video evidence being available illustrating deeply worrying and inappropriate sexual activity taking place in the presence of young children, does the Children's Service look at that evidence itself and form its own view or do the professionals simply rely on the view of the police officer?

**The Deputy of Trinity:**

That is a very complex issue. I have not got the exact answer because I do not exactly know, but I would have thought ... I know the agencies are working extremely well together: the police, the social worker, education. But also we have got the Child Protection, the J.C.P.C. (Jersey Child Protection Committee), of which there is a new independent chair and if necessary she would need to be involved.

**5.7.1 Deputy T.M. Pitman:**

Supplementary? With due respect there must be policy in place. If there is video evidence, do we rely just on a police officer, who is not an expert in that field, or do the professionals make their own decision? Surely that is a yes or no answer?

**The Deputy of Trinity:**

I cannot give the exact answer to that, but I can easily come back to the Deputy on that. I cannot see that one agency would make the decision on their own because it is a multi-agency approach and that is what we have been stressing over the last month especially, that it must be a multi-agency approach to these very difficult circumstances.

**5.8 Deputy M.R. Higgins:**

The Minister gave a written answer to my question number 27 about the testing of residents in the Bellozanne area and employees of Bellozanne. Can I say the answer is totally unsatisfactory, in fact I happen to believe it is probably a work of fiction because I have lived in that area for 30-odd years and no one ever approached me nor did I see an advert and neither does anyone else who has lived in the area that we have approached - we have been in the area for years - about any screening. Will the Minister go back to her department and publish exactly the adverts and everything else and who is contacted because this is totally unsatisfactory.

**The Deputy of Trinity:**

That was back in 2006-2007, health promotion at that time ... regarding your answer, health promotion did go back into their records and they have no records. It was found that the forms were sent out from the hospital on request of a previous Minister for Health and Social Services and that is all the information that we can find.

**5.9 Deputy J.M. Maçon:**



In 2004 the Mental Health Services had an independent external report for the Wool report. This report is almost 10 years old and given that the Health Department robbed the resources that was recommended in that report, does the Minister think that it is now time to commission a new external report of Mental Health Services and if not, why not?

**The Deputy of Trinity:**

All our services, I would like to think, have gone through some sort of review and continue with review. But I will take the Deputy's comments and look into them and will report and read it and come back to him.

**5.10 Deputy J.H. Young:**

When the Minister publishes the consultation on the possible sites for the new hospital, will she publish a shortlist of available sites with information about the advantages and disadvantages or is it proposed to propose one site as a *fait accompli* for public views?

**The Deputy of Trinity:**

Many sites have been looked at and some of them have been shortlisted. It is a huge piece of work, as I have said before. What will come out into public, we have not decided to be done, on behalf of the Minister's oversight group but I will take the Deputy's comments and feed that into the Minister's oversight group.

**The Deputy Bailiff:**

I am conscious that there are further questions that Members would like to ask but the 15 minutes has expired and questions of the Minister for Health and Social Services therefore comes to an end. There is nothing under J, under K the Chairman of the Corporate Services Population and Migration Sub-Panel will make a statement on the Sub-Panel's recent review. Deputy Power.

**STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY**

**6. Chairman of the Corporate Services Population and Migration Sub-Panel will make a statement on the Sub-Panel's recent review**

**6.1 Deputy S. Power of St. Brelade (Chairman, Corporate Services Population Migration Sub-Panel):**

Members will be aware that I chaired a review of the main provisions of the Control of Housing and Work (Jersey) Law 2013 and that produced 24 findings and 14 recommendations. I do want to thank Senator Routier and his team for responding so quickly to our review and to have set what looks like a record time for a Ministerial response to a Scrutiny review, in this case 2 weeks. I do not intend to go through much of the report now as it will come before the Assembly this week. It is however clear from the response that a degree of urgency is attached to this Ministerial Decision and it is evident that the Chief Minister's Department is keen on getting these provisions passed by this Assembly. However, reading through the Ministerial responses to the review, I must advise Members that I think that a degree of urgency is also needed in the actions to follow through by the Population Office if it is to carry out what we regard as urgent implementation of key recommendations. This Assembly will want to see effective and forceful action immediately put into place following the likely approval of these provisions, and the most important of these are increasing the period of qualification from 5 years to 10, having an immediate and effective enforcement team and any suggestion that one full-time employee and a part-time employee or 2 full-time employees and a part-time employee will be adequate to enforce this new law and resident working population will be a serious underestimate, reducing the proposed days of grace from 90 days to 30 days quickly, prioritise the consultation and implementation of photographic I.D. (identification) on the registration card in the next 12 months. An immediate public information

process should be commenced and properly resourced to allow wide public acceptance and understanding of the registration process and understanding of the new law, making sure a refund system is included in these proposals so that some measure of an exit poll is introduced to help monitor population levels more effectively. Frequent and random enforcement checks must be carried out from the earliest stage and the Population Office must be resourced for this. The public must be regarded as a valuable resource in reporting any non-compliant activity and encouraged to carry out a whistle-blowing policy. All of these areas identified in this statement are part of the findings and recommendations of the review. I conclude this statement by saying that unless the resources available to the Population Office are substantially increased the effectiveness of the naming of this register enforcement, accuracy and other matters will not work. As a result the States will not see any real improvement in the Island's ability to manage net inward migration. The leniency that was associated in the past with the enforcement of the old Regulation of Undertakings Law will no doubt be repeated unless this new law is introduced as an effective tool in controlling net inward migration. The public are sceptical of the ability of the States to regulate and control immigration and there is therefore a great deal of interest in watching the pattern of net inward migration for the next decade. The accuracy and reliability of measuring population based on the new law and register will be tested in the next 12 months and will be found to be either a useful tool or lacking in any improvement on previous experience unless immediate and urgent action is based on these findings and recommendations.

[12:15]

**The Deputy Bailiff:**

Following the statement the time for questions. Deputy Maçon.

**6.1.1 Deputy J.M. Maçon:**

May I begin by congratulating the Chairman and his panel on an excellent report, though will the Chairman agree and acknowledge that some of their recommendations were made in the previous report under the chairmanship of Senator Ferguson in that they should accept no delay from the Executive in implementing these recommendations as they have had them for almost 2 years now?

**Deputy S. Power:**

All of the sub-panel are aware of haemorrhaging of time and that is why I emphasise in this statement today to focus on specific aspects of the implementation of these provisions. Unless the Population Office get up to speed immediately, and that includes the Migration Advisory Group, there will be further loss of time in the implementation of what we regard as 14 key recommendations and I am very hopeful that because of the speed at which this report has been accepted, this review has been accepted, that everyone concerned with the enforcement of this law is now ready to do this.

**6.1.2 Deputy R.G. Le Hérisier:**

Would the Chairman - and again congratulations - outline why the panel did not recommend work and residence permits and did the panel come to any conclusion as to how to avoid the current system of first and second-class citizens in respect, for example, of accommodation?

**Deputy S. Power:**

Jersey is a jurisdiction that is represented by the U.K. within the E.U. (European Union). As such, we studied the work permit system in the Isle of Man and while they do have a work permit system, it is less than perfect. For instance, if a recent arrival has 3 part-time jobs, that person needs 3 work permits. My own view is that the States has chosen the path to go down to this, what I regard as complex route, and it was my sub-panel that had to review a law that is essentially already passed.

So we were reviewing the provisions of that law, not the work permit system. Some of the points the Deputy makes, it makes good sense but in this particular case it is not an option.

**6.1.3 Deputy R.G. Le Hérisier:**

Just a clarification, would the Chairman accept that there is indeed, should the States be so minded, provision for work permits within the regulations, individual work permits?

**Deputy S. Power:**

There are some provisions which would make it extremely difficult to enforce. But the whole emphasis of the control of Housing Market Law is to regulate employment and the right to housing. I omitted to answer the Deputy's second part of the question, that is, almost 20 per cent of the Island are unqualified, will be registered for housing and work and that is where we see the problem.

**6.1.4 Senator A. Breckon:**

In his statement, the Chairman of the sub-panel mentions leniency and the enforcement of the Regulation of Undertakings Law. Can the Chairman say so, whether he found any evidence of any regulation of that particular law at all apart from occasional prosecutions for employees for non-return of yearly return?

**Deputy S. Power:**

To be fair to the Population Office, their emphasis in enforcing the Regulation of Undertakings Law, shortly to be extinguished, was that it was essentially in manpower returns and in areas such as statistics gathering and areas like that. They did not simply have the resources or, in my opinion, the inclination to follow the prosecution route and as a result of that the interpretation of the Regulation of the Undertakings Law was regarded as very lenient.

**6.1.5 Deputy M. Tadier:**

With particular regard to the recommendation of increasing the period of qualification from 5 to 10 years, will the Chairman advise what human rights advice was taken on that and what the implications for doing that was?

**Deputy S. Power:**

We felt that our recommendations to increase the qualification period from 5 years to 10 years was a reflection of reducing the qualifications from 10 years to 5 years, and in our opinion we did not seek any further European Convention on Human Rights advice.

**6.1.6 Deputy J.H. Young:**

In the second page of the Chairman's statement, the Chairman refers to the need for additional resources being available to the Population Office. Could the Chairman advise us how much additional resources are required, what is known about that and whether any of the Ministerial response gives him confidence that such resources will be available to achieve this implementation?

**Deputy S. Power:**

It is clear that having one full-time employee and one part-time employee to be increased to 2 full-time employees and one part-time employee will not allow the Population Office to administer the provisions that are being proposed here today. We did not estimate the total number of staff that would be needed but if effective random checks are to be carried out across the Island, if sufficient monitoring of the car ferry ramps morning and evening, if sufficient checks are to be carried out at the airport, we feel that the Director of the Population Office will have to do this urgently and

immediately and bring it to the Assistant Minister who is responsible for this area, but we did not quantify it.

**6.1.7 Senator P.F. Routier:**

May I add my congratulations to the Chairman and his panel for carrying out this work in the timetable that was agreed? The sub-panel have made some good recommendations at which the Migration Advisory Group are accepting. I just really wanted to pick up on a couple of things that have just come out in some of the questioning now. The Chairman mentioned that the Population Office did not have the inclination to prosecute but does the Chairman accept that the current outdated laws do not allow for easy compliance, because once something is found out often the person has left the Island or whatever, but the new legislation will enable immediate compliance now. The second part of the question would be can the Chairman confirm whether he and his panel will be supporting the regulations we are debating at this sitting?

**Deputy S. Power:**

The whole question of being able to comply and enforce the old Regulation of Undertakings Law is largely down to a resource issue and even in my own time at the Housing Department, the enforcement was one part-time individual who was able to go out of the office and one full-time person who was on the administrative side. So that was the old system. It will not be possible to enforce and create compliance at this level unless there is a complete change in the approach and in the resources with regard as to how this law is applied. The second part of the question with regard to whether the sub-panel will support this, it is for individual sub-panel members to decide, but most of the key findings and recommendations have been accepted, and I will be happy to say now that I will.

**The Deputy Bailiff:**

I am afraid that brings the 10 minutes for questions to an end. Apologies to those Members who have questions outstanding.

**PUBLIC BUSINESS**

**7. Police Station Relocation: review of decision (as amended) (P.92/2012)**

**The Deputy Bailiff:**

We therefore come to matters of Public Business. The first item on the agenda is P.92, the Police Station Relocation: review of decision (as amended) lodged by Deputy Martin. I ask the Greffier to read the proposition.

**The Greffier of the States:**

Proposition as amended. The States are asked to decide whether they are of the opinion (a) to request the Ministers for Treasury and Resources and Home Affairs not to proceed with the proposals for the development of a new police headquarters in Green Street Car Park, St. Helier; to request the Minister for Planning and Environment (b) subject to the results of the consultation process, take the necessary steps to bring forward for approval a revision to the Island Plan 2011 to provide that the open area of car parking between Route du Fort, Green Street Cemetery, the car park and Lime Grove, be safeguarded for the future redevelopment and/or expansion of car parking; and (c) to review the various master plans to which he has responsibility and to identify a larger and more suitable site for the development of a new police headquarters.

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

Just before I go into the main part of my speech, I am posing a question, probably to the Minister for Treasury and Resources. I think it is best done now and if it is not that long a speech I will be finished by lunchtime. So really, under 24 hours ago we all received comments from the Ministers which I think they are basically saying they are accepting recommendations 3 and 4 of the Scrutiny Report, which are to consider providing more car parking in Green Street and looking at the whole scheme and incorporating some of the problems that have been identified in the scheme. But, to me, it is not clear in the Minister's comments whether this is a definite commitment or not. The minimum I would accept from the Minister for Treasury and Resources is an undertaking to go away and look at these recommendations in the round, as half a floor and a promise of maybe, should be, could be is not good enough - Green Street covers a large area - and in the meantime, give an undertaking to the Assembly that he would instruct Property Holdings to withdraw the current planning application for the police headquarters at Green Street and submit an amended application which does include additional parking and a better integrated design. Please be clear, if we do not get this commitment, none of these recommendations will be incorporated. I have been in this House long enough to have: "Promise me, trust me, I am a Minister for Planning and Environment, I have had in the Island Plan, I have had it wherever", so I need that minimum commitment and if I get this I will then ask the Assembly to permit me to withdraw my proposition. But be assured whatever the reason, if a new planning application comes back without these recommendations, more planning, better use of Green Street as a whole, my proposition will come back. So hopefully I have given the Minister for Treasury and Resources, Property Holdings and others something to think about over lunch; a clear commitment and withdrawing the planning application. Also before I start, I would really like to thank both of the Scrutiny Panels who have worked very hard on this and very quickly

**The Deputy Bailiff:**

Deputy, forgive me for interrupting, but I was not clear whether you wanted any answer from the Minister for Treasury and Resources now before you made your speech?

**Deputy J.A Martin:**

Not really, I think there are too many Ministers that are involved. I have put out the olive branch and they have got lunchtime as it works out to discuss it. So ...

**The Deputy Bailiff:**

That is fine.

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

Would the Deputy give way for the Assistant Minister?

**Deputy J.A. Martin:**

Which Minister?

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

The Assistant Minister.

**Deputy J.A. Martin:**

Do you know, I do not think this debate ever is going to go ahead, but I will do.

**Senator B.I. Le Marquand:**

Would the Deputy then after the Assistant Minister give way for the Minister ...

**Deputy J.A. Martin:**

No, can I just make my ...

**The Deputy Bailiff:**

Just make your proposition.

**Deputy J.A. Martin:**

Yes, I am just going to make my proposition and, as I say, they have got lunchtime to speak. So as I say, I am thanking Scrutiny but at the same time I am still being accused of not wanting the police to have a new headquarters and that is really, really not true. I was one out of, I think, all together 4 people who visited the police station and, yes, it is in a bad state but it is not my fault it has been neglected for years and years and years and I mean well before anybody put any plans in 1996, 1997 or 1998 for a new one. While I was there I asked the police who were showing us round: "Do you have a problem with retention or recruitment?" "No." And the answer is, well yes the police station is not that great but other aspects of working in Jersey to some other inner cities or police forces outweigh it. They have never had a problem with recruiting or retention, not for the police station. So I get back to the biggest concern I have which is the impact on one of, I see it, the town's most important car park which is used by commuters who are also shoppers, please remember they are shoppers. They get there every day, they walk into work, they walk through Colomberie. I have met with the Colomberie traders who know that the people who come in their shops use Green Street. They know that if they are moved to Pier Road they will not pass this area and so they, like I, do not agree with my Constable that an extra 200 workers in this area will be good for business.

[12:30]

**The Deputy Bailiff:**

Deputy, forgive me for interrupting. There is a buzz coming from senatorial benches which...

**Deputy J.A. Martin:**

There is a lot of whispering, yes.

**The Deputy Bailiff:**

... I find frankly distracting as I am not able to listen to you.

**Deputy J.A. Martin:**

Thank you, Sir. Let us hope they are discussing the compromise or the commitment.

**Senator L.J. Farnham:**

No, we definitely were not.

