

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 6th OCTOBER 2009

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	8
1. Senator A. Breckon (Chairman, Health, Social Security and Housing Scrutiny Panel)	8
QUESTIONS.....	8
2. Written Questions	8
2.1 SENATOR J.L. PERCHARD OF THE CHIEF MINISTER REGARDING THE SALARIES OF MANAGEMENT AND STAFF OF THE WATERFRONT ENTERPRISE BOARD.....	8
2.2 SENATOR B.E. SHENTON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ASSETS OF THE WATERFRONT ENTERPRISE BOARD	8
2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING FORT REGENT SWIMMING POOL.....	9
2.4 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING PARENTING CLASSES	10
2.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING CAR PARKING PROVISION IN ST. HELIER	11
2.6 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING MEASURES TO COMBAT VANDALISM.....	12
2.7 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHAIRMAN OF THE HEALTH AND SOCIAL SECURITY AND HOUSING SCRUTINY PANEL REGARDING THE PROPOSED COMMITTEE OF ENQUIRY INTO HEALTH AND SOCIAL SERVICES.....	13
2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING LISTS FOR TREATMENT	13
2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WORKLOAD OF MEDICAL STAFF	14
2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES THE TERMS AND CONDITIONS OF NURSING STAFF	15
2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COST OF LIVING IN JERSEY AND THE UNITED KINGDOM	16
2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PAYMENTS MADE THROUGH NON-TRADING COMPANIES IN HONG KONG OR ELSEWHERE TO AVOID TAX	17
2.13 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING MEETINGS AND MINUTES OF THE EMERGENCIES COUNCIL.....	17

2.14	THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE CASTLE QUAYS DEVELOPMENT.....	18
2.15	THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING CAR PARKING IN ST. HELIER.....	20
2.16	THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE REGULATION OF UNDERTAKINGS AND DEVELOPMENT LAW.....	23
2.17	THE DEPUTY OF ST. MARY OF THE MINISTER FOR HOUSING REGARDING THE HOUSING LAW.....	24
3.	Oral Questions.....	24
3.1	Deputy G.P. Southern of St. Helier of the Chief Minister regarding evidence of a pay freeze in the private sector.....	25
	Senator T.A. Le Sueur (The Chief Minister):.....	25
3.1.1	Deputy G.P. Southern:.....	25
3.1.2	Deputy G.P. Southern:.....	25
3.1.3	Deputy P.J. Rondel of St. John:.....	25
3.1.4	The Deputy of St. John:.....	25
3.1.5	Deputy G.P. Southern:.....	26
3.2	Deputy D.J.A. Wimberley of St. Mary of the Minister for Planning and Environment regarding a new development between Le Saie and La Coupe.....	26
	Senator F.E. Cohen (The Minister for Planning and Environment):.....	26
3.2.1	The Deputy of St. Mary:.....	26
3.2.2	Deputy F.J. Hill of St. Martin:.....	26
3.2.3	Deputy R.G. Le Hérissier of St. Saviour:.....	27
3.2.4	Deputy R.G. Le Hérissier:.....	27
3.2.5	The Deputy of St. Martin:.....	27
3.2.6	Deputy D.J. De Sousa of St. Helier:.....	27
3.2.7	The Deputy of St. Mary:.....	28
3.2.8	The Deputy of St. Mary:.....	28
3.3	Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding arrests for violent crimes related to alcohol.....	28
	Senator B.I. Le Marquand (The Minister for Home Affairs):.....	28
3.3.1	Deputy T.M. Pitman:.....	28
3.3.2	Deputy J.A. Martin of St. Helier:.....	29
3.3.3	Deputy D.J. De Sousa:.....	29
3.3.4	The Very Reverend R.F. Key, B.A., The Dean of Jersey:.....	30
3.3.5	Senator S.C. Ferguson:.....	30
3.3.6	Deputy T.M. Pitman:.....	30
3.4	The Deputy of St. John of the Minister for Economic Development regarding the duty free shop at Jersey Airport.....	30
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	30
3.4.1	The Deputy of St. John:.....	31
3.4.2	The Deputy of St. John:.....	31
3.4.3	Deputy R.G. Le Hérissier:.....	31
3.4.4	Senator B.E. Shenton:.....	31
3.4.5	Deputy D.J. De Sousa:.....	31
3.4.6	Deputy D.J. De Sousa:.....	32
3.4.7	The Deputy of St. John:.....	32
3.5	Deputy S. Power of St. Brelade of the Minister for Economic Development regarding a subsidy to an existing ferry operator.....	32
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	32