**Deputy J.A. Martin:**

Well, that is even worse. So, as I say, the traders do not believe ... it is the way the police work, they get in early according to the Minister for Home Affairs, mostly they change, they drive in, or come by bike or whatever way they are going to get there. They go out in their operational vehicles, they come back, they change, they go home. They are insular. They are going to have their own canteen. It will not increase the footfall and we are losing over 200 spaces at Green Street. I cannot agree that it will help traders and I say some of them have already emailed me and they have emailed the Constable. So the rest of my speech really, because I know there are a lot of others who have done the Scrutiny Reports and everything else and they can comment on other bits, I am just going to try and keep to replying to the remarks made by the Assistant Minister, Deputy Noel, to my first opening speech in November. I thank him for getting them to me early, the end of

last week and I have been ... oh well, sorry, if I had an office manager they would have been working on them all weekend, unfortunately I am the office manager so ... But I do thank him for trying to get them to me quickly. So if we look at one, I think they are talking about ... well I am saying we have highest unemployment ever known but they say people in work hit the highest level ever in 2011 and what do they say about statistics and lies? I think they are saying in these comments that commuter parking is reducing. Well we have over 2,000 unemployed; I would expect these people are not coming into town. They may live in towns, some of them, but they are not driving around looking to go to Pier Road Car Park which we are always told has spaces. But what about the bigger picture of Pier Road? What will happen when South Hill is developed, a publicly-owned site with great potential, we know it is of high value, surely, if you really look at the bigger picture and if any of us had any input you would not ignore Pier Road as being part of the selling or the development of South Hill. But again, what are we to know, we only find out probably when it is too late and we have lost those spaces as well. Number 2 replies to why they did not develop more spaces at Green Street, which again you get mixed messages here, basically saying they are not needed. So why now do we have a plan for gold-plated spaces at Snow Hill, in fact, for 55,000 to 60,000 a plot, I think they should be made of gold. And as I say, it is that mixed message, I think there was a question about Fort Regent, I was at the workshop for Snow Hill and we were instructed out of the 5 options not to include a gateway to Fort Regent. Absolutely not and that has still come up with a £5 million project that will not get you to Fort Regent any quicker. So, you cannot really sort of look in this. I think it was done to ... there are some people saying: "Oh well, we will not support this because this that and the other. Oh, there are 91 spaces now going at Snow Hill, I can support that." Well, it does not really add up, does it? Because I certainly will not be supporting that. Number 3, the new building is not public friendly. To me, they are not comparing apples and apples and they are talking about what they do in the U.K. and, as one of the other Scrutiny Reports says: "In urban areas they have police stations and a police headquarters." Then they go on about the 3 spaces there. They are absolutely adamant there are 3 visitor parking spaces at Snow Hill, but I will leave that to the Environment Panel who have done their own work. They have been in there and they have watched and it just will not work. In fact, where they are at the moment it is being ... well, the trees are being cut down. It is not open, that part, anyway. In 4, again it goes on to say about Snow Hill and I will not cover every point because they repeat it, obviously, because probably I repeat it in the opening speech. Number 5, disabled visitors. This is what I said because it is in their own traffic report: "Can only access the building on a prearranged basis." They say it is not the intention that disabled visitors would need to prearrange a visit to the police station but Arup, who are their traffic engineers, say they will. There are only 3 unloading bays in the plans, all at the front of the police station with a 20 minute maximum stay. All this does need a solution but, again, they say it is in the next stage. They also say the police will not act as traffic wardens but with every delivery and service needed for the police station to use this bay someone will have to co-ordinate or we will have disabled people turning up and not being able to park where they need to, right in front of the police station, and get into a brand new public building. I cannot get my head around it. Someone is right but, as you say, sometimes you know you hear things in here. As I say, remember, every service delivery to the police station will be on those bays. You were told at the St. Helier Roads Committee by Home Affairs, by T.T.S. and Property Holdings, they will not be allowing any civilian to park under the police station. It is a security risk and I fully understand that. But just remember that. So everybody visiting the police station, 3 unloading bays, 20 minutes max. 6, the Council of Ministers, it goes on about a crossing. Arup say they will need a crossing. The Ministers now say they will not need a crossing. Scrutiny, I think, say there should be a crossing across Green Street. It is a very, very busy road and if you are going to have the visitors parking in Snow Hill, well, you want them to get there safe or they turn up to report a traffic accident where they were just run over. So then 8, yes, it goes on about, - and who do you believe - we are having 500 new homes in St. Helier. I still maintain the Island

Plan, which was discussed at least 9 months before the Census figures came out and the graphs on pages 5 and 6 of P.92 show an increase of nearly 5,000 homes. So if you only have 2 people living in that, that is 10,000 people. So we are planning more offices, more homes in the future for St. Helier and less parking. My Constable wants St. Helier to be a great place to live and work. He probably also wants the town to be car free but that is not going to happen. People who live in town want the facility to get out to the beautiful country Parishes, visit Plémont occasionally. But, as I say, you have to park somewhere. 10, they say the Sustainable Transport Policy was approved by the States but it is aspirational and I said: "Like the Hoppa bus" and when we came to get the money we did not get any. But I am not advocating an increase in car parking. I am saying we and the town traders and the shoppers and the workers cannot afford to lose anymore. I understand people who work in town and come into town by car are also shoppers. We had this explained to us under the new town trading group which was attended again by the Minister for Treasury and Resources, Assistant Minister for Treasury and Resources, the Minister for Economic Development. It was told to us quite clearly by the Chief Officer of Economic Development: "You cannot say commuters are not shoppers." In fact, commuters are the biggest shoppers in town. So do not be disillusioned that we have one sort or the other and T.T.S. are already looking at different ways to pay and in Ann Street, it is not rocket science so you can incorporate all these people. 11, we have found 40 spaces. Now, again, this is contradictory information. If the police are so against coming to work in their cars, why does the council, supposedly, have a 40-space private car park out their back? Because I can tell you now ... I mean, I do not know what the mystery is. We have been trying to get in Havre des Pas a residents' parking zone so if there is 40-space car park there, talk to my Constable before you talk to the police, talk to the residents of the area. This travel plan that they have literally relied on all the way through was an internal office survey asking the workers: "How do you get to work" 2 years ago. Only 180 people replied and they never put in the question: "Would you change your travel plans if we put your office in the middle of a multi-storey car park?" I mean, the most obvious question, they never asked it. So they now know it was not a travel plan, it was an internal survey, 180 replies out of 330. Well, if the other 180 are coming in by car, I think Green Street really is going to be full and it will be full by the police because of the shift patterns. Again, there is contradiction about what the shift pattern is. Home Affairs say they mainly work in the day. I am not sure. 13, we were told that when Gas Place parking closed, there would be parking in Tunnel Street, La Masurier, Ann Street Brewery site and Ann Court. We already now know that most of the replacement parking is not going to happen. Tunnel Street, La Masurier, Bath Street, Ann Street Brewery, still building sites. Nothing is happening. When is it going to happen? Have we been told what affect the so-called plan, the 185 spaces at Ann Court, will have? We are sinking a massive £5 million shaft down there. Will it still hold 185 car parking spaces? There is somebody being shafted. Yes, I had to write that. I did laugh when I read it but I need to know the truth from the Minister for Transport and Technical Services. It is a massive, massive development under Ann Court where we are promised 185 spaces. So I need to know how many spaces it is going to take up or we are not going to get. Then there is the drainage. Again, another answer I need from T.T.S. T.T.S. drainage report: "No drainage details have been provided with a Planning application and suggest this could need a pump with lorries" which will not fit in front of the police station. They say now they accept there is a problem with the drainage issue on this site but when they replied to Deputy Baudains in their written answer on 20th November they said it is very unlikely, until they read their own papers, that this lower end of Green Street would flood. But now they say they have found a solution and I look forward to hearing about this solution from the Minister, and I presume it will be the Minister for Transport and Technical Services. I hope he has been fully briefed on the solution and he will tell us how they are going to pump out the water that does flood at this part of Green Street on quite a regular basis. 15, I say there has been no consultation with the Honorary Police and others. So really, it totally misses the point, not of what stage of the design do you consult, my point was and



is there should have been widespread consultation with the States of Jersey Police, the public, the Honorary Police, States Members, before this plan to squeeze a brand new police station on the flat part of Green Street Car Park ever came this far. We always end up here; they are right, I am wrong. It is political, I am told. Now, it is very political but it is still the wrong place and nobody has been consulted. I tell you now, if my proposition fails today they will go off and they will, I think the buzz word is, and I have read it many times the Scrutiny Report: “We will make it work. We will make it fit.”

[12:45]

What a way to start with your brand new police station. They will go away and squeeze a quart into that pint pot and still 3 months down the line after the deal I made about the Honorary Police, they have not gone out and consulted them. They say it is the next part of the detailed design. I find this - especially 3 months down the line - treats our honorary system, our Honorary Police with absolute contempt. Even with my proposition on the table, they have not gone out there. I just have to read a few figures from St. Helier’s annual police report. St. Helier Honorary Police prepared 1,056 charge sheets; spent 26 hours attending the scene at the gas tank blaze; 21 St. Helier Honorary Police officers were used in the Diamond Jubilee events; the number of public order offences being dealt with at Parish Hall level was 606 cases out of an overall number, including traffic, of 2,865. They visit pubs and clubs to make sure they are complying with the law and it would appear that other Parishes, if we brought in the paper are correct and I do not see why they would not be, but they also rely on their Honorary Police. In fact, they probably rely on them more because police are concentrated in town on a Friday and Saturday night, which is where everybody comes to. So with all this fantastic input no one has spoken to them. I mean, I just cannot make it out. I do know, and I have spoken to a couple of Constables who have had comments from the debate before that the - I am nearly finished - Honorary Officers were absolutely upset and they were going to speak to them. So I hope they have spoken to them and I am sure they would have and they have their point of view. 16, as I say, I have nearly finished, Sir.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

It is entirely a matter for you but rather than rush you, if you wish to adjourn now then you can continue after lunch, if that would suit you better?

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

Yes, then it will give everyone else a chance to have a chat and I might not even have to finish the last 2 pages. Okay, thank you, Sir.

### **The Deputy Bailiff:**

Before we adjourn, can I just announce briefly some documents on your Members’ desks this morning but not on the order paper, P.35/2013, the Draft Register of Names and Addresses Register and the suggested regulations lodged by the Chief Minister. R.16/2013, Land Transactions and S.R.2/2013, response from the Chief Minister to the Population Migration Review. The States now stand adjourned until 2.15 p.m.

[12:48]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **The Deputy Bailiff**

The debate resumes on P.92/2012. Deputy Martin.

**Deputy J.A. Martin:**

I do not have much more to say. I have just found some late comments from the Minister for Housing which I will make a few remarks on at the end. Now, where was I? I was talking about consultation and the consultation that happened with the Honorary Police. I am obviously carrying on with the debate. I have heard nothing, only via the media ... the media told me the Assistant Minister for Treasury and Resources did not want my olive branch but I will wait to see if that is official but I will be very, very surprised if it is not. It just shows you that contempt with which this House is treated: hear it from the media first. Absolutely, as I say, I might be wrong and the media may have it wrong on this occasion. So I was replying to point 16 from the Assistant Minister for Treasury and Resources when I stated in the last debate: "police staff are not happy with the proposed headquarters." They say that there was addendum done by a Scrutiny Panel in December. That was when - remember why we are here - the Minister for Home Affairs had to send this back because the police themselves had not been properly consulted and if they had - they say they were - none of them were listened to. That is why it was sent back 3 months ago. So let us get this right. Point 17, I say that parking in the basement of the police headquarters falls outside Home Office guidance. I think they miss the point here because under the new police station, they are going to have operational vehicles and that is okay with the Home Office. I know when a lot of people heard the Centeniers were not going to be allowed to park under the police station, the Ministers gave way but Arup are still absolutely adamant that they will not; again, because it is a civilian car park. They normally use late at night their own cars which are seen as civilian cars and they are not going to be able to park under there. Whatever you are told today, once this is built, no civilian cars, not even the Chief of Police who comes in his civilian car, will be allowed to park under that police station. So, you know ...

**Deputy E.J. Noel:**

The Deputy has inadvertently misleading the House.

**Deputy J.A. Martin:**

Sorry, I am not misleading the House.

**The Deputy Bailiff:**

He will have an opportunity to speak.

**Deputy J.A. Martin:**

Yes, but I think he goes straight after me.

**The Deputy Bailiff:**

He will be after you. [Laughter]

**Deputy J.A. Martin:**

He is rearing to go. As I say, unfortunately, it would have been nicer if he had spoken to me instead of the media first, but there you go. We are where we are, as they say. Point 18: concern about the archives store at La Collette and the security for the forensic team vehicles. Yes, when I spoke to the police on the beat, one said when we were down in the police station: "The archive and the storage for our big command vehicle is just outside the blast area" and I said: "Well, I hope the blast knows that because you are talking La Collette" and they have to get there ... when they have an emergency they have to get these vehicles. Well, the police are still telling me they have concerns. Are they compromised? Can they come out any more? I think they did their bit in November last year and I still think they are being ignored. I really cannot have this as well and the Minister for Housing has come out today with comments. He apologies for being late although what he said in his speech from his ... he is not here at the moment, when he was off sick in the last

debate. But in the meantime, on Friday, I emailed Property Holdings because I have spoken about the bigger picture, the bigger picture for Green Street; could it be incorporated, could we have a fantastic police station, more parking and even residences there. It does not look like they want to look at this although that is a perfectly reasonable request from Scrutiny and myself. So I said: "Well, what is the bigger picture? Not just for Summerland: what is the bigger picture for the old police station, fire, ambulance? What is the bigger picture, please, Mr. Property Holdings." There is an overriding application is, is there not? Who is paying for it? What are they for? Category A. Category B. Who is going to live there? I will have to quote from his answer. "Firstly" he says: "at present the application is just an outline. It was for 170 units but will probably scaled-back to 154: for one, 2 and 3-bed apartments. The scheme is initially dependent on the relocation of police headquarters if the current proposal is agreed. It will be a number of years before this part of the site is vacated and a feasibility study for the rest of the fire/ambulance service will be undertaken next year." So we will not know. So when it is said that if this current proposal is accepted I obviously thought, reading it, it is going to take a number of years. I emailed him back and said: "You are obviously talking about if my proposition is accepted on Tuesday, there is going to be years to move the people, the police out of Summerland." The reply was: "I meant if the current Planning application is approved, we would need to go through the detailed design, tender, build and migrate from the existing building. Apologies if he was confused." Well, is anyone else confused? Because I have been accused of holding up much needed social housing at Summerland site. Nobody knows what is going there. We have just had J.C.G. (Jersey College for Girls) go in and it is all Category B, all except a few, because we have not the money to build social. So what do we do? We get S.o.J.D.C. (States of Jersey Development Company) to build Category B. It is all jam tomorrow and I have been accused. It is written in the Minister for Housing's comments, again received today. I have had so much paperwork thrown at me at the last minute and, as I say, I do not have an office manager or a secretary or even a research assistant. I have had to do all this, which is fair enough. I am only a Back-Bencher and I fully accept that but I have never had more paper, as I said, we could build the police station out of paper mache if we all shove it into the middle, I can assure you. Anyway, I am really just summing up. If you do not get a compromise commitment from the Minister for Treasury and Resources or his Assistant Minister, or from Home Affairs, do not believe another word they tell you. Or treat it very, very sceptically and I have not accused anyone of lying. I have asked you to use your own brain and I will use because, as I say, 13 years down the line sitting through 2 Island Plan debates, and things that were promised in this House never ever happened. Deputy Baudains would remember - and there was the other Deputy Baudains at the time - and pointed out great big holes. But he said: "Trust me. I am Assistant Minister for Planning and Environment and I am a Minister. It will be done." So I am not holding up the police station. I have covered retention and recruitment. There is no problem. Happy police. They are not happy with their conditions - of course they are not - but again that is not my fault. The boiler there, we were told, is 70 years old. Well, surely they started ... they might have started, it might have been 60. They were not sure what year but well before anyone was thinking about the police station. So where we have a police station that the actual police are sceptical will work, it will not be very friendly for most visitors - it will certainly not be friendly for disabled visitors - and they have ... if they cannot accept at least 2 recommendations and give a commitment to this House, what is Scrutiny all about. Why have they been rushing around? What have 2 Scrutiny Panels, since December, or late November, December, January, February been doing? Wasting their own time, and they will be because it is not hard except for my compromise. Make a commitment. Look at the whole site. I said when I first read the Scrutiny report, and they came up with that, if they were going to redesign most of Green Street... which is falling down, by the way. It has concrete cancer so they have, you know, fudged it up and done it up but it is not a great use of space. So if they want the police station there, come to the compromise, come to the table and do not absolutely insult me by going to the media at 12.45 p.m. today and tell me: "Thank you for

the olive branch but no thank you.” So I leave it there. I look forward to hearing ... the Minister for Treasury and Resources is shaking his head so obviously the media were wrong and I am going to get the olive branch that I asked for at the beginning. No, I am certainly right. I will leave it there. I will listen to their arguments and I will sum up, obviously, at the end. Thank you.

**7.1.1 Deputy E.J. Noel:**

If I can address Deputy Martin’s proposal first. I can outline what we can promise to deliver, and that we can promise to deliver a half-deck on Green Street Car Park that will cost an estimated £1.2 million and provide 53 additional spaces. There are 2 reasons why we can make that promise. One is that it is affordable and the second is that it can be done in conjunction with building the police station and not delay the police station project as a whole. What we cannot promise to do is to delay this project unnecessarily and hence withdrawing our planning application is something that at this time we cannot do. We have confidence in the planning process and so on that basis I am assuming that I will be continuing with the rest of my speech.

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

May I seek a point of clarification just to make sure I have it right? It was: “We can promise to deliver 53 spaces and a half-floor on the Green Street Car Park.” Does that mean irrespective of whether this proposition is adopted or not today?

**Deputy E.J. Noel:**

I say what I mean and I mean what I say. As part of the police project, we can promise to deliver, subject to the Minister for Planning and Environment’s consent, an extra half-floor on Green Street Car Park for circa £1.2 million that will create 53 additional spaces.

**Deputy J.A.N. Le Fondré:**

So we will promise to deliver?

**Deputy E.J. Noel:**

I mean what I say and I say what I mean and I have already promised that we will deliver that, subject to the Minister’s approval.

**Deputy J.A.N. Le Fondré:**

We will do that. Okay, thank you. Can I ask another question? In terms of the funding of that, will that be a directly attributable cost to the police H.Q. (headquarters) project?

**Deputy E.J. Noel:**

The long-term funding for that will come from the 53 spaces that are created.

**The Deputy Bailiff:**

Deputy Noel, you are still in the middle of your speech, as I understand it. Can I ask Members to let the Deputy finish his speech and if there are any points of clarification to be raised at the end.

**Deputy E.J. Noel:**

Let me be clear. Members can be absolutely clear that this is not a proposition that can be approved without consequence. In my view, the consequences of approving this proposition would be letting the States of Jersey Police down and the public in terms of value for money and for those who are desperately in need of social housing, and I mean social housing. As difficult as it is to say, there is no perfect site for a new police headquarters. Since the late 1990s we have been attempting to find a suitable site. As history since 1999 has proved, seeking an alternative site at this time will lead to extensive delays. The States of Jersey Police requirements have been critical

for a number of years. Their buildings are dilapidated, in need of maintenance and are unsuited to modern policing. We are letting the vast majority of our police force down.

[14:30]

Those Members who have visited the existing custody suite will know that it simply does not comply with Home Office guidance, nor does it meet the basic health and safety requirements. The Chief of Police has said that in the 32 years of service it is the worst accommodation he has ever worked in. He said, and I quote: "I continue to be deeply embarrassed about our current accommodation and I am very concerned about the day-to-day impact it has on the effective delivery of the service. In my view, it has already taken far too long to implement a solution and, make no mistake, the need for a replacement premises is already critical. Further delay is unthinkable both in terms of the continued impact on delivering modern policing, ensuring the welfare of detainees, visitors and staff, and continued costs of maintaining the existing building." The Chief of Police has been very clear in his words. We simply cannot kick this proposal into the long grass. I am sure all Members will agree how well the new Chief of Police has done just since his arrival just over 2 years ago. I believe we cannot ignore his views. Members have had a full comment from the Council of Ministers and I would like to expand on some of the key issues raised and correct some of the misunderstandings. In addition, since November, 2 Scrutiny Panels have undertaken additional work. I thank them for this work which we have formally responded to and, again, I will expand on some of the main issues raised. Firstly, planning. The scheme was submitted as a planning application early in August 2012; that is now 7 months ago. The planning process is designed to assess applications against the Island Plan and to test public opinion through its consultation process. The Minister for Planning and Environment has a legal duty to determine each application in a timely manner. We are not a planning committee of 51; experience shows that when we aim to be, chaos ensues. While I recognise that Deputy Martin has amended part (a) of her proposition, the fact remains that the planning process is a robust mechanism designed to determine applications. The Environment Scrutiny Panel suggested that somehow this application has received favourable treatment and that it should have been given fuller consideration. As effectively the applicant, this scheme appears to have been dealt with like any other and I fail to understand how much more consideration is required. The scheme has been discussed with planning officers since September 2011 and it has been subject to 2 pre-application consultancy processes with the public and other key stakeholders, and has been in the system for some 7 months. I believe that we should have confidence in the planning process and allow the application to be determined in the normal way. Deputy Martin is, effectively, asking this Assembly to be her Planning Committee, and I do not think that this is appropriate. There are a number of genuine misunderstandings and it is important I respond to them: the first is that the site will cause traffic problems and compromise access to the tunnel. This misunderstanding assumes that vehicles attending call-outs and emergencies all leave from police headquarters. The fact is that, in reality, they do not; most emergencies are responded to by officers who are already out on patrol. I am advised that there are on average only 2 call-outs per week from police headquarters and that these are not, in the main, blue light dispatches but are normally back-up units responding to units which are already at the scene. Access to the tunnel will therefore be no more of a problem than it is now and, if the tunnel were closed for whatever reason, there are alternative routes across the town. To reinforce this point it is worth again to hear from the Chief of Police who said: "As far as I am concerned, the site is ideal. It is located on the ring road, it is closer to town than the current headquarters and it has been demonstrated that the nature of the traffic generated by both staff and operations can be accommodated on local roads." He goes on to say: "The nature of the operation of the States of Jersey Police is that police officers, unlike other emergency services, largely deploy from vehicles that are already out on patrol with very few from the police headquarters itself." The

second misunderstanding is that the site is too small. I understand Members' concerns but the facts are that our proposal meets with the current and future police requirements. We have already built-in a number of areas of scope for expansion, such as increasing the number of cells from 12 to 20, making all office areas 10 per cent bigger than they need to be and a control room that can be increased by 50 per cent. In addition, it is planned that light-weight partitions will be used to increase the flexibility of the building in the longer term. Perhaps a small point but an important one is that the Honorary Police, who currently have only 3 parking spaces at Rouge Bouillon, will have a minimum of 5 spaces in the basement of Green Street Car Park under the police station. To add to the reassurance, Members should be aware that the building has been designed to meet all key requirements of Home Office guidelines. The architect is a specialist who only designs police buildings. Members can be assured that even if the building were to be constructed on another site, we would not have to build a bigger building. The Police Chief again is clear in his recent statement, and again I quote: "I have already stated publicly that the proposed design is fit-for-purpose for delivering modern policing and will provide the kind of working environment that can only be of benefit to the force. The team at the States of Jersey Police have been fully engaged in the design process and has worked collaboratively with our architects and our other specialists to develop the building." He also said: "I am delighted with the outcome. The proposed new development meets the brief set by the States of Jersey Police and will provide a modern and flexible accommodation solution." He goes on to say: "Crucially, this will allow the force to develop more effective working arrangements and provide the ability to respond to the changing demands of modern policing in the future." Again, the words of our respected Police Chief. I would like at this point to personally thank the Education and Home Affairs Panel for their work. The Minister for Home Affairs and I have issued a joint response to their initial report and to their subsequent addendum. The issue of future-proofing is an important one. They, the Scrutiny Panel, say that they are unconvinced that at some point in the future there may not be a need for additional police accommodation, and I hope I have explained that there is room for expansion and flexibility in the proposed design but, if the panel is proved right - and we do not think they will be - then what options would we have? This is not a land-locked site. I do not think it has escaped Members' notice, but the States do own Green Street Car Park. With a predicted life span to 2019 and a possible extension, should - and it is a should - a significant expansion of the Police H.Q. be needed, we have the flexibility to do that at Green Street. The multi-storey car park could be redeveloped to incorporate increased parking and other buildings. The Green Street multi-storey site is twice the footprint of the Police Headquarters. In its addendum, the panel has canvassed the views of the Police Association in some detail. Members will note that virtually all of the issues raised have been addressed to the satisfaction of the Association. I recognise that this work has identified issues relating to staff parking and I accept that there is a need to work with the States of Jersey Police staff in terms of travelling to work, and we will do this, that is the whole purpose of the travel plan. One of the main issues has been that of parking, and I thank the Environment Scrutiny Panel for their work in this area. Senator Le Marquand, Deputy Lewis and myself yesterday issued a joint initial response to the panel's report and I am sure the Minister for Transport and Technical Services will be addressing the parking and traffic issues later on in this debate. The panel's assertion that the impact of the car park will be a total loss of 200 spaces and that the transport assessment information provided as part of the planning application is unreliable is not accepted, nor do I believe it is supported by evidence. When considering how people intend to travel to the new police headquarters, it is estimated that a maximum of 86 will travel to work by car. T.T.S. traffic engineers have confirmed that these conclusions are reasonable. It is inevitable there will be some impact upon the States of Jersey Police staff using Green Street Car Park, however, not all of the 86 people will arrive at Green Street Car Park; a number will choose alternative arrangements such as private parking, parking in other car parks or they will change their travel habits and entirely move away from the car. Again, this is one of the processes that will

come out from the travel plan. But let us be clear, the impact of the scheme is a displacement of 91 commuter spaces plus some of the 86 people who may drive to work. That is not 200 spaces lost. We know the scheme will not affect residents parking in the afternoons evenings and weekends, nor will it affect those who used a car park for shopping at these times. T.T.S. advises that the reduction in commuter parking is manageable and that there are at least 253 commuter spaces each day at Pier Road. In addition, there are over 23 spaces during the day at the Route du Fort, which is only 200 yards away. In line with the States Sustainable Transport Policy, I anticipate that it will be a condition of any planning permit to develop a comprehensive workplace travel plan, one which will set out incentives for staff to use alternative modes of transport other than the car. The Environment Scrutiny Panel has questioned the adequacy and the enforceability of such a plan. As far as I am concerned, this is an essential and binding part of our proposal and this process has already started. Members should note that the States of Jersey Police would not be able to occupy the building until an appropriate workplace travel plan is in place and approved. We know that there are private parking options available in the area, for example, the States of Jersey Police have been offered up to 40 new private spaces in the immediate area and Members will recall that a redacted copy of that offer letter has already been distributed back in November. T.T.S. is convinced that there will be little practical impact as a result of the displacement of spaces. The Deputy mentions in her report the additional 5,000 units of accommodation in St. Helier since 2001 and questions whether these figures used for parking and traffic are up-to-date. Members should be clear the data used is based on current-day activity. This shows that the demand for parking has reduced over this period rather than increased. But, taking this further, the key issue is where is this additional accommodation and does it have parking provided? Even a cursory analysis of the larger developments over the last 10 years suggest that the majority of these are on the west of town and all of these large developments have on-site parking for residents and some visitor spaces. I firmly believe that for the combination of mitigation and capacity in the commuter car parking system this development can be accommodated, however, I do accept that Members are concerned about the localised pressures in Green Street Car Park. The Police H.Q. project team did briefly examine the possibility of extending the top level of Green Street Car Park a year ago. As I have already mentioned, this would produce an additional 53 spaces and would cost approximately £1.2 million. With a considerable capacity already in the commuter car parking stock, this did not progress as the additional expense would be difficult to justify. But I have already said, if Members wish, we are happy to provide this. Some have questioned the arrangements for visitor parking and access arrangements at the new building. The new building is close to the town centre, only minutes away on foot; exactly the same as the public buildings in St. Helier, and many of these do not have visitor parking. Morier House has none, the Town Hall has none, Cyril Le Marquand House has none, the Library has none and Social Security has none. The Social Security Department receives 10 times the number of visitors as the Police Headquarters does and, as I have said, it has no visitor parking. What is different about our Green Street site is it is next to 3 car parks and is now on a major bus route. Despite this, I have accepted both Scrutiny Panels' recommendations that arrangements for visitor parking should be reviewed. We may have to provide some additional spaces dedicated to visitors in Green Street and, if we need to, we will. Moreover, we will continue to have a police substation in the town centre.

[14:45]

We have allowed for 3 disabled spaces outside the front door of the new police headquarters and, for the avoidance of doubt, these will not be accessed on a prearranged basis, we will ensure that the effective arrangements are put in place to ensure access is appropriate and easy for those who need it. The final issue revolves around traffic and road layouts. There have been suggestions that the crossing point from Snow Hill should be improved and, bluntly, I agree. We will work with our

colleagues at T.T.S. to achieve this in a way which is acceptable, both in terms of traffic and in terms of safety. In terms of traffic, our transport assessment report is clear: the development will have, and I quote: “Negligible impact on congestion and the operational police cars will have minimal impact on local road conditions.” Indeed, the Environment Scrutiny Panel has accepted this and I quote: “Overall traffic volumes may not increase significantly as a result of the relocation of the police headquarters. As a final point on traffic, Deputy Martin appears to suggest in her report that we should extend the current car park by 500 spaces. I simply put it to Members that such a scheme would have a huge impact on traffic in the area, far in excess of the proposed police scheme. Finally, there are the financial implications of this proposition. Members should be left in no doubt, despite what the Deputy has included within her proposition, approving this proposition will lead to significant additional cost. We will need to consider not only extra inflation from at least 18 months’ delay, but work on any new site could include demolition, land acquisition, infrastructure costs, road access works, basement parking and possibly temporary relocation of staff. Based on our experience and assessing other options, additional costs could be anything up to £9 million. Keeping the existing facilities running over that 18-month period could cost a further £1 million. A delay would be unnecessarily expensive. This is as much a financial decision as a practical one. I have already made clear how a delay will affect the police. This very process of scrutiny and debate has already added around 4 months to the timescales. Members should understand that every month of delay adds to the cost of the project through additional inflation and, for a £21 million project, it does not take long for this to become a considerable sum. Attached to the Council of Ministers’ comments circulated to States Members in November was a summary of the 30 or so sites that have been considered since 1999. This shows just how difficult it is to find sites in Jersey. Any site will present challenges. I urge Members to consider the real implications of seeking a new site: a delay to the project of at least 18 months, almost certainly longer, the police would continue to operate in the worse accommodation the Police Chief has ever worked in, maintenance issues would become acute with the risk of major failures, and expenses running into millions of pounds. We would naturally lose the money on the fees that we have already incurred, we would have to pay more in inflation, demolition, underground parking and temporary accommodation. This would - not could but would - add many millions of pounds to the cost of the project. We would also lose the opportunity of much-needed building work going into the construction industry at this time. We need to get the cash which has already been allocated moving into the economy. I would also like to remind Members that a key benefit of the current proposal is that it frees-up the Summerland site and part of the Rouge Bouillon site. Summerland, along with the ambulance site, can provide up to 170 desperately-needed units of social housing. As Deputy Martin said, indications from pre-planning application discussions with the Planning Department has indicated that they may wish us to come down to 154 units of accommodation. If the police were to remain where they are, we will lose the chance to build this extra social housing. I would like to remind Members that this project is at the planning application stage; the scheme has been subject to unprecedented analysis and scrutiny. There are, of course, issues that need further work and development; that is a natural part of the detailed design process. Members need to be bold, make a decision; we need to move on and deliver, not indulge in further delays in the hope that some magical silver bullet of a site will suddenly materialise. I have confidence in Members today in making the right decision for the States of Jersey Police and for Islanders as a whole and, in doing so, reject Deputy Martin’s proposition.

### **The Deputy Bailiff:**

I was at fault a moment ago because I do not think I asked if anyone wanted to second the proposition. I might just ask if I could perform this late. **[Seconded]** Thank you so much. I did not think there would be much doubt it would be seconded.



**Deputy J.A.N. Le Fondré:**

Sir, may I seek a point of clarification from the last speaker? Apologies.

**The Deputy Bailiff:**

As long as it is not a speech, Deputy.

**Deputy J.A.N. Le Fondré:**

It is not intended to be a speech at all, Sir. There are 2 very quick points if the Assistant Minister could elaborate: one was he stated that it was not an impact of 200 spaces. I just wondered if he could elaborate what it was or remind me and, secondly, he made reference to private parking availability, and is it actual existing private parking or does it have full planning permission and all that type of stuff?

**The Deputy Bailiff:**

Are you able to elaborate, Deputy?

**Deputy E.J. Noel:**

The impact, as I said, is a displacement of 91 spaces and up to a maximum of 86 additional spaces. With regard to the private parking, Members will be clear that we issued a redacted version of the letter from the landowner on the condition that we did not give any information away that could identify where that site was and, as such, I am not prepared to answer the second part of the Deputy's query.

**7.1.2 The Connétable of St. Helier:**

I am really indebted to Deputy Martin for bringing this proposition; she has done it with her usual gusto and great research as well, she has put a lot of time into it, and I think we should all be grateful to her, including Members who are not going to vote for her, not least because we have just heard today I think that, if the project goes ahead, an extra half deck is going to be created on Green Street Car Park providing 53 spaces to offset the loss of however many spaces it is from the car park. As I say, I take my hat off to her even if, in the final analysis when everything is said and done, I do not think I can support the proposition. I also thank Scrutiny for the work they have done. I was pleased to attend the hearing of one of the panels and to be asked to comment and they have done a great job. I think the result of this work is that if the project goes ahead, and I suspect it will, it will be better for the combined efforts of Deputy Martin and Scrutiny, so we will have a better police station because of what they have done, and I think that is an occasion for great pride in our system. Equally, I should thank the Parish of St. Helier Roads Committee who have been unanimously opposed to this project, at least I think the Dean is opposed, I am not sure yet, but the committee has been opposed and even invited the key players into the Town Hall to hear their views in a move which I do not think has happened before, while I have been there, anyway. So they have put in a lot of work and they have come up with lots of good ideas and alternative suggestions. The problem is, of course, that we are where we are and some of the suggestions put forward are not going to happen. But I think what all of the critics of the scheme share is a real concern about loss of parking in St. Helier, and I would take issue with Deputy Martin on one matter where she said that my vision was for a car-free town, and it really is not. If Members think back to the debate on the Island Plan, the debate on the Transport Strategy, in both those debates I successfully brought amendments designed to increase the amount of parking in town, particularly for shoppers, because we know how much convenient parking is important for people coming to town to shop and we do not want to drive them away, we want them to find St. Helier a car parking-friendly town. I realise we are a long way short of that at the moment, but it is not a personal vision of mine to create a car-free town. I was pleased to be able to speak early because as the debate goes on there will be an increased danger of repetition and I wanted just to make a few

points before I would not be able to speak at all. First of all, I think it is important to stress that we do have a new police chief who has, at least from my point of view, delivered on more or less everything we asked him to. When he came to see the Constables early on, he more or less said: "What would you like us to do?" and the shopping list was: "Well, reopen the town police station" - it has been done: "Put the police back on motorbikes" - it has been done: "Have a greater police presence in town" - it has been done. He also was being asked about whether we should have mounted police, which has not been done **[Laughter]** but there was not really unanimity about that but, personally, I would not mind seeing mounted police, I think it would look very smart. I respect the Police Chief's views and because he is convinced of the need for this project to go ahead and because of his track record in delivering, particularly in terms of town policing, I think it will be a brave person who stood up and said: "Well, you are wrong on this score. The project should not go ahead." Also I beg to disagree with the Deputy about the effect of all these new people working on this site and the effect on the surrounding area. I was first taken up on this after I had been speaking about my concerns of the new proposed police station and I was in the barber's chair - I do have to go occasionally **[Laughter]** - and my hairdresser had me where she wanted me, scissors out, and she said: "Why are you opposing a scheme which is going to drive more business into Colomberie, which really needs the business? The footfall... there are restaurants, there are small shops, there are lots of people trading in Colomberie who have lost the hotel traffic and would now like to see more people coming past to spend their money." If we have the police station, we also have Lime Grove House, if I am allowed to refer to that, about, I think, 300 people working there, so we are going to have probably around 500 people working in this area, and a good number of those when they want lunch and when they want to socialise and spend time and get last-minute presents for the family, are going to go into Colomberie and spend their money, or they are going to go up to Havre des Pas for a walk and again for perhaps to have a meal. So I think this project will be good for St. Helier, I think it will be good for this part of St. Helier, and I do not for a minute underestimate the problems that it would create. To get back to what Scrutiny have been doing, in particular looking at the difficulties of accessing this building, but again we have seen a movement from Treasury and Resources and we are going to get improved access to this building, particularly for pedestrians and disabled people. The buses are going to help. So I think these matters can be improved and I am confident that they will be because, once we have new police station there, I do not think people will be content with arrangements which do not work, and I think that pressure is going to be maintained as the project moves forward. The Minister for Housing's comments are welcomed and it is, of course, one of the arguments in favour of this scheme that it will free-up land for housing. Perhaps it is worth noting in passing that while this building will not pay rates - at least not at the moment in St. Helier - the buildings on the land that it vacates will pay rates and that will be good for the Parish. What I would flag-up though is a concern that the Roads Committee has reiterated in terms of the planning process that I am really worried that there will be a temptation to cram these new sites with buildings. I think it is absolutely important that as these sites become available, as we design them, that we do not forget about the need for generous amenity space, generous parking provision and other facilities like community facilities, which will mean that people have somewhere to go in the winter and they will not be simply forgotten about. So these new schemes must be developed with those things in mind. Let us also hope they do not take as long as the other States schemes, like J.C.G., a redevelopment which has been talked about for as long as I have been in the States. I think there are very few Constables who would, particularly in the current climate, turn down investment in a major new public building in their Parish. I have seen the plans, and I must say I think there are aspects of this building which are going to enhance the area and I think, as I say, for me it is very difficult to say no to that because we are in a recession and we know our construction industry needs work and for this Assembly today to basically take a major project off the order book I think will be deplored by many people in Jersey at the moment. So those are my reasons for being unable to support Deputy Martin. As I

say, I value what she has done, I congratulate her for what she has done and I do hope that when she sums up she will not be quite as critical and harsh as she was during the Plémont debate when she described St. Helier as a blot on the landscape and she deprecated my support for the purchaser of Plémont because, as she said herself just a few moments ago, places like Plémont are important for St. Helier residents to escape to.

[15:00]

### **7.1.3 Deputy R.C. Duhamel:**

First of all, I refer Members to my comment where I said it is inappropriate for me as Minister to comment upon any site or application-specific matters as I have a duty to determine the current live application for the police station proposal. However, I do think it is right that I make a general comment in relation to financing. Deputy Noel in relation to the provision of car parking made 3 statements - well, more than 3, but I wrote down 3 snippets - he suggested to this Assembly that it was an expense difficult to justify but he was happy, or the department was happy, to provide parking in terms of extra parking on top of the Green Street site, in a metal demountable frame. He also mentioned that it was a financial decision as well as a practical one. I agree with that, and that Members needed to be bold and make a decision. It is a constant source of worry that there appears to be an elastic chewing-gum approach to costing when it comes to providing car parking. But I do not know whether it exclusively resides in the Treasury Department or whether it is shared with Transport and Technical Services, but it does disturb me that the figures, when we are quoting for parking sites, seem to change depending upon which day of the week it is and which month. I give 3 examples: in the discussions that I took a part in a number of months ago for looking at car parking facilities that might be provided in the Snow Hill cut, it was estimated that the cost of providing metal car parking facilities, which are the demountable type, easy to construct, no great concrete expense to be considered, was of the order of £63,000 per site. It was interesting to note, because I think that particular option was not particularly wanted by those who were putting it forward, the cost of a concrete-type proposal was some several thousand pounds cheaper, although the cost of concrete in the Island is quite high in relation to French costs or, indeed, U.K. costs. We had some figures presented to us just recently at a meeting in discussing the cost of placing car parking above the Green Street site, and it was suggested that perhaps if we were going to get 66 units of car parking, and that was the officer's estimate, that could be done for around about £1 million. The unit cost had come down from £63,000 to £15,000. We have heard today from the Assistant Minister for Treasury and Resources that if indeed there is an opportunity to provide 53 units the cost will be £1.2 million. That is some £22,000, which is 50 per cent in excess of the figure that was told to me just recently in other meetings. From my own private investigations, the cost of this type of parking is of the order of £7,500 per unit, so I do agree that there is a financial decision to be taken by this House. I think it is wrong that perhaps some Members are being asked to make a decision in the absence of firm figures, and perhaps a picture has been painted of the undue expense of providing this type of parking when, in actual fact, I think the reverse is the case. I would like to see some sensible figures spoken about and I do hope that in any presentation of any other parking schemes by those 2 departments that perhaps we will have some unanimity in terms of the costings that are available for the provision of metal demountable parking, which can be put into sites at substantially less cost than the conventional building technologies that this Island usually endorses.

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

Many years ago in the late 1970s I took great interest in discussions that were taking place regarding the need for a new public building, the Jersey Library, at the other side of this building, not least because I had an interest in a certain young lady who worked there and who was to later

become my wife [**Laughter**] and I hasten to add that she still is, thankfully. Some Members today, although not Members then, will remember the protracted discussions that went on for very many years before agreement was eventually reached and our then library was just too small. Eventually a decision was reached on the current Halkett Place site, and the new library was finally opened by Her Majesty Queen Elizabeth in 1989. I cannot remember how long it took to reach that decision but it was a very long time. It became an ongoing saga for the media to report upon, especially when they had quieter spells with little else or nothing to report. The decision over whether the proposed new police station should be built seems likely to beat the library discussions many times over, and I am not sure at the moment if we are any further advanced. We may be £600,000 worse off than we were when the project was first initiated some 15 or so years ago. They were talking about a new police station when I was working there, and I have been retired nearly 10 years. Obviously, as this Assembly and the previous Assembly know only too well, there have been a few other distractions and side issues regarding the site of the new police station in that time too. Like everyone here today, we all want the best for our officers; those professionals whose role is quite difficult, demanding and, on occasions, quite distressing. We also want the best for the public of today and, of course, for the public of future generations. Some Members will recall the PowerPoint presentation at the end of 2012 when a slide that stated the current Chief Officer of Police is deeply embarrassed at the current buildings, and the Assistant Minister spoke about it again this afternoon. I share that embarrassment of the Chief Officer, and I hope every Member in this Assembly today shares that embarrassment. I have visited some of the stations in Summerland last week with a couple of States Members, and I hope that the other Members who were unable to attend on that day attended yesterday at the second opportunity they were given. I am sure there cannot be a Member in the Assembly today that thinks the current facilities are adequate to serve the Island, despite the millions that have been spent on repairs and maintenance on so many of those police buildings in recent years. I really hope not. There is a need for a massive improvement in all the facilities for the police officers and civilian staff who work there, for the general public, for the victims and for those unfortunate people who have been arrested or are being interviewed for one reason or other at a difficult time in their life. The facilities we have now are simply not good enough. On Wednesday last week I was shocked when I viewed the state of the buildings' conditions, so shocked that I believe somebody should be held to account as to why they have been allowed to deteriorate into the condition they have reached. [**Approbation**] If we are looking to hold another inquiry, there is one here waiting. Of course, I suppose the answer will be that everyone has been waiting for the approval of the new building, so let us get on with it now, as we are offered at this moment. I started working at the old Rouge Bouillon Police Station 38 years ago. The building was not fit for purpose then. As things changed in the establishment, the authorised strength of officers grew, portacabins were placed in the yard at Rouge Bouillon and they were used by the Firearms Registry, the Training Department and other administrative-type roles; totally unsuitable, noisy, cold and in a car park. Our police force used to have a large training yard at the time before that was passed on to and cordoned off for the fire service alone, dedicated to the other essential emergency service in order to satisfy their training needs in a safe environment. I was still there in 1983 when there was an answer to the Chief Officer's prayers: the police took over the former school at Rouge Bouillon as the future police headquarters. The training classrooms, new canteen, gym, changing room, research and development, Criminal Justice Unit, or Admin Support Unit as it was called then, offices for the Chief Officer and senior officers, a conference room, control room, uniform and equipment support stores. I was even an invited guest from the then Chief Officer, David Parkinson, at the formal opening, and I remember sitting there with my wife - yes, the same lady from the library - in the audience in the former gymnasium when the headquarters were formally opened. I think it is the right time to make mention of the words "police headquarters" and "police station" briefly alluded to this morning by Deputy Martin during her opening address. I have been to a number of forces in the U.K. over the

years and there is a difference between the 2, and we too in Jersey were tempted to do the same with the Rouge Bouillon old building, which was the police station, and a former school as a police headquarters. There are many police stations in the town areas of England and they operate the day-to-day policing of the town or city. Uniformed bobbies on the beat, the traffic sections for the town, the police vans for drunk prisoners, shoplifters and the like, maybe a C.I.D. (Criminal Investigation Department) office, just for the day-to-day operational policing. However, many - probably all - have a police headquarters too located elsewhere where the management teams operate, police training is undertaken and from where senior managers work, policies are formed and departments work where they are not required to work in a town station. Jersey too has to cater for both, and what we are trying to do is attempt to place both of them together in one building. There is nothing wrong in that except it has to be big enough for room to expand, and where the positioning is right for both. Although the States of Jersey Police Force is small, it has to have the same amount of departments, the disciplines of any U.K. force, and we cannot call up for immediate response from a neighbouring force and expect a response in 20 minutes. Flights, planes, hotels, movement of equipment all feature. Jersey officers are trained in different disciplines and often carry out 2 or 3 roles, maybe a patrol car driver is also a trained firearms officer or a search team officer or a public order response officer. That being the case, they need equipment too, and vehicles, for the different roles they play and, of course, they need to store those too. Jersey is small, and I am not having thoughts of grandeur or empire-building on their behalf, but it is a fact of life that we must accept. At the moment today we are discussing a new police headquarters that will incorporate the Jersey Police Station, we are not discussing the building of a police station alone; it therefore has to be built for every eventuality. I think that maybe one or other of the 2 could probably fit on the site in question, the station or the headquarters, but I have grave doubts that they both will, and I believe that if a combined headquarters and station is built on the site, then it will not be long before the States Police will be seeking further accommodation at another location, for one reason or other, but mainly because a new headquarters is just too small and cannot cope. Getting back to the old school building in Rouge Bouillon that was about to be the answer to the Chief Officer's needs, it proved to be too small. The height of the gymnasium was halved so they had it doubled in size, albeit there were restrictions on how many people could stand on the upper floor of that building. I had my retirement goodbye from the Chief Officer in that room, and they were worried about the amount of people that did turn up; I think they turned up to see me go, not to wish me well; **[Laughter]** to make sure I went. The old garages were changed and offices were built above them in the police yard. The force continued to grow and, as we all know, the school building was not big enough either, so over we moved, further afield, across the road to the Summerland site; not instead of but in addition to. The whole factory site with storage cages, conference rooms, interview rooms and whole departments designated for police use. I knew the location very well too, because I had lived in the grounds of the Sacre Coeur for over 24 years, my father had worked in their factory for over 2 decades and my grandfather had been at the Sacre Coeur Orphanage virtually throughout his 90 years of life. I am sorry if it sounds a family history. I left the police force in 2003 and by that time we were using the old Rouge Bouillon Police Station as the hub of the day-to-day uniform policing. We were using the former school as a police headquarters and a control room. We were using additional new office space built above the garage in the yard in Rouge Bouillon. We were using the former knitwear factory at Summerland for these specialist departments as well as other sites from where we had been operating as a police force, including the Overseas Trading Corporation Building at First Tower for search team storage, the training on States property in Devonshire Place at Axminster House, further office space at Curwoods behind the actual police station, the old Radio Jersey studios broadcasting house in Rouge Bouillon, which is still there and being used.

[15:15]

We even had storage facilities in a building in Minden Street, and that is just to name the few that I can remember now. However, we are now able to fit everything into a gap that just happens to be there and that is, unfortunately, next to Lime Grove House (and, to be honest, it probably could not be a worse parcel of land, given the recent history of Lime Grove House property that has been discussed in this Assembly many times) alongside one of the busiest roads and roundabouts maybe on the Island, and having a 2-laned tunnel to the west that jams with traffic twice a day, leading to the parts of the Island where the majority of the population of outside St. Helier live, as well as where the airport and harbour are situated. With whatever may have been said or is likely to be said, with limited public parking, very limited disabled parking, limited delivery parking and no facilities for easy staff parking in the immediate area; and I say “easy” because officers are called at short notice, start at unsociable hours and are expected to finish at very unsociable hours. There is little room, if any, for future expansion of the other building, other than upwards, and we have to remember that the initial plans were already a floor higher than the ones that are being presented now, or back into the existing floors of a multi-storey car park, as and when required if the population increases, if the crime trend suddenly rises and when we realise it comes about that the building is too small for our needs. I hope we never extend - not that it is being said at the moment - on to the cemetery and, ironically, alongside the grave of the only police officer, an Honorary Police officer, who was murdered on duty in Jersey. As Deputy Martin says in the very first sentence of her proposition, it seems to be an attempt to “put a quart into a pint pot”, and she said it again this morning. Of course, we have to accept that already at this very initial stage of the proposals that we have plans for some police vehicles to be parked offsite, and we have not even dug the foundations yet. Despite all the hard work undertaken by the architects and the project team, by Property Holdings, I really have to say I agree with Deputy Martin. In December we discussed the acquisition of Plémont and the public was divided. Each of us here today was bombarded with views of the public, and their views were quite opposing and divided, either for or against. On this occasion for the proposed new police station I cannot recall meeting a single member of the public, a parishioner, anyone, who has told me the location being suggested is right; quite the opposite. The Minister for Treasury and Resources has told me it is the place, the Deputy Chief Officer has, Property Holdings has told me that too, it is a suitable site. The Minister for Home Affairs is happy too. They all have to be. However, everyone else that I have met, except those Members bringing the proposals forward for the site, have expressed concerns, some quite forcibly, as to having the police station on this proposed site. I think it was Deputy Young this morning referring to how sites were considered before planning stage but, so far down the line, Members are finding it a *fait accompli*. There will be senior officers today thinking, and I am sure saying: “What is this old fool talking about. Times have changed, Constable. We do things differently than when you used to do them. We have moved on, technology has changed. We do not need the same amount of room as we did when you were a police officer. We think it is perfectly adequate and the experts tell us that the site is totally suitable for our needs.” Two Scrutiny panels have looked at the 2 main issues regarding this. I am a member of the Home Affairs Scrutiny Panel and this Assembly is where we looked at issues relating to whether the location was big enough. The Deputy Chief Officer has done his utmost to help the panel and assure us that it is suitable. I have to respect his views, and he told us many times things have changed since I left, working practices have changed. I am probably an old fool; I may be out of touch, but I hasten to add the Deputy Chief Officer has not said that, however, I can speak from my experience and my beliefs and my hope from the heart, as Deputy Martin so often does so ably in this Assembly. My fear is that the Chief Officer and the Deputy Chief Officer and the Minister for Home Affairs find themselves - and in particular the Minister for Home Affairs - in a very difficult position today. I personally believe the Chief Officer and Deputy Chief Officer and their staff and their team of officers and civilians are all now at the stage they would welcome anything anywhere because they can see every day, and have to work in what I saw last Wednesday. Seeing daylight

from inside a building when looking outwards is expected, but when you are seeing that daylight coming through the walls and not the windows, there is cause for concern. I have seen how the police force has grown in 38 years and I would like to see a new police headquarters built that will last us 50 years, and I hope a lot longer; something that will be fully functional long after many of us have gone. We may hear arguments that the crime rate has decreased; yes it has, but we all know there will always be peaks and troughs and we must remember that every police chief and Minister for Home Affairs wants to tell the public that crime figures have decreased. Does that mean we just cater for now? Certainly, it does not, we cater for the future. I am not inferring anything by some methods of recording crimes and I know that the methods of recording crimes change. I understand this happens throughout the country and I suspect the crime statistics recording has changed so that it is difficult to treat like with like. I accept we are probably in a trough at the moment. The Minister for Home Affairs will tell us that the crime figures are at their lowest, and he is right. I am aware that the Minister for Home Affairs is very keen on statistics from our previous dealings, but I am not sure how far the Minister goes back with these records. He too will be aware that the crime figures peak and dip and that we are going through a good dip at the moment. We have been advised that the authorised spend for police officers remains the same but, of course, the civilian police staff have risen greatly in numbers from the handful we had in the 1970s to 80-plus civilians at the moment. There are many other variables that too have to be considered: as States Members we have been extended the opportunity to attend presentations from the Statistics Office, and I accept that they can only predict, but we have been told of possible considerable increases in the population over the next 30 or 40 years, increases of possibly tens of thousands of people, and this will be in the lifetime of the next police headquarters. I therefore believe that we will have to have room for expansion in our police headquarters and we cannot expand on the site other than to decrease the size of the working stations, have seat and work station sharing, build up extra levels of buildings in due course if, permission is granted, eat into the multi-storey car park if permission is granted and provide additional police buildings elsewhere on the Island. *Déjà vu*. Moving on from the questionable size issue, we have the parking issues to deal with, in particular, one of the main points raised by Deputy Martin and addressed by the other panel, the Environment Scrutiny Panel. I searched their report hoping to find some encouraging news that maybe everything would be okay and there was a solution at hand. Unfortunately, I found none in their thorough report, other than suggestions for possible compromises. Is that what we are really looking for, hoping to do with a purpose-built fully-spec all-singing-all-dancing state of the art new headquarters for this Island? Compromises. Not long ago the Constable of St. Helier was considering the Havre des Pas area suitable for new residents' parking zones, briefly alluded to by Deputy Martin earlier this afternoon or this morning. Restricting spaces for permit holders only results in others without permits seeking to park in public car parks, looking for alternative parking, and obviously this would create additional pressure on Green Street Car Park. I think that project has now been placed on hold or abandoned. The argument put forward that there is no public parking at other States buildings (and that was said this afternoon too) is correct, but Cyril Le Marquand House is in the middle of town and there are always cars illegally parked in La Motte Street from Hilary Street while people pop into the Social Security Department. Imagine 3 or 4 cars parked on La Route du Fort for 5 minutes only, as they all will be. There were 4 cars illegally parked this morning in La Motte Street. We have heard of dedicated parking spaces to be provided at Snow Hill Car Park. Who is going to police those spaces: "Where is the driver? Is he at the police station? How long will the car be there?" Can someone wanting to attend the police station ask themselves: "Should I come back later?" The crime stats might fall even lower because people will give up reporting crime and, of course, helped by the proposed closing of the inquiry desk at night as well. The motorist who manages to get a space in Snow Hill Car Park then needs to walk to the station across the very busy roundabout junction. I find it unbelievable that this is even being considered as an option; you might as well not even bother with those dedicated spaces

in Snow Hill Car Park. There is an argument that the proposed building is closer to town than the existing police station. As the bird flies, it probably is; I think the public would need some convincing when they have to walk up La Route du Fort to report something. It may be closer in distance but I fear it is on a road that is less used by pedestrians, other than those who live in the immediate area, because it is an unpleasant walk. It is one of the busiest roads and the main road from the town to the east of the Island. As a Parish Connétable, being the authority under the Public Parking Places legislation for the Village Green Car Park in St. Martin, we were recently asked to offer adequate parking for teachers on the proposed new St. Martin Primary School. Although I totally supported that request, I had to convince parishioners as to the benefits of working together with and for the benefit of the community. Parishioners finally agreed with the proposals to issue 6 permit parking spaces for the teachers in our car park to satisfy the needs of both Planning and the Education Department and, of course, we the Parish also provide an additional 80 spaces for car parking in our Parish-funded car park for parents to pick up their children from school. I suspect the workplace travel plan that we heard of at the briefing meetings last year are, in effect, attempts to show that parking for the headquarters has been addressed, but I have no doubts that parking will be a major issue if the headquarters is approved. As for the building itself, a police headquarters, a public building that has to be used for the unfortunate expression “24/7 365 days a year”, and the parking provisions being suggested for those visiting it in a busy residential area, the offering of public parking spaces, including parking for disabled drivers, can be counted on our fingers. I briefly spoke at the first debate before the referral back to Scrutiny and raised the point of the difficult position I thought was put on the heads of the Police Association members for their views and the civilian staff too, and later asking the high percentage of civilian staff to express their views to the proposed site. I believe that that placed the staff in a very difficult position, and there are no doubts that some felt ill at ease to respond to the questions. I think parking seems to have worried Members and to have worried the Ministers. Other parking options have suddenly started coming forward very recently in the last week, quite quickly considering they have been discussed for many years. Some of those have long proposed the need for a move: “Give Snow Hill Car Park another storey to ease parking in the area.” We were talking about that 15 years ago and it was suddenly on the table again in recent weeks. We will begin work soon on the life expectancy of Green Street Car Park and increase spaces, even giving a little to the police. I would like to thank the Minister for Home Affairs and the Assistant Minister for Treasury and Resources, the Deputy Chief Officer of Police and members of Property Holdings on the series of presentations that they have given us over the past 6 months or more, some even on a one-to-one basis regarding the proposed new headquarters. I think I have only missed a Town Hall meeting, and I was at another meeting that evening. They have worked tirelessly on the project on behalf of their officers, however, I feel the senior management of the States Police have satisfied the Minister for Home Affairs and the Council of Ministers and Property Holding Department that the proposed building will fill their needs and be adequate. I say “be adequate” but they have done so out of pure frustration and, if that is not the reason, then I suspect it goes a good way towards it, and who can blame them. The Minister for Home Affairs has obviously got to support his Chief Officer, and I respect him for that. We have heard the talk of the 10 per cent flexibility on the building space for the future; I refer back to what I said earlier: moving on from a police station to a station in an old school and then on from a station in a school in Summerland and still not big enough, that is more than 10 per cent flexibility. I suggest it would be probably inadequate from the onset, but if I am wrong and it fits the purpose now, I believe it is merely adequate for now. We are already aware that some of the larger vehicles will have to be secured offsite and they will not fit, and that some forensic storage may be offsite too, and we have not even started to build yet. I fear that if the new police headquarters is built on this site, then it will not be too long before we hear of the police needing additional accommodation, that is if we are told, and we will either need to build another complex or to rent other premises or property for that purpose,



maybe within the next 5 years. I can understand the concerns of the Minister for Housing in that the Summerland site is needed for social housing so the urgency to agree that site takes another twist, putting even more pressure on everybody.

[15:30]

Despite the Minister for Housing's views he shared with his colleagues before the initial debate last year, and the importance of the social renting housing at Summerland, I do not believe that that should be the influencing reason to go ahead with this. In conclusion, I am sorry it is so long, I think I have made my views quite clear today and put a different side to this debate, and I will support Deputy Martin, although I do it with a heavy heart for the States Police and for those who have worked so hard to try and make this happen. I have to do so because I really do not believe this limited site is suitable to accommodate the entire new police headquarters and police station and to give the options for expansion and growth in the coming years. I do so because I believe the location is unsuitable in relation to parking and I am not only referring to the private parking of police officers, but of the general public who commute to town and park in that area, to those who live and park in that area and for those who have to attend the building for a policing issue. I do so because I have concerns at the location of this site alongside the extremely busy ring road and to the possible bottleneck twice a day in the tunnel with the majority of the population, the airport and the harbour to the west of that tunnel. As I said earlier, I believe an investigation should be now undertaken to ascertain why the existing police station and police headquarters has been left to get into the condition that it has reached. I have had comments made to me and I am sure too to those other Members who have expressed views to the same effect as mine, that if this should not go there then to suggest where the building should go to, where it should be positioned. Surely, this is not what today's debate is about. That starts to sound of sheer desperation. The debate is whether La Route du Fort/Green Street is a site for the new Island police headquarters and combined police station. I hope Members do not think I am playing with words. The debate is not about finding another location, finding another site. Finding another site will be the result of this debate if Deputy Martin's proposal is supported today.

#### **7.1.5 Connétable J. Gallichan of St. Mary:**

I am pleased to be following that *tour de force*. I think it is true to say that I am really feeling the power of debate today, because I did not know when I came here exactly how I felt about this proposition and I find myself taking bits from both sides of this debate. I think, especially the Constable of St. Martin and the Constable of St. Helier earlier, have both said things that are very important. Like the Constable of St. Martin, I can completely empathise with the Police Chief and the requirements of the police force. So many times when I am looking at things on the Planning Applications Panel where discussing the needs of people, people have a site, they need something on it, but that can never sway us into putting something there that is not right. So this is something I am really feeling quite a lot of difficulty about. Most of my reservations, not about Deputy Martin's propositions, but about the location of the police headquarters on this site, had to do with parking and accessibility to St. Helier. I have been on about this since we discussed the Sustainable Transport Plan. I brought an amendment to that plan, that was unanimously supported, explaining how not everybody can access public transport and it is not always an alternative that is available. We cannot suddenly say we do not need  $x$  number of parking spaces, because it does not work like that. Lots of people, for lots of reasons, for one journey a week or 2 journeys a week or every journey they make cannot rely on public transport. We need to think about that. So I began to think, even if the parking issues can be re-addressed... Well, we are always told, for everything we are looking at, that there is capacity at Pier Road. We have to ask ourselves, surely: "Why? Why is there capacity at Pier Road?" Because it simply is not the car park that fits the needs of people who

need to park. That is why. If it was the best place for parking it would be full. I toyed with the idea myself, surely that is the site for the police station, because nobody else wants to park there. But there are lots of reasons why that can only remain a tongue in cheek comment. I began to think, what I have heard today from the Assistant Minister that there could be 53 additional parking spaces created. So maybe that is something that needs to sway my thinking. I have also heard from the Constable of St. Helier, in another excellent speech, that the Police Chief we have in place now has made lots of commitments to improving services and he seems to have systematically delivered on each one. The thing that he says we need is a new police headquarters. We are really letting down someone who is performing well if we do not go out of our way to give him the tools to do the job even better. So I really am finding it very difficult to make my mind up on this. The question that comes to my mind, that I would like, if possible, somebody to answer, I do not think it is in Deputy Martin's remit, I think it is another Ministerial contribution possibly, is I may well have misunderstood what was said. But, Deputy Noel said that he would put on the table 53 additional spaces in another half tier, or whatever, at Green Street. Yet, on the other side of the coin in the response to Key Finding 1 of S.R.19 - and this is the point that the Constable of St. Martin touched on - expansion and future proofing, *et cetera*. We are told that Green Street could be available for redevelopment and it needs to be redeveloped in 10 to 15 years. Are we saying we are going to build 53 more spaces in something that might need to be redeveloped in 10 to 15 years? I cannot square that circle and I need someone, please, if they can, to give me the information that will help, because that is a real possibility for me. If I honestly believed that the car parking issues were being addressed in a holistic way and in a sustainable way then that might help me make my decision, because my amendment to the S.T.P. (Sustainable Transport Policy) was about not disproportionately increasing the cost of motoring, including parking, for the section of the population that could not access public transport. There is more than a financial cost. There is also the cost in accessibility. I have said for a long time that St. Helier is suffering. It is suffering because of the lack of accessibility of people who live outside to come in to work efficiently, to work without interruption, for businesses to attract their clientele and for the pure simple, but extremely important social reason, of allowing people to get together. We have more and more people living in St. Helier and more and more of the people who do not live in St. Helier want to interact with them. They need to be able to come in and see them. The people in St. Helier, I am afraid, cannot come to St. Mary, because buses are not as frequent as they might need. That is a good service, but we are hoping to get it a lot better, from our point of view. I think I have said enough. I have serious concerns about parking. Please, if someone can address that 53 spaces issue, I will be grateful for extra information.

#### **7.1.6 Deputy K.C. Lewis:**

I believe the central issue here is the need to provide States of Jersey Police with fit-for-purpose accommodation. I have no doubt that the proposed scheme achieves this and has been confirmed by the Chief of Police himself. My department has worked closely with Jersey Property Holdings and has been involved from an early stage in discussions over the impact on parking. As a statutory consultee in the planning process, we have worked closely with the project specialist on traffic and road access issues. This close working has been beneficial and I am confident we can deal with the issues the scheme has raised and indeed can say to Members that as Minister for Transport and Technical Services I support the scheme. I would reiterate other views expressed today that it would be planning process that determines whether this scheme is acceptable. The planning process is designed for exactly this kind of situation and provides the policies and processes to ensure a balanced decision is taken in determining an application. With parking, which is very emotive, there is no question the issue of parking is one of the most contentious parts of the scheme. Yes, the scheme does displace 91 commuter spaces out of a total of 608 from Green Street. There will also be an additional demand on Green Street staff working at the police station.

The applicant's transport assessment predicts an absolute maximum of 86 cars can be expected. The Environment Scrutiny Panel challenges the accuracies of these figures. However, I can confirm my officers have assessed it carefully and consider it to be a reasonable prediction, because we know that some police currently use public parking or private spaces and the net impact on the overall public parking stock is estimated to be 65. The assessment also predicts that 46 motorbikes and 46 cycles from the police staff may require public parking. The proposals will require the police service to implement an effective travel plan which will encourage less car use and more car sharing, walking, cycling, motorcycling and public transport. The figure of 86 is, therefore, a cautious maximum. It assumes no car sharing whatsoever. Let us also be clear on some matters. The scheme solely affects commuters. Green Street is full from 9.00 a.m. or 10.00 a.m. early morning, but has considerable space in the evenings and at weekends for shoppers and residents of the area. The transport assessment has identified that about 90 staff will travel to work by motorcycle or bicycle. We have insisted that these, plus some additional spaces be provided in the vicinity. So there is capacity to encourage further 2-wheeled travel. These numbers will therefore be accommodated without impacting existing parking facilities in the area. With over 350 spaces free at Green Street in the evening, the modest number of police staff working outside of normal daytime hours will not result in a shortfall for residents parking. The parking issue at Green Street is therefore solely one of commuter parking. We know there is excess capacity of 300 commuter parking spaces most days at Pier Road and there are typically 253 spaces at weekends. This can clearly accommodate the spaces displaced at Green Street and the extra demand as a result of this scheme, estimated to be in the order of 160. As the impact of the Sustainable Transport Policy becomes more apparent, spare capacity will increase. I will conclude that the impact on parking is manageable and consistent with States Transport Policy. I do, however, acknowledge that concerns have been expressed about the reduction of parking available, specifically in the Green Street and south-east town area. Obviously, for those commuters who prefer to park in that area, travel by car could become less convenient unless they arrive early each morning before the car park is full. The possibility of extending the top level of the car park was examined a year ago by Property Holdings. This was found to be feasible. It was decided not to progress with this at the time, largely because the additional cost would be difficult to justify. When there was considerable capacity in the commuter parking system the feasibility study identified that at least 53 spaces could be provided at a cost of just over £1 million and given the concerns expressed about pressures of parking in the immediate area, I fully support the move to include the car park extension as part of the overall scheme. Such net reduction in parking spaces would then only be 38. It is important to be clear that the transport assessment has been undertaken by a specialist transport engineer appointed by Jersey Property Holdings. This assessment has used local and current traffic data provided by my department. It reaches the conclusion that a shift of 75 peak hour journeys in the context of 9,000 cars that enter St. Helier in the peak hour is not material. My department agrees with these findings. All these suggested changes to road layouts, including the access, egress, turning into the site and crossing points, have been developed in conjunction with my department. I can confirm that these arrangements are regarded by my department's traffic engineers as appropriate. In terms of access to the building, I can confirm that pedestrian arrangements, including the widening of the pavement at La Route du Fort and the inclusion of a pedestrian crossing island to assist those using the proposed cycle and motorcycle parking spaces, have been developed in conjunction with my department. We are, therefore, satisfied with the arrangements proposed. I understand there are some concerns about the suitability of crossings near the site, in particular the crossing point from Snow Hill Car Park, which I will come back to later. Pedestrian safety is a key consideration of my department and I can assure Members that as part of the scheme I would ensure that these arrangements for crossing Green Street are assessed by traffic specialists.

[15:45]

I can also assure Members that should additional or enhanced pedestrian crossings be required as a result of this development, I will insist that these are included within the scheme. So, to summarise, the project is about finally delivering fit-for-purpose accommodation for the States of Jersey Police, something that, in my view, is desperately needed. The only alternative would go into greenfield areas, which we simply do not want. So, everything we do has to be retrofitting and that is what we are doing here. It is in the nature of Jersey that we will never find the perfect site. Any site will present challenges and compromise. But, when considering these, we must bear in mind the huge benefit of this development for the States of Jersey Police. We continue to work closely with the project team and others. I say to Members that the challenges presented, particularly with regard to parking, are manageable and can be dealt with. To address some of the concerns from Deputy Martin, the Phillips Street shaft, as the Deputy quite rightly says, is a major project. I would be more than happy to give the Deputy a guided tour when it is near completion. She is also correct in stating that there will be 185 spaces underground at Ann Court when that is developed. I will just come briefly to Snow Hill car park. I will speak very slowly, so the good letter writers to the *J.E.P. (Jersey Evening Post)* can get it right. Snow Hill Car Park - if memory serves, as I am going from memory - at the end of 2010 there was an amendment by the Constable of St. Helier to the Sustainable Transport Policy to revisit parking in St. Helier, which he mentioned earlier today. There was also an amendment by one of, I believe, the then Deputies of St. Clement, former Deputy Dupré, to revisit the Snow Hill project again and deliver suitable plans by the end of 2012. So, I was 2 months late. That is exactly what I have done. All of that was well in hand long before we heard that the Green Street Police Station would be built there. So, it could be called a coincidence. Some people like to think of it as a conspiracy. But, those are the facts.

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

It has been fascinating to hear a speech today from the Assistant Minister, which I like to call a bog standard “trust me” speech from a Minister. Because he said that he was going to clear up some misunderstandings about a whole number of issues. Of course, he started with the statement: “There is no perfect site for a police station.” By the time he had finished clearing up all the misunderstandings - which were not apparently misunderstandings, they were just position points of view - I was left with the conclusion that he could barely find a worse one. He launched straight in. Car use generated will be absolutely minimal/limited, based on the fact that not every car journey starts from the police headquarters. No, but some do and they will be on to a roundabout and attempting a tunnel pretty often. “But” he says: “we can fix that.” He sounded like Bob the Builder: “Can we build it? Yes, we can.” Future use, we can fix that too. The question is, is the site too small to incorporate a police headquarters and an active police station, as we have heard already? The answer is: we built it 10 per cent bigger than it need be. Based on what population figures, what immigration figures, what are we going to be catering for? We do not know. Presumably it is the 150 heads of household that we currently have. That 150 heads of households are supposed to generate about 220 immigrants per year, net, and have for the past decade been generating 650 immigrants, net. Of course, we have a new mechanism of fixing that, we have not passed it yet, but that is all in hand. So, can we cater for that? “Yes, we can” says Bob the Builder. Staff parking, there is a question about staff parking. Can we cope with that? Well, we have a brand new travel plan. So, can we do that? Can we fix it? Yes we can. “Trust me. I am a Minister.” This is all part of the planning process. Decision after decision after decision still needing to be made and fixed. Then he said, on the overall parking problem: “Well, we could, it is not in the plan yet, but we could build an extra half tier and produce 53 extra parking spaces.” So, let us hear it this time? Let us hear it this time: “Can we fix it? Yes, we can” says Bob the Builder. Once again: “Trust me. This issue, we will fix it.” Then, of course, we have to respond ... we have had 2 Scrutiny Reports, so we better deal with those. What did we hear? Well, the figures, which are around 86 or a loss of 200 spaces, 86 spaces needed for travelling to and from the job. That is

agreed by T.T.S. that is reasonable top end figures. However, the words of Bob the Builder, we dispute it: "So, we have dealt with that. We are just going to ignore, basically, the results of the Scrutiny Report. Anyway it will all be fixed within the Sustainable Travel Plan." It is the same travel plan which was not adopted in its entirety, is yet to be delivered, but sometime in the future, we will fix that too. Sustainable Travel Plan: "Can we fix it? Yes, we can." Visitor access and parking, especially for the disabled: "Can we fix it? Yes, we can." Have we fixed it yet? No, we have not. But: "Can we fix it? Yes, we can." Here comes Bob the Builder. Then, of course, just to back that up ... I was observing the Assistant Minister when he was speaking. I do not know what part of his anatomy he had crossed, but it felt like he had both fingers and his legs crossed at one stage, because he was making promise after promise: "Can we fix it? Yes, we can." Can we fix this parking? At a cost somewhere, according to the Minister for Planning and Environment, between £7,500 a space and £63,000 a space. So, do not worry: "Can we fix it? Yes, we can." But at what cost? Sharp intake of breath from the builder: "Ooh, that will cost you." We then got on to, just in case the: "Trust me, I am a Minister I can deliver anything, I can fix it" ... we got on to some shroud waving. Of course it is dead easy to point to the dilapidated state of the current site and then to put in: "And if you do not vote for this now, well, nobody will have any housing. We have to go ahead with housing, social housing at that, affordable housing at that. Without this decision of course nobody will have any housing. So a little shroud wave at the end, just to make sure, in case you were noticing that there was an awful lot of promises from Bob the Builder today in order to try and get through to Members to support this. The point why we are debating it today is not about doing it in a timely fashion, it is about doing it right. We have heard reservation after reservation from Scrutiny and from Members that this might not be (a) the right site, (b) the right facility and (c) big enough. But, we are told: "Please ignore that, because it can be fixed." The Dean - I am glad he has gone, because I love speaking behind his back - asked me when we were coming into the Chamber this afternoon: "Has the olive branch been grasped?" I said: "Absolutely not. It has already been rejected." It was rejected within 5 minutes of leaving the Chamber. What you are going to see today is old-fashioned politics; Ministers attempt to drive this through the Chamber whatever the cost. That is the reality. It is politics read in tooth and claw. That is what is happening.

#### **7.1.8 Deputy J.H. Young:**

I cannot emulate that very enjoyable and entertaining reference to Bob the Builder. I want to perhaps try and address one or 2 points from an objective and rational kind of planning viewpoint. It is a debate that I wish we were not having. I really thought, since there had been so much public concern about this project from the date it was announced, particularly of the impact on car parking and concerns over impact of traffic, all very, very badly received by the public - 2 Scrutiny reviews and so on - that at least there would be a listening to the recommendations that the Environment Scrutiny Panel put. We thought there was ground for a pause to look at some of these details, where at the moment what we have on the table are assurances, half promises, maybes, ifs, buts, what we had put there was a recommendation, which would have allowed for a period of feasibility studies, technical and financial. So, instead of having off the back of envelope figures about the cost of spaces, cost of putting half a floor, this that and the other that we have heard, we would have some real information on which to base a decision. So, we would not be faced here today with a choice of abandoning a much needed project ... which somehow or other seems to have got here by accident, clearly a lot of negatives on the site, it was always known that there were these huge negatives with car parking. Yet, we have arrived at this kind of eleventh hour and those issues have not been addressed. So I had hoped that there would be a picking up of the recommendation in a report. I think there must be still some misunderstanding about that, because what I have heard listening to speakers so far, I have heard the Assistant Minister for Treasury and Resources talk about ... I did not know this. This did not come out in our review. Wonderfully, there has been a

study about 53 extra spaces. On what grounds was that not pursued? I would like to know. Nowhere in the evidence was that produced. Then I heard: "Well, we cannot possibly afford to have what Deputy Martin is asking for, 500 spaces." Certainly, I am not expecting to see 500 spaces. I am expecting to see some recognition that this project that has major impact on car parking for the town of St. Helier, which is crucial for the life blood of town where people live and work and deal with all the comings and goings. Here we are dealing with a project of a building that is going to house 330 people. Not all at one time. Except that, nonetheless, it is going to be a major, major building. I had hoped there would be some preparedness to look at that. I do not believe that there is talk of delay. I think that is scaremongering. I think with the right experts on board one could do this in probably 3 months. I do not think it needs to impact on the planning process unreasonably, because if the Minister were to suspend that application and then put in an amended drawing as a result of that feasibility, there would be no delay. It is worth getting it right. It really is. Because time spent in checking those things out is more worthwhile. If we are in that place one has to look at the fundamentals. What are the fundamental planning issues? Here I turn to the Island Plan. Green Street, that open site, has long been reserved for plans immemorial as a site for an extension of the car park. This is where I disagree with Deputy Martin's proposition on the detail. Proposition (b) says that she would like to see it reserved for other development and/or car parking. I think that what we have seen is the intensification of very large building structures on that site, right to the edge of La Route du Fort would have some downsides if we were to do that and extend it for a car park and result in some similar public reaction. But, I think that is a side issue. Undoubtedly, I think, the prime use we are dealing with here ... because at the moment the Island Plan says it is white land, it is regeneration zone and it is outside the office area.

[16:00]

All that suggests residential use is the real use that such a site would ideally attract. Of course, we have a precedent for that. We know next door to it, Lime Grove House. You know, it is gestation, as it were. The developer originally wanted to put offices there. The Planning Committee of the day rejected it because it was contrary to the Island Plan, for all the reasons I have said. They appealed in the Royal Court. A deal was done whereby there were 14 residential flats produced on there. The small amount of offices went ahead. What did they have to do there? Produce car parking on site. So, there is a precedent there. I think that suggests that what the ideal would have been for this site would have been residential accommodation around periphery, on to La Route du Fort, similar to Lime Grove Court, which is next door, raised up above the level of the parking, so as to preserve both the public parking and also provide for the additional parking for the homes. So, there are those sorts of opportunities that sit there already. If that sort of idea had attraction, and it was looked at, those schemes could go ahead. There has been a lot of talk about the need to stimulate the building industry. Of course we do. Housing is definitely a number one. There are opportunities. It just needs a little bit of out-of-the-box thinking. So what we have here is a major building of police headquarters - we do not have residential, we have a major building - of 5,500-odd square metres on a site of some 1,800 square metres, very, very dense development, 4 to 5 full-storeys above the road, big impact. It is clear from just looking at the drawings and reading the first Scrutiny Panel's report, very limited scope for expansion. I think the Constable of St. Martin has clearly emphasised this. A 24/7 hour use, with comings and goings in antisocial hours. In that site we need to retain 40 operational vehicles. Because of that there is no room for any staff car parking. Clearly there is not if you have to house 40 operational staff cars. So we have a situation where we are treating the public sector upon its merits. We are saying: "If you are private offices, I think you would require some car parking, you would not be allowed to rely on the car park next door as kind of a free good." But, of course, we are. We are saying: "It is all right to rely entirely on the car parking provision next door, which is paid for by the public." That, we know, will

directly displace 91 spaces from the moment construction starts. Then the additional demand arises from when the police headquarters is operational. I really cannot believe that it is the most material thing to this decision in the world of whether that additional demand is a minimum of 86 or a maximum. Now, we have heard from the Ministers that this should be regarded as an absolute maximum, the Scrutiny Panel has it wrong and we have misread the evidence. No. I think it depends on which end of the telescope you are looking at this issue with. Our panel came to this with an objective, independent view. Clearly the Ministers that we met and heard from were absolutely optimistic and were convincing themselves of their own prophecies that it will be all right. What we heard were those sorts of positions being taken. No. We did not stop with just talking to the Ministers and the officers, we got all of the detailed survey evidence from Arup and the police and we checked it carefully against each other. We also sent many questionnaires to Arup themselves. We discussed it with them. They acknowledged that they did not study the detailed survey reports before producing their report. Of course, that is in the little piece of paper we sent round this morning. We are saying we clearly have the evidence from Arup. We also have the survey, and much reliance has been there, and we know what surveys are like. If you are professional then you clearly avoid asking questions that seem to be or are open to be challenged. They are designed to get the answer you want. So, if you ask a question that says: "In the absence of free car parking at the new police headquarters in Green Street how would you normally travel?" Well, obviously people are going to say no they are not. In that survey, only half responded and the survey was done for only 4 days. It was done in October 2011. Here we are in March 2013. So, you know, it is hardly up-to-date. What Arup have said is that they agreed that the statistics were forecast at possible outcomes and as such the figures could be seen to be higher or lower. Therefore, we thought that a conservative figure, taking into account 49.7 per cent of the respondents reported using a car to travel to work, and on the basis of a number of people working in that building at any one time, which was 220, this would require 109 spaces. We expressed the opinion that that was the maximum. So, somewhere the likelihood is in that range. I find it difficult to believe that by challenging the Environmental Scrutiny Panels that helps us. The key point is here we have a major impact. The ameliorating measure that we are asked to go along with is Pier Road. Yes, there are spaces at Pier Road. But, from the surveys that we saw, the vast majority of people said that it was inconvenient to them, because they work in east of town. It is definitely not convenient and they are not going to use it. We were also told that new additional spaces would be available in Bath Street to offset. We already know that car parking in Bath Street has already been reduced as a result of the loss of that car park. So there are no compensating improvements, other than the Ann Court one. But that is not enough. I do not know when that is going to come, after the Phillips Street shaft is done. Then we have the Transport Plan. There must be some misunderstanding, because the Island Plan policy clearly says that where you have major developments the Minister for Planning and Environment, who has the job of deciding this application, is entitled to ask for that. He is entitled to form an opinion of how much weight to give to it on its enforceability when he makes the decision to prove or refuse. Now, how can he do that unless he has the plan? What our work showed us was that there was no plan. There is an aspiration to have a plan. When we asked: "Are they going to be enforceable? Are there going to be police officers? Will they be disciplined if they do not follow?" "No, no, no, it is going to be voluntary." "Are they going to get incentives?" "Well, we are thinking about that. We do not know." So, what we ended up with is: "Yes, we are going to, but it is not there." I think we are entitled to put doubt. If there is no travel plan, if Pier Road is being said by those people that will be displaced they are not going to use it, if the new car parking spaces in Bath Street, *et cetera*, are not there or there is no compensating movement, and then the last one, of course, bus usage. Well, perhaps after this morning, we do not have to go over it. Clearly, we have not arrived at the point which we all want with extra bus uses. But then I could not help a slight amused smile when I asked in the Scrutiny Panel: "Do police officers come by bus?" The answer was: "No, they do

not.” About 4 per cent, I think, of police on this survey use the bus. What I am trying to justify is we try to do a decent job in the Scrutiny Panel and give Members an objective statement upon which they rely. In the end all of us have to weigh: “Do we trust the promises, the wish list, the optimism against the objective, realism of how we are today?” Well, can we have a look at what we can do concrete? Somewhere between 53 and 500, to my mind is a number that we can do. If we are facing the choice of losing money by abandoning the scheme at least we can think about what we can spend to try and make this liveable and manageable. Now, I am going to close. If Deputy Martin’s proposition does succeed, I think it is not true to say that there is no alternative. It certainly is not true to say as the Minister for Transport and Technical Services told us that we are going out to a greenfield, absolutely not. I still do not understand why the planning application that was fully worked up and ready to run at Summerland was dropped. It is a very big site. I think it is about 3 times as big as the Green Street site. Clearly there is the opportunity to get police facilities there. It has a bigger capacity and you would get sun. The sort of thing that was said as to why we cannot have that were: “Well, we would have to get an access.” Well, we can negotiate an access from the adjacent property or we can use compulsory purchase. Then there is phased development. There would be the opportunity, because it is a larger site, to do a phased redevelopment. I think the talk that I saw in the Chief Minister’s report there of £9 million as being the sort of financial damage was, I thought, really scaremongering. I thought that is really overstated. Housing, absolutely right that Summerland ideally would be an excellent site for housing. But, I am worried, as the Constable of St. Helier said, about the density of what we are starting to see here, creating wall to wall, ghetto-type accommodation, about the cramming in. I am really worried about that. Of course, we have the opportunity to do some housing development in Green Street, as I think we have explained. We have not lost the opportunity to do a redevelopment for the police, which they urgently need, or start it or plan it at the Summerland site. I am still hopeful that somewhere before this debate finishes that I will not be forced to make that choice, because I really want to find a vote and have a pragmatic solution to the alternative of making this project work. I will leave that and listen to what the rest of the Ministers say.

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

I am slightly surprised that no other Member wishes to speak in this debate. Maybe this debate is coming to an end and Members have already made up their minds. I should, as many Members know, first of all admit that I caused, to some extent, a delay in the police relocation. I want to, if I may, thank both the Minister for Home Affairs, the Home Affairs team, the police and also, my Assistant Minister when faced with the issue of the failed Lime Grove House purchase, for having worked so hard in finding a solution for the police for Jersey. There is absolutely no doubt whatsoever that the police urgently need a new site. I am not going to speak to any great extent or at any length, but I am going to say 3 things. The easiest thing for us to do in politics, sometimes, is to put a decision off. That is almost one of the things that is most attractive in politics. When we are not completely satisfied with a decision we put the decision off. I have absolutely no doubt that since the aborted sale or purchase of Lime Grove House, the police working with Property Holdings, with an enormous amount of effort from both the Ministerial teams and all the professionals, have come to a solution for a police station that will work. It seems to me that there are 3 reasons why Members may vote in favour of Deputy Martin’s proposal. The first is, is that there are legitimate constituency issues about the use of this site, which I know Deputy Martin, representing this constituency, has concerns about. I understand that. But we in this Assembly need to make decisions on an Island-wide basis which are in the interests of the overall Island. I respect the fact that Deputy Martin, as the Constable of St. Helier has said, needs to represent constituents within that area. The 2 other points - I listened in the coffee room because I could not get back in - were from the Connétable of St. Martin. I have the greatest of respect for the Connétable of St. Martin. He was principally saying that effectively the police station is not future



proofed. I say to him quite simply that if he is right, and I do not believe, with the greatest of respect, that he is, then in time the States of Jersey owns the Green Street Car Park. Let us be absolutely clear. If we do need expansion space for Green Street, in the futuristic world that I hope does not exist that the Connétable is painting, then we have expansion space on Green Street Car Park.

[16:15]

It is as simple, if I may say, as that. That is, I think, the simplest thing that can be said about the extension of the future proofing requirements. I understand the frustration that the Connétable has, but effectively we have the expansion space. Thirdly, the issue of parking has been raised. The Assistant Minister, and I am grateful for the support of the Minister for Transport and Technical Services, has explained that we now have a solution which we did not have originally, it was true, but we have a solution effectively to increase car parking spaces on Green Street Car Park. The Assistant Minister, who has worked, as I said, so tirelessly on this issue, has found a solution. I do not quite know where the solution came from, whether or not it was the T.T.S. Department, the Minister for Transport and Technical Services or my Assistant Minister, but they now have a proposal to increase car parking capacity on Green Street Car Park. I do not think it behoves the standard of this Assembly to describe my Assistant Minister as Bob the Builder or anything like that. I do not think that is fair. He has come forward, as somebody I see has said ... Deputy Southern is sometimes very good at de-constructing things. Sometimes he might be better to construct things. If we are the department and we are the team that is trying to find solutions in constructing things, then we have found the solution to additional spaces on Green Street Car Park. If Members are concerned about either future proofing or car parking, then those issues have been sold. That is really all I want to say. I do not think that I can make any other points in order to convince Members. All the arguments about releasing valuable land for housing have been made. They have already been made by the Minister for Housing and other people. There is a prize in relation to making this decision to make the Green Street site a reality for the police station. It is not perfect, but it will work and it will provide significant benefits economically, it will provide land for housing and it will not be the problem that many of the people who are against it are scaremongering, if I may say, about. On that basis, I believe the Assembly simply has enough information to reject Deputy Martin's proposition.

#### **7.1.10 Deputy A.K.F. Green of St. Helier:**

I do not really have a huge amount to say. The Minister for Treasury and Resources covered some of the areas that I wanted to cover. I quite like the expression of Deputy Southern: "Can we do it? Yes, we can." We ought to be doing it. We ought to be an Assembly that gets things done and not keep putting off to another day one decision after another. **[Approbation]** It might surprise Members to know, it surprises many of my friends, that I am often called upon to be an appropriate adult at the police station. Usually on a Friday evening I have to go down there in place of a parent or be with somebody with mental illness that needs support. The current police station does not have any better parking facilities. I often have to park in Patriotic Street and walk down to the police station, because there is not sufficient parking there. It seems to me that the new plans - and I do not really want to get into designing a police station, that is not my skill - for the new police station have far more adequate provision for people visiting the police station with a car park right alongside. I look forward, if the States accept that we are going to put the new police station, to be able to park in Green Street and walking through to the police station without that long haul when somebody is desperately in trouble and needing support at the police station. As I say, it does surprise my friends that I would be in anyway regarded as an appropriate adult. Let us be a "can do" organisation. Let us get things done. Deputy Young spoke about the fact that there is an

opportunity to put housing at Green Street. There could be, alongside the car park. But the far better site, is it not, is the site at Summerland for housing? Do we really want to put housing on a very busy road on a roundabout? That is far better served for semi-commercial, industrial use, like a police station. When we are talking about police stations and designing police stations, as I say, I am not an expert in designing police stations and I would not attempt to go there, we do have a number of experts in designing police stations. We do have a number of experts that work in police stations, the Police Chief being one. So, why do we not support our experts, our staff, and get on and do the job, get our construction industry working and get our police station and our police officers and our civilians appropriately housed. The Constable of St. Martin mentioned the old police station. He is absolutely right. We should be ashamed of what is there. We do not need an inquiry to tell us it is bad. It is bad. Do not beat ourselves up about what has happened in the past. Let us learn from the past and get out there and get something done. When I go down there as an appropriate adult and I have to go with a disabled person upstairs to an interview room, that is when you realise how appalling the current accommodation is. We have an opportunity to get on with it, get on with it now. I urge Members to reject this proposition and support the new police station.

**7.1.11 Deputy M.R. Higgins:**

I will be brief, because a lot of what I could say has been said. First of all, I disagree with Senator Ozouf. He says the easiest thing we can do is block a decision. I do not think it is a case of that at all. I think when the location is wrong then you look for a better place. I really do believe this location is the wrong site for the police station. As I say, enough Members have put forward enough reasons to cast doubt on it. I just want to make a few other comments. I met a police officer at lunchtime, believe it or not. He is not someone I know. I have met him on one occasion previously. He urged me to vote against the Green Street police location. He said other rank and file officers also felt that way. I would also like to point out too that I am surprised at the Constable of St. Helier, although he has his own mind, and sometimes he changes it quite often, but he was originally opposed to the location of the police station in Green Street. What he did not mention to this Assembly is that the Roads Committee of St. Helier were totally opposed to the move to Green Street for a whole string of reasons. I will not labour it any more, but I do think the case has not been made for this. We can do our police force better by finding a better site and making sure they have the proper facilities. I would request that Members support Deputy Martin and reject this site for the police station.

**7.1.12 Connétable S.A. Rennard of St. Saviour:**

I would just like to say a couple of things. Firstly, everybody in this House was invited to visit the present police station. Only 5 Members took up the invite. I am not bothered if you went before, we were all invited and at this present time only 5 people took up the invitation. Whether you have been before or not, it really does not matter. We were taken around. I went with another Deputy. We had a good look round. To be honest with you, we have a wonderful police force and I do not know how they operate in these present conditions that they have because they are so dysfunctional. At the moment all that is being argued about is where one is going to park a car. We had the gas works and the Constable wanted a park. Now, 2 roads across is a park, but we lost those parking spaces and we now have a park. No problem. We are going to lose some parking when we have a police station on the roundabout. We are going to be given some others. There was a lot of trouble when we lost Lime Grove House. If Lime Grove House was going to be successful as a police station, then 2 doors up, why is it different now? Look at the fuss.

**The Deputy Bailiff:**

Connétable, would you please speak through the Chair.

**The Connétable of St. Saviour:**

Sorry. I do apologise, Sir. We had all that trouble with Lime Grove House and it was: "Oh, we have lost it." We done this, we done that. Now, we have one which is possibly 2 doors up we could possibly have. Yet, it is still not right for purpose. When we went round the police station, Deputy Pinel and myself, we were shown it is a very dangerous area. Those holding areas, there are no C.C.T.V. (closed circuit television) cameras at all down there. One of the officers who was looking after them has had an injury and his knee has been broken. He has only just been fit for slight purpose. We are missing the point here. This is not about parking spaces. This is about a police station, which is badly needed. In the beginning, I did not think it was a very good place to put it either because of the roundabout. When we spoke to the police there and other people we were told it is not like Hill Street Blues when they are all going to be darting out with the blue lights flashing and everything going. Most of the vehicles that will be needed will be out anyway and will be point positioned in different places. If you are at St. Brelade and something is wrong at St. Catherine's they are not going to send the police that are out on patrol in St. Brelade all the way to St. Catherine's. Somebody will already be in that area. I just think that the staff that are working for us need to be safe. They are talking about Summerland. Now, I believe Summerland has a lot of asbestos in it. So, if it is going to be knocked down, the asbestos will have to be dealt with. Fine, not a problem, we can deal with all that. But, at this moment in time, the people who ride the motorcycles dress and undress there and then they walk across to the police station to pick up their motorcycles and then they go, same as the cycle people. There were bins in different places in BBC House, in Summerland and in the police station catching the rain. Now, something totally different, I am about to have an inspection on the farm to make sure I am looking after my animals properly. If they were housed somewhere where the rain was coming through the roof I would be closed down immediately. I think we have to get away from this problem that some parking spaces are going to be lost and where are they going to be returned. We should think about the men and women who look after us day and night, as well as my honorary people, and they are working in the most appalling conditions you could ever have. Those of you who did not take the option and have all said: "Well, we have been before" will appreciate the appalling conditions that these people are in. When they have somebody that is in the holding cells and they write the report they then have to go back across the road and write up the report and then go back again. Please try and think about this other than a car parking space, but a working facility that can absolutely help and furnish the people that we have looking after us who definitely need this area. **[Approbation]**

### **7.1.13 The Deputy of St. Martin:**

I was a Member of the Environment Scrutiny Panel that came up in a very short time with one of the 2 Scrutiny Reports. I personally feel that it is a very good factual piece of work and, as with all Scrutiny work, it is fact and evidence based. As such, it is disappointing the lack of scrutiny that the Ministers have given our report, in my opinion. Those Ministers have used the police survey - and indeed Arup used the same survey - to come up with the numbers which have informed much of this debate. It is my view that the survey was unsatisfactory. The level of response was very disappointing. The time period in which the survey was taken was too short and the questions were not specific enough. It is my opinion that parking is an issue. The Ministers should at least accept that. It is also my opinion that the Ministers should also accept that there are many other issues that need addressing. The proposal to build the new police station on this part of Green Street Car Park is not perfect, but then nothing we do in this Assembly will ever be perfect. Notwithstanding my views on parking and traffic, the greatest disappointment for me in all these various responses is the amount of time and lack of co-operation that over the last 13 or 14 years we have had to progress this project. **[Approbation]** Surely we should have worked together far better than we have. We would have identified the proper site a lot earlier and worked through all the issues that we are discussing today. The conditions that our police force are currently working in are totally unacceptable. As unhappy as I am about some aspects of this scheme, I feel today we have the

opportunity to move forward, to move together and to work through the issues that we have had put before us. We have the opportunity now to provide the facilities that our police force so genuinely deserve. I will be supporting the scheme of building. Thank you.

[16:30]

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

I would dearly love not to be supporting this proposition this afternoon, because it would mean that we would have, after all the trials and tribulations and all the hassle that the police have had, a police headquarters that is the best option, is fit for purpose and it was acceptable to the public. At this stage, I cannot. I obviously have quite a number of comments to make, but I want to pick up one or 2 themes already. One is, to an extent, Scrutiny have done what we asked them to do. They did it. Since November they have done 2 lots. One panel has basically expressed concerns on, if you like, the future proofing of the site. I am looking at Deputy Maçon who is nodding. Another panel has expressed concerns over a whole range of things, including the significant impact of parking. What I keep running through my mind is if every time Scrutiny who are meant to be the objective independent people who look at these things and try and say: "Look, there are these issues." Everybody says: "Oh, it is terrible. We have to get on and do it. We want to ignore it" *et cetera*. What is the point of doing the work in the first place? For those who say they are part of Scrutiny, to me they should be getting behind Scrutiny and say: "Look, they have done an objective piece of work. Get in behind it." What Scrutiny have said and what Deputy Martin has said was not unreasonable. There has been movement. We have to recognise that from the Ministers and they have introduced the concept of the 53 spaces. Again, further down, I am afraid I have a few things to say, one has got to look at the total impact on Green Street. They have not gone far enough, that is the problem. The problem there is that as a number of us - if Members have sat in this House for any period of time, and I certainly have not been here as long as Deputy Martin - there have been instances where clear and categorical assurances, verbal assurances, were given by Ministers, or I guess, by Committee Presidents in the past, and for whatever reason, they could not be fulfilled. So that was the point, if everybody charges down and says: "Yes, let us go for Green Street, we have an assurance to do X, Y and Z", and in 2 months' time whoever it is comes back and says there is not the money in the budget to do it, sorry guys, or structurally it will not take it, then: "But you have approved - the Members have approved - the position." That will be the line it goes. I hate to say it, because we have seen it time and time again. The classic one was well before my time, in the 2002 Island Plan, which was about the rezoning of the built-up area and, if you like, the garden -grabbing stuff that came through. You have to go back and look at the Hansard of that time. There were huge assurances given, and when the thing had been adopted, unfortunately, matters changed. So it is not casting aspersions. Sometimes it is circumstances out of people's control. I think the other thing which I am disappointed in, in a way, is that suddenly, because of the focus of Scrutiny, we are given the impression a little bit of the rabbits pulled out of hats to an extent. Literally, in the last 24 hours, is this offer of 53 spaces. "We will spend an extra £1 million." That I find difficult. This scheme, so much work has been done on it over the last 2 years, and yet suddenly in the last minute, the rabbit is being pulled out of a hat. What I find incredible, somewhere among the comments we were given they did what they call a red, amber, green analysis, a risk analysis, and the political suitability of the site I think was rated as low risk. How does plonking an operational blue light police headquarters and police station - sorry, I am mixing metaphors probably - in the middle of probably one of the most popular car parks, which is at maximum capacity, not rate slightly higher up on the risk scale? I just cannot get my head around that. One other just point to make, I did deliberately ask my very good friend and colleague from St. Lawrence, the Assistant Minister ... one of the rabbits that came out of the hat, the things that were being talked about before Christmas and subsequently, was about the existence of some

private parking. I think it was about 40 spaces. What I asked, I did not ask where it was, I said: "Does it exist as parking?" The Assistant Minister refused to confirm it. The only thing I can conclude from that is that it does not exist presently as parking. A change of use would be required and I would submit, at this stage, that the development of an extra 40 spaces for private car parking would not meet the requirements of either Planning or T.T.S. In other words, it is not something that as of today is tangible and exists. It is an offer; it is out there; it is that little carrot dangling out of reach. I do not like that approach. One wants to know that when one is making a decision at this point, we are making it on the basis of sound facts that exist, not a hypothetical fact that could exist in a few months' time. The reason I am really very sad, as I am at this stage, is - I will not even mention the name of the building, as people know - I had a huge involvement for 2 years of trying to get police headquarters up to scratch. I am fully aware of the conditions they have been working in. At that point our Plan B was similar, and when I look at the sites and I read reports, and they are absolutely right, it is identifying an issue, it is not saying it cannot be resolved. But it identifies the fact there is an extra cost to this location, that flood mitigation measures will have to cope, presumably, with the risk that the car park in the past has flooded to a depth of 5 feet, with damage to vehicles. That is in the pack that Deputy Martin circulated in November. When one looks at the impact, whichever way one looks at it, of losing those spaces, it is £100,000 a year. There is a cost there that should be directly attributable to the project, but it is getting sidled away somewhere, is my impression. When you add all those things together, the costs of going to this location are, I would submit... I would suspect are going to be higher than I would have thought Summerland would be. I am sure Summerland is not prone to flooding and you are certainly not losing parking revenue, as an example. The Minister for Treasury and Resources is looking slightly askance. The statutory consultation documents for the site state: "The site is known to flood to a depth of 5 feet in extreme rainfall events." That must require, I would think, expensive drainage solutions. That is purely ... I hasten to add, I talk in a layman's capacity there, but that is there and that is fact. As I said, we have to be making informed decisions, and I do not like the position when you are in a situation where there is not a Plan B, it is this site or nothing. We have to be able to evaluate options and it is not just about giving up a few spaces. That is the problem. To an extent, I can accept the fact that the building that has been built, or is being proposed, rather, does have expansion capacity in it. But it is the site, as we have been told ... In fact, I was very disappointed to come after the Constable of St. Martin because I am now going to be very careful and try to avoid too much duplication. What he said - I thought it was an excellent speech - but it is effectively a landlocked site. You cannot expand left or right; the site cannot be turned left or right; it cannot be expanded, I do not think, on to the road. I think it unlikely, from a planning perspective, it will go up, because we have all been told it will be capped. Therefore, the only solution that has been suggested is, would we go into the back of a popular multi-storey car park? The construction side of that thing means, as pointed out to me by a former Minister, if one was developing the car park at the moment one would use where the police station will go for your compound, to store all your machinery in and things like that. You are taking that away. If you are going to build significantly on Green Street Car Park once you have a police station there, it is adding to the expense, it is adding to the complexity of redoing that site. It seems to me we are getting into very much a sort of jam tomorrow, a bit of adhoc-ery. We will make it up as we go along. I do not like that. I am going to go back to the Summerland site because, as I said, I was very involved in that stage of the process. There was a decision that had to be made between a single site on Summerland and a split site, which is when we came to the options of buying an office building and building a smaller operational site on Summerland. The point about that was... the acting Chief of Police of that day, I had a direct conversation with him, it is from his mouth. Even though this is from recollection, there was not a huge financial difference between the 2 schemes. It might have been that the split site had to introduce the proposed savings earlier, so that was a benefit, but overall in the cost structure, my recollection is that they were not too far

different. Summerland might have been a bit more expensive but not much, in the terms of the scheme. The key thing, the reason why the police of the day were keen on the split site, was about future proofing. Their view was, and I believe if one looked at the single site at Summerland, one would have built about 2½ storeys. For example, the proposal at the moment for the accommodation there would go up to 6 storeys. So there appears to be scope, if you built on the Summerland site, to go higher. Each floor would be - if you say one floor against 2½ existing - would be a 40 per cent increase in flexibility of capacity of that building. Even then, Summerland had scope for the flexibility that the Constable of St. Martin has referred to. The point that: "This is a 50-year scheme, we are spending £21 million at least, so get on and do it." Do you really want to get on and do it and spend £21 million now and potentially be spending more in the future? Bearing in mind, yes, the public want us to make decisions, but they want us to make the right decisions as well, and £21 million is a lot of money. The point was that even though Summerland had sufficient flexibility as far as we could determine, the decision was to go for the split site because that gave a greater flexibility. All I can say is, looking at this at the moment, the flexibility being built into the Green Street option is not there in that thought process over that period of time. The future proofing, that is one of my key concerns; the future proofing and flexibility of what is being proposed at the moment I do not think is sufficient. The visitor spaces, and again it is not about whether the building is big enough, it is whether the site is big enough. We have been told visitor parking is not on site. We have storage and significant vehicles on a different site; archiving is on a different site; forensic vehicle examination is on a different site. Just think about it as somebody wanting to get to the police station, a vulnerable person - a man or a woman - it could be somebody at 11.00 p.m. at night who has had some form of altercation and they are being followed - and this has happened in the past - or somebody has left a night club or something and is being followed by another car. Their option now, today, is that they can drive down to Rouge Bouillon and they can pull up in front of the front door of the police station into the car park there, and generally, that is sufficient. They go away. Can Members seriously see somebody - let us go for the 11.00 p.m. scenario, particularly a lady - going to the dedicated 3 spaces at the end of Snow Hill, which is pretty dark and dingy, I would say, at that time of night, walking the 100 yards across - and at 11.00 p.m. there will still be some traffic around; it is not a great crossing - to get to the door of the police station? You are feeling vulnerable; you are feeling threatened; are you seriously going to do that? In other words, this is a new public building, but it is not being designed for easy access for all of the public. It is all very well for people to walk there, but there are certain circumstances where you are not going to want to do that. The P.A.C. (Public Accounts Committee) within the last week released a report which I think comments about transparency in the finances of what we do. I do want to talk about money a little bit, preferably not spending it too much. The original budget for the police was about £19 million and at the time Treasury informed Property Holdings that there was no more money, so they had to come up with alternatives. Two years down the line, I think, £2 million more has been provided to the scheme. Also, we have already been told in answer to Deputy Martin, which to quote: "It is important that further provision is made for other client contingency, basically, design and inflation, and in total, this amounts to just over £1.6 million." We are also told in that answer that including this contingency results in the estimated costs exceeding the allocated budget. So at this stage, by normal measures, there is not sufficient space in the budget. They are already going to have to trim and do a design workshop to basically reduce that building, or at least reduce the building costs. As I said, the site itself is going to lose us £100,000 a year in revenue.

[16:45]

That is a cost of the project, a direct consequence. As we have also said, the drainage, I think, is likely to be more expensive. Bearing in mind as well, this excludes all the costs, for example, for

the police control room. We have been told that. It is a new building project, but because we have to replace that anyway, the funding is going to come from elsewhere. What I am worried about is we are getting lots of little pots of money being used to subsidise the project, and we are not getting a clear picture of what is the true cost, by any reasonable method, of this project. There must be a point at which the original Plan B of Summerland becomes financially the better option. The other issue I have, and again obviously I speak as a layman, but I have read the Scrutiny Reports and so on, we are told is the big issue, the parking, is it not? We know that 91 spaces will be lost and there is debate, is it going to be 65 spaces for the police or is it going to be 86? It does not really matter. If it is 150, which is kind of a ballpark, that is 25 per cent of the capacity of a multi-storey car park that is used to the full at certain peak times. It is not just a few spaces, it is a quarter. Scrutiny have said it could be up to 30 per cent. But everybody who has looked at this has said ... everybody plays down or ignores what I will call the elephant in the room, which is Lime Grove House. Lime Grove House is only just now being filled. It was designed to take 300 people. Those numbers are not included in any of those assessments. Depending what percentage you wish to attribute to that, that is between 100 and 200 more cars not being calculated in this, and that is, if you add that lot up together, the capacity of Pier Road. So stand back from all that lot, between the police and Lime Grove House we are adding an extra 500 people into that vicinity and we are taking away 100 spaces. Again, it is that issue about we have to sort out and give the police the correct facilities, but at this stage the point we are starting from is we are already having compromises, yet this is meant to be a 50-year project. It is meant to be £21 million of spending. Is that a clear, coherent way of making proper long term decisions? That was the difficulty with the comments that came through yesterday. Some form of extension could be examined in more detail; Ministers would examine the possibility of providing additional space; a further space would be included, subject to more detailed costs; and so on. That is not good enough. It is the biggest single issue. You have to give clarity and certainty to what you are doing and, at the very least, you should surely be replacing the parking that was being lost. I will just go back to the P.A.C. comments. It is recently reported, the P.A.C. comments about control of public expenditure, *et cetera*: "It was a picture of sloppy handling of public money being painted in Jersey." That was the way the media reported this one aspect of that particular report. We will not get away from that image until we start doing things properly and for the longer term. We are still being told yesterday, after 2 years of detailed planning: "Matters X, Y and Z will be resolved at the detailed design stage." That does not fill me with confidence. It is not make it up as we go along, but for that kind of size of project I would expect those matters to be properly considered. Really, we appear to be building something which is on the edge of being acceptable, pushing the boundaries of acceptability. A site that is cramped, is not sufficiently future proofed, in my view, and is in the wrong location. It creates problems for shoppers and commuters and it does not allow proper access for the vulnerable members of the public or disabled visitors. As we have said, no members of the public will be able to park under that building, for very obvious reasons. It was interesting, I think it was the Constable of St. Helier, made some comment: "Well, if it is not right, there will be increasing pressure to improve matters." Again, it is that kind of: "Spend £21 million and then it will kick-off in a year's time, we might take another floor. We might add another floor on Green Street Car Park." It is not doing the proper thinking before you start pouring the concrete in the ground. I reiterate the point, I desperately want to see a new police headquarters. In fact, it was on my watch, with my team, that we brought the budgets of the police H.Q., which was never realistic at the time, to within something of the bounds of acceptability. We challenged all the space requirements that were being ... not obviously by the current Chief of Police and not the previous Acting Chief of Police, but the previous Chief of Police, who wanted all sorts of weird and wonderful things, and very old-fashioned ways of doing things. In the end, under the new regime when they came in, the Acting Chief of Police, the team took the budget down by £7 million, basically by challenging the amount of square footage that each department wanted. Do not accuse me of not assisting the progression of this. We have it

within grasping distance of having something that is viable, but one thing that was driven home, you have to do that work up front, and you have to get it right, because it is public money and it is a significant sum of money. At the end of the day, what I get very twitchy about is when we get into a sort of reactive approach to planning a major public investment. Again, when did £21 million become an unimportant sum of money? When does it matter? When does it suddenly become: "It does not matter. Let us just do it." Let me see, there is a recession out there, a major squeeze on revenues, probably a risk of taxes going up at some point or other, and we are going into a scheme which seems to be having lots of thoughts added on to it, but may not be long term fit for purpose. There are other options. It is not delaying it for 5 years, it is saying: "Look, Summerland was Plan B, that is a better option and it keeps all the blue light operations together." It does not impose new activities of a blue light operation on new residents right next door or right opposite, I will call it, a residents' home, which is the Limes. It is a public building. It does not need to be all singing and all dancing, but it does need to be right. It needs to be right now and for the future without undue impact on the surrounding area of the public which it is meant to serve. A public building needs to be accessible by the public. The key thing for me has been the parking side. If that parking had been properly addressed, or an assurance was given to go away and properly look at it, not a half-hearted effort; I welcome the move that has been made; it is not quite enough, unfortunately, I would not be voting for this. But it has not been done, and what is being basically left? We are going to inconvenience quite a lot of the public, people from St. Mary all the way around to St. Clement. I can say, at one presentation at St. Mary's Parish, I was approached by a parishioner saying: "What are you doing about this car park proposal?" Depending on whether I represent them, if (a) I am ever re-elected and (b) we are all merged, well, maybe I will have to start listening to their views now. But it is an issue for an awful lot of people from the north, all the way around to the east of the Island, if not further afield. As has been previously said, it is not a popular decision. That does not necessarily mean that you should not make it, one Member should not make it, if everything else works. But there are sufficient question marks over everything else; is it fit for purpose in the future? That building will be there for a long time, and I am going to stop there, because I think the Connétable of St. Martin expressed it far more eloquently than I did. But those concerns are valid and they are valid now and at the moment I urge everybody to vote for the proposition.

#### **7.1.15 Senator S.C. Ferguson:**

The Minister for Treasury and Resources talks of not putting decisions off. In my experience, if we have doubts it is absolutely correct to delay. Frankly, this project is a most unsatisfactory way to spend the best part of £30 million. Deputy Le Fondré talks of £21 million, but then I think he is rather more optimistic than I am. The Minister also talks of using the whole car park as an expansion space. This is a rather recent development, and it is really rather convenient, to solve the arguments brought by Deputy Martin, the Connétable of St. Martin and others. For the Constable of St. Saviour, I do not want to lecture people, but Lime Grove House was not a police station, it was administrative offices, which is quite a different thing. Under that scheme, the operational police station, as Deputy Le Fondré has said, was at Summerland. I do know the police station well, having spent some time as a Champney with my apologies for my Jersey French pronunciation. It is a St. Brelade pronunciation. Thank you, that is super. **[Aside] [Laughter]** I know the police station well, and the fragrant custody cells on a high tide. They really can get a bit fragrant. As a Centenier, we are busy people, and if we have to go there and charge somebody, and you have to park at ... because all the spaces at 6.00 p.m. in the evening around the police station and Snow Hill Car Park, they will be busy and they will be full. So you have to park up at Pier Road and walk down. I am sorry, it is just not satisfactory. I do wonder at the concept of a travel plan. I have trouble with things like travel plans and stuff like that. Are we going to end up dictating how people will travel to work? I rather feel it is a bit of shades of George Orwell. The



Assistant Minister is really quite dismissive of the fact that many of our public buildings do not have parking spaces. As one of the temporarily disabled, frankly, he is talking through his hat. We have appalling provision with our public buildings, for the disabled, and to ignore it for the police station just perpetuates the problem. There are a number of issues with the new police station. Deputy Martin has mentioned a lot of them. I do not think she has mentioned the fact that there is insufficient space to accommodate separate access and egress ramps to the basement car park, which means they will have to have a traffic light system to manage the use of a single access ramp. There will be insufficient space to provide direct daylight to custody cells, so they will have to have light pipes. In the event of a major disaster recovery incident, the police personnel would be in a location to the southeast of St. Helier, where the most likely locations for a security incident are the airport and the harbour, which are the other side of the tunnel. We have mentioned the car parking *ad nauseam*, but it is a terrifically real problem. There is the flooding. Now, for the flooding, they are going to have to put in a soak-away and pumping equipment, which is £1.5 million to £2 million, which nobody seems to have mentioned at this stage. The cost of installing and maintaining this will be considerable. I really feel that this is trying to make a solution fit a problem. This is not what we should be doing. We should be going back to Plan B, quite frankly, and saying Summerland. Originally, the space at the bottom of Green Street Car Park was earmarked for residential building so that it would provide the money to rebuild Green Street Car Park because it is going to need rebuilding in about 4 or 5 years' time. This particular project has taken the money away from that. This is quite ridiculous, and I will be supporting the proposition.

[17:00]

#### **7.1.16 Senator B.I. Le Marquand:**

If I could start with what may be a first for this Assembly, a quotation from a Prussian General. It may also be a first in terms of the worst pronunciation ever of a German name, but I believe that the name of this general was Carl von Clausewitz. He said, and this is highly relevant to the debate: "The greatest enemy of a good plan is the dream of a perfect plan." **[Approbation]** I thank Members, if only because it increases my chances of getting on the quote of the week slot. I want to start with the major positives. There are 4 major positives that I get from this project. Firstly, it delivers a purpose-built police headquarters all on one site, and all Members have acknowledged that we desperately need that. The fact is that when you think you are about to get something, you do not go spending a lot of money on the existing buildings which you are about to demolish. That is the problem which the Connétable of St. Martin has noticed. It is said that work started on this project in 1999, but I have a recollection of a site being provisionally allocated in the early 1990s, when I was curiously enough working on the longwinded project of the new Magistrates Court, to which I will come later. When Mr. Barry Taylor (the current Deputy Chief Officer) arrived in 2009, one of his first tasks was to commence a review on the specification requirements for the new building, in accordance with modern standards. The outcome was a substantial reduction in the floor space required. This is important, because that work was completed before Lime Grove House was even being considered, and certainly before Green Street was seriously considered. So there is no question of the space requirements for the building having been adjusted in order to fit the site. The space requirements were determined before the site was even considered. Indeed, the current plan, at 5,457 square metres, is 154 square metres more than the 2009 proposal. As Mr. Taylor made it clear to the Education and Home Affairs Scrutiny Panel, even if we were seeking to build on a different site, we would not be seeking to build a larger building. The 2009 specification has been met in all major parts: space, security, parking for police vehicles and for official visitors to the site. Furthermore, the 2009 specification has built into it the ability to expand staff numbers in all areas of at least 10 per cent, in some cases considerably more, the building design being

sufficiently flexible to allow for changes in the relative sizes of various specialist units by relocation of partitions. This is a very good news story, particularly when we compare what we will have under these proposals with what we have now. The States of Jersey Police have never had a purpose-built police station. They currently have part of the St. Helier arsenal building to which has been attached an extension which falls miserably below modern standards, including the current police cells. They are not fit for purpose. They have been severely criticised, rightly, by every outside visiting body. They are an embarrassment. Curiously, I find myself in the same position for the second time, because I had another embarrassment as a magistrate with the cells down at the old Magistrates Court, which were even worse. That is the first building. The second building is an old school building which repeatedly suffers from subsidence and which has serious cracking. I refer to it as being crocheted. The third building, as the name Summerland indicates, is a converted knitwear factory. The fourth is also substandard by modern standards. They are simply not fit for purpose, and it is of great credit to our police force that they are currently functioning so well despite these premises. As our Chief Officer of Police has put it: "Finally, I lead some of the finest officers and staff I have ever worked with in 32 years of policing in what is without doubt the worst accommodation I have ever worked in." There is the first plus. Here is the second plus. Once the police can vacate the 4 existing buildings on the 2 different sites, these sites can be used in a very exciting way. The ambulance station can then be moved across the road on to part of the vacated police site. That then frees-up the whole of the ambulance Summerland site for desperately needed Category A housing. The Minister for Housing has spoken quite gently, I thought, today, but I know how desperate the need is for Category A housing. However, there should still be some space left on the existing police/fire service site, because under the previous split arrangement there was still going to be the police station there. So there could be some spare capacity, even on that site. Thirdly, I want to speak about 2 positive aspects of the site which may be overlooked. The first is, and this is important, that it is more central to St. Helier than the existing building. The existing building is quite a long way out from the centre of St. Helier, and one of the criteria for any new building is, it should be relatively easily accessible for people who do not have cars or the ability to pay for taxis, and so on. This is closer to the centre, but there is another interesting bonus to this particular site which can easily be overlooked. It contains, as it were, an already formed underground car park. On any other site, in order to achieve the secure underground parking we would have to dig down in the site or go up to get another storey above. If we were looking hypothetically at a site in the flat area of St. Helier, we would then run into the same difficulties as we had with the Town Park underground car park and the high water table. If we were looking at a hypothetical site on the Waterfront, you then would have the problem and the cost of the digging out and disposal of the toxic waste. So this is an excellent site from that point of view of an existing underground facility. Fourthly, there is the importance of an early date for this major building project in terms of a fiscal stimulus. Are we not listening to what the building trade are saying to us at this time? They desperately need the work, and here is a major project which could be starting either later this year or early next year at the very time when otherwise people are going to be in day-work. This is a very important consideration in terms of timing. Now I need to move on to some of the less positive aspects of this debate, although I still try to be positive. I want to start with the issue of delay. If you say it quickly, then a proposal to stop working on this site and to ask the Minister for Planning and Environment to find another site sounds easy and quick. There is nothing either easy or quick in relation to that route which we are being asked to take today. I want to speak briefly about my experiences in relation to the building of the Magistrates Court. From memory - and my memory may be incorrect - the project started around about the middle of the 1970s, I think 1976. I picked it up after only 14 years in 1990, when I became Judicial Greffier, and worked hard on it. Various sites were proposed, but by 1993, I realised I could not bring it to a conclusion until about 1997, so I handed it over to another person who, by a strange coincidence, is my current Chief Officer, Mr. Austin-Vautier. Well, in fact, when I came

back in 1999 as a magistrate, a site had been agreed, plans were starting to be drawn up. Everything went quite smoothly through Planning. But nothing ever goes smoothly with major public buildings in St. Helier, because we had to fight off 2 attempts to derail the project in the last 6 months. The first attempt, believe it or not, was an attempt to demolish Cyril Le Marquand House and build a super office building on both sites. The second attempt was the idea that somehow we could relocate, despite our need for people to walk in with certain offences, up to d'Hautree House. We fought this off, and I am pleased to say, if my arithmetic is right, that the building project started - and Senator Bailhache will recall with pleasure having used a mechanical digger on that occasion - [Laughter] it started by my calculation ... he was presented with a small model of that, which I hope he still treasures. It started, if my memory is right, after only 27 years, and came to a conclusion after 29 years. I am absolutely serious about this. To suggest that we can somehow put this off and it is not going to have a major effect in terms of delay, going around the houses, arguing about other sites and so on; meanwhile, maybe we will not have the money because of other considerations. My experience tells me otherwise. I am going to go on now and try to deal with individual matters. I am acting today in the capacity of sweeper on behalf of the opposition, so I am going to try and deal with individual matters and points which have been raised. Firstly, I need to make the point clearly about the method of operation of the States of Jersey Police in going to emergencies. I have never seen so many letters in the *J.E.P.* over the last 6 months based upon clear misinformation. The States of Jersey Police do not normally react to emergencies by vehicles leaving police headquarters with their sirens blaring. That is what happens to the Fire and Rescue Service. That is the normal method of them leaving. That is what often happens to the Ambulance Service. It does not happen to the Police Service. We asked for an estimation of this, and there I think I slightly disagree with the speech of Deputy Noel. It is my understanding, yes, there are occasions when that will happen. They are of the order of 100 a year, 2 a week, maximum. The Police Chief has given an undertaking to ensure that that is minimised as far as it can be.

**Deputy M. Tadier:**

A point of clarification, if the Minister would give way.

**Senator B.I. Le Marquand:**

Yes, indeed.

**Deputy M. Tadier:**

Surely, whether one uses sirens or not depends on the traffic and congestion. We do not know what the traffic congestion is like around the tunnel, compared to the Rouge Bouillon area, because we do not have a police station there yet. Is that correct?

**Senator B.I. Le Marquand:**

What I am talking about is a code 1 emergency, which is sometimes called "blues and twos", which is leaving a particular area to go to another with the sirens on and the lights shining. Whether or not you put them on straightaway is another matter. But that is what I am talking about, essentially. All this issue about concern in relation to what happens if the tunnel is blocked, or whatever, is irrelevant, with respect to those who have raised it, because the reality is, the vast majority of such instances are met by vehicles which are already out and about the Island on the road. That is the way things normally operate. Even if, very hypothetically, there was some issue with the tunnel, there are 3 other routes of getting around to the west. One is over Mount Bingham, one is through the centre of St. Helier through Hill Street, Mulcaster Street, and the third one is around the ring road, if that ever occurred. I will deal now with the question of future proofing, and this is quite an interesting area. It is very difficult to predict the future. I am going to make a confession now to this Assembly as to just how difficult it is in another context, in the context of prison. We have decided, and all the work which has been done designing the extensions for the prison in recent

years, have been based, at a time when we had about 180 people, on figures of 200. In fact, last year, greatly to my surprise, the numbers dropped by 25 and we are down in the 150s. I am anticipating a further drop and we are going to be down, I hope, in the 120s. So I am soon going to be criticised for having built too big a prison. It is very difficult to predict the future, and although I understand why the Connétable of St. Martin says from his experience - he has lived in a period in which police numbers have been expanding - in fact, all the trends in the U.K. and the trend in Jersey, in terms of police numbers, are we are in a period of declining crime numbers. He may be right. It may be a temporary blip; I cannot definitely say that is not so, but that is the trend. On top of that, the way in which police officers are increasingly operating in modern police forces and modern police stations is changing.

[17:15]

There is a big move away from people operating from police stations to them going out and about and operating where they are, using their connections of computers and so on, on-site off the police station. So it may be that in 10 years' time or 20 years' time I will be criticised as the Minister who was involved with building a police station that was too large, and I should have known it, because that is the way the trends were going. There is an issue in relation to staff parking. It is quite clear that once the Police Association had canvassed their members in great detail, what actually happened there? We asked the then President of the Police Association to attend meetings with the Education and Home Affairs Scrutiny Panel to indicate what the view was, and he was very positive and very supportive. He said there may be some issues, but they support it. There was then a change of leadership. In came a new committee and they were much more cautious. They were not willing to express a view until such time as they canvassed members, which they did. They then reported back to the Education and Home Affairs Scrutiny Panel and, in so doing, what they reported back was that they were satisfied on all issues. The one issue that remained was the issue of staff parking. Ideally, they wanted better provision. But let us look at the present provision in relation to staff parking. At the moment there are 20 spaces on a first come, first served basis, which is wholly inadequate. I paced out recently, just as a matter of interest, the distance from what I call the entrance to the former school part of the building down to the car parking section in the Patriotic Place Car Park. It is 750 paces; at least it was with my particular paces on that particular occasion. A long distance. What I am saying, in short, is the existing arrangements with the existing building are not that good in terms of access. In fact, I would argue strongly that the arrangements which are proposed will be much better for police officers in terms of access to parking, for a whole number of reasons. Firstly, they are next door to Green Street. Secondly, there is the other car park, which is often overlooked in this, which is La Route du Fort. In evidence that was given by T.T.S. to the second Scrutiny Panel, the evidence that was to the Environment Scrutiny Panel. Their evidence was given that there were in the daytime, normally about 20 spaces available. Now, I visited that personally on 2 occasions (I know it was in the wintertime) midmorning, I found about 40 spaces available. That car park is about 400 yards away from the entrance to the new police headquarters. So I would argue this is better. Deputy Noel does have a difficulty in revealing this, details of this approach, which has been made, with an owner of property not very far away, in the area, who would be interested in trying to let an area as car parking for staff. We cannot go into that in more detail at this particular stage, because we do not know whether or not we are going to get through this vote, we do not know if we are going to get planning permission, and so on. But that is a definite issue in the background. Staff are not saying they should be provided with free car parking. What they are saying is they would like to have, if possible, better arrangements. In reality, the vast majority of the staff arrive in a shift and operate on a basis of a normal working day, if I can put it that way. We have 5 shifts of 21 people who can start at almost any time and finish at almost any other time because of the shift patterns,

but the vast majority of police officers work, as it were, virtually a normal day, coming in at a normal time, and leave at a normal time. There will be other times when they have to work in the evenings, that is absolutely right, but that is the normal pattern in relation to that. So yes, there will be some competition there, but they are in no different position to anybody else working in an office type environment within St. Helier. I want to move on and talk about the visitor access issue, and just to make this absolutely clear, because I think there was some ambiguity in some of the speeches. The underground car park in this building will have provision in it, not just for working police vehicles, but also for Centeniers, for Advocates and for other professionals visiting the building. What it will not have is capacity for people other than those professionals, as I will call them, visiting the building. I have already mentioned, however, that this building is already better because of its proximity to town, which is going to make it more easy to access. But there is still concern, and I accept that, in relation to the matter of the visitors' parking. Between my Assistant Minister, Senator Farnham, and I we came up with a plan to deal with this, and I am going to reveal what this plan is. I believe I can now mention it because it is now accepted this is technically possible, and this is a plan in addition ... can I just explain to Members that the access in terms of visitors' parking is only an issue in the times when Green Street Car Park is full, and those times are in the mornings and into the early afternoon. Now, the specific improvement which I personally am backing and will be continuing to urge as part of the overall plan is this. We can designate spaces in, I will call it, the south-west corner of the existing car park. That is against the Lime Grove House side, against the new police building side. We can designate those on what I will call the first floor. That is not the bottom floor, it is one up, or the same level as the ground floor of La Route du Fort. If we designate them there, we can create a situation in which there is a door with a bell or buzzer adjacent to those. People go to that, they press a bell or a buzzer, as you do if you go to the prison main gate, and what then will happen, someone will answer in reception, they will say where they want to come to, and then they will be able to come through. There will be a small bridge over the gap, and they will then be walking along the roadway which accesses the underground car parking at the same level. That, in my view, is a much better provision, and one which we should make in view of the suggestion of the 3 spaces in Snow Hill. I will be urging my colleagues to go ahead with that proposal, because it is very practical and is a definite improvement.

**The Connétable of St. John:**

Can I query something that the Minister has said?

**The Deputy Bailiff:**

Do you have a question?

**The Connétable of St. John:**

Yes, Sir. What he has just told the House about this catwalk, call it what you will, going from one part of the building to another, been tested with the Department for Planning, with officers, with Scrutiny? This is the first ... the second time today I have heard this from the Minister, the first time outside. Has it been tested, so that we could have the evidence? Is it evidence-based?

**Senator B.I. Le Marquand:**

I am assured by officers that it is feasible, but that question he has referred to will require a slight redesign of the entranceway. I cannot see any reason why it would not be feasible. That is my plan, and that is the plan I will be seeking to put forward and to maintain. The issue in relation to the disabled spaces; the provision at the moment is for 3 spaces right in front of the building for people who have been disabled. One of the difficulties we have had in relation to this proposition coming so early in the process of design is that we have not properly thought through all the detail of all these arrangements which I am now talking about. The Arup report, for some reason I do not

understand, said people would only be able to use that on a basis of having rung up in advance. That is not so. Those spaces will be under the control of the police station, and we will work with them in the appropriate way. We have not worked out the final details of this, but we are looking at issues such as pillars, a pillar which may go up and down to allow access, and an intercom system to allow people approaching to ring in and request that that happen, and so on. All possibilities, but the details have not quite been worked out.

**Deputy J.A. Martin:**

I am sorry, it is a very important point, because I really think that the Minister for Home Affairs is in danger of misleading the House. Okay, it is fine. I will ask the question when I sum up. I will state the obvious.

**The Deputy Bailiff:**

If you have a question for clarification of what he said, you can put it, but otherwise, you do have the right to sum up.

**Senator B.I. Le Marquand:**

She may put the question, Sir. If I am going to be accused of misleading the House, I would like to know how.

**Deputy J.A. Martin:**

I think it is fair, because the Assistant Minister for Treasury and the Minister for Home Affairs has just said the 3 bays at the front are for disabled parking. They are unloading bays that can possibly be used for the disabled. There is a vast difference and that is why I am giving the Minister a chance to correct what he has just told the House.

**Senator B.I. Le Marquand:**

I am very grateful for that and I do correct it. It is absolutely right. They are disabled bays, but also, they have been used for unloading purposes. I would also like them to be usable at certain times, particularly in the evenings and times of that nature when there are unlikely to be used for the other purposes, for emergency access, when people want to stop straight outside and run in for some particular reason. I am sorry. I did not mean to mislead the House. I am grateful to the Deputy for giving me the opportunity to correct that. **[Laughter]** The next issue which I want to talk about is the costs, if this does not go ahead and there is delay, of maintenance of the existing buildings. It must be clear to all those who visit the building that if there is going to be a substantial delay, we have to arrive at a point where we have to start spending big money on the existing buildings. If we are going to spend big money on existing buildings to avoid the public inquiry suggested by the Connétable of St. Martin, then frankly, we are going to be throwing it down the drain if soon after that we do manage to go ahead with the project. But that is the reality, and Members must understand that delay is moving that way, towards us having to do that, otherwise I will be accused of negligence to my staff members, for all sorts of reasons. Moving on to the Honorary Police issue. With respect to Deputy Martin, she has completely misunderstood things here. She has misunderstood what we are talking about in terms of Honorary Police access. We are not talking about the Honorary Police operating from there. They will have their own premises elsewhere for each Parish. We are simply talking about the ability of a Centenier to go into the building to see an accused, to read the papers, to introduce some people if necessary, to make a decision as to whether or not to charge, and then to go on and charge. I personally spoke to the chairman of the Chefs de Police, who is also the Chef de Police of St. Helier, at a dinner towards the end of last year to ask him about this and he said he was perfectly relaxed about it. He realised that this would be detail as to the exact layout of a particular floor which would come out later. I also asked the Deputy Chief Officer of Police to speak to him. I have received information

today that he did, that he had met with him in January, they had such discussions. So I am completely at a loss, and perhaps Deputy Martin might wish to explain what is the source of information that there has been no consultation. This is simply a detail as to layout of a particular floor, the detail of which has not been worked out at this stage, and we have had contact with the chairman of the Comité des Chefs de Police.

**The Deputy Bailiff:**

Minister, as you have paused and it is 5.30 p.m., may I ask whether you are expecting to be very much longer, because if you are, I have 3 other Members wishing to speak. It would seem likely that the debate on this proposition will go on tomorrow. If it is convenient to stop while you have paused, we can stop, if that is so. If you wish to continue ....

**Senator B.I. Le Marquand:**

I am happy to stop there temporarily and restart tomorrow. Perhaps I could canvas the view of Members, if we want to go on to the bitter end tonight.

**Senator P.F. Routier:**

I propose the adjournment, Sir.

**The Deputy Bailiff:**

The adjournment is proposed. The adjournment is proposed; Members agree. We will return at 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:29]