3.5.1 Deputy S. Power:.....	32
3.5.2 Deputy S. Power:.....	33
3.5.3 Deputy K.C. Lewis of St. Saviour:.....	33
3.5.4 The Deputy of St. John:	33
3.5.5 Deputy S. Power:.....	33
3.6 Deputy M. Tadier of St. Brelade of the Minister for Economic Development regarding the possibility of attracting filmmakers to Jersey.....	33
Senator A.J.H. Maclean (The Minister for Economic Development):.....	33
3.6.1 Deputy M. Tadier:	34
3.6.2 Deputy M.R. Higgins of St. Helier:.....	34
3.6.3 Deputy M.R. Higgins:.....	34
3.6.4 Deputy K.C. Lewis:.....	34
3.6.5 The Deputy of St. Mary:	35
3.6.6 Deputy M. Tadier:	35
3.7 Deputy T.A. Vallois of St. Saviour of the Minister for Treasury and Resources regarding the draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 200-.....	35
Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	35
3.7.1 Deputy T.A. Vallois:	36
3.7.2 Deputy M.R. Higgins:.....	36
3.7.3 Deputy M.R. Higgins:.....	36
3.7.4 Deputy J.M. Maçon of St. Saviour:.....	37
3.7.5 Senator S.C. Ferguson:	37
3.7.6 Deputy D.J. De Sousa:.....	37
3.7.7 Deputy D.J. De Sousa:.....	37
3.7.8 Deputy T.A. Vallois:	38
3.8 The Deputy of St. Martin of the Minister for Health and Social Services regarding the number of doctors and nurses suspended or excluded from duty.	38
Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):.....	38
3.8.1 The Deputy of St. Martin:.....	38
3.8.2 The Deputy of St. Martin:.....	38
3.8.3 Deputy D.J. De Sousa:.....	39
3.8.4 Deputy A.E. Jeune of St. Brelade:.....	39
3.8.5 Deputy R.G. Le Hérisier:	39
3.8.6 The Deputy of St. Martin:.....	39
3.9 Deputy T.M. Pitman of the Minister for Homes Affairs regarding legislation relating to knife crime.	39
Senator B.I. Le Marquand (The Minister for Home Affairs):	40
3.9.1 Deputy T.M. Pitman:	40
3.9.2 The Deputy of St. Martin:.....	40
3.9.3 Deputy J.M. Maçon:	41
3.9.4 Deputy D.J. De Sousa:.....	41
3.9.5 Deputy D.J. De Sousa:.....	41
3.9.6 Deputy T.M. Pitman:	41
3.10 Deputy R.G. Le Hérisier of the Minister for Health and Social Services regarding out- of-hours psychiatric services.....	42
The Deputy of Trinity (The Minister for Health and Social Services):.....	42
3.10.1 Deputy R.G. Le Hérisier:.....	42
3.10.2 Deputy R.G. Le Hérisier:.....	42
3.11 Deputy M. Tadier of the Chief Minister regarding the Panorama programme broadcast on 21st September 2009.....	43
Senator T.A. Le Sueur (The Chief Minister):	43

3.11.1	Deputy M. Tadier:.....	43
3.11.2	Deputy T.M. Pitman:.....	43
3.11.3	The Deputy of St. Mary:.....	43
3.11.4	Senator A. Breckon:.....	43
3.11.5	The Deputy of St. John:.....	44
3.11.6	The Deputy of St. Martin:	44
3.11.7	Deputy I.J. Gorst of St. Clement:.....	44
3.11.8	Deputy M. Tadier:.....	44
3.12	The Deputy of St. John of the Minister for Homes Affairs regarding the current number of police officers in the States of Jersey Police.....	45
	Senator B.I. Le Marquand (The Minister for Home Affairs):	45
3.12.1	The Deputy of St. John:.....	45
3.12.2	Senator A. Breckon:.....	45
3.12.3	The Deputy of St. Martin:	45
3.12.4	The Deputy of St. Martin:	45
3.12.5	Deputy T.M. Pitman:.....	46
3.12.6	The Deputy of St. Martin:	46
3.12.7	The Deputy of St. John:.....	46
3.13	Deputy G.P. Southern of the Minister for Health and Social Services regarding the current vacancy rates in the Health and Social Services Department.	47
	The Deputy of Trinity (The Minister for Health and Social Services):.....	47
3.13.1	Deputy G.P. Southern:	47
3.13.2	Deputy G.P. Southern:	47
3.13.3	Deputy T.M. Pitman:.....	48
3.13.4	Deputy R.G. Le Hérissier:.....	48
3.13.5	Deputy D.J. De Sousa:	48
3.13.6	Deputy G.P. Southern:	48
3.13.7	Deputy G.P. Southern:	49
3.14	Deputy R.G. Le Hérissier of the Minister for Housing regarding the release of the Whitehead report on social housing.	49
	Deputy S. Power (Assistant Minister for Housing - rapporteur):.....	49
3.14.1	Deputy R.G. Le Hérissier:.....	49
3.14.2	Deputy T.M. Pitman:.....	49
3.14.3	Senator A. Breckon:.....	50
3.14.4	Senator A. Breckon:.....	50
3.14.5	Connétable D.W. Mezbourian of St. Lawrence:.....	50
3.14.6	The Connétable of St. Lawrence:.....	50
3.14.7	Deputy D.J. De Sousa:	50
3.14.8	Deputy R.G. Le Hérissier:.....	51
3.15	Deputy S. Power of the Minister for Economic Development regarding queues at check-in desks at Jersey Airport.....	51
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	51
3.15.1	Deputy S. Power:	51
3.15.2	Deputy R.G. Le Hérissier:.....	52
3.15.3	The Deputy of St. John:.....	52
3.15.4	Deputy S. Power:	52
3.16	The Deputy of St. Martin of the Minister for Treasury Resources regarding the reinstatement of Haut de la Garenne	52
	Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):.....	52
3.16.1	The Deputy of St. Martin:	53
3.16.2	Deputy J.B. Fox of St. Helier:	53

3.17 Deputy J.M. Maçon of the Minister for Economic Development regarding the definition of sustainable economic growth.....	53
Senator A.J.H. Maclean (The Minister for Economic Development):.....	53
3.17.1 Deputy R.G. Le Hérisier:.....	53
3.17.2 Deputy R.G. Le Hérisier:.....	54
3.17.3 Deputy M.R. Higgins:.....	54
3.17.4 Deputy M.R. Higgins:.....	54
3.17.5 Deputy D.J. De Sousa:.....	54
3.17.6 The Deputy of St. Mary:.....	55
4. Questions to Ministers Without Notice - The Minister for Social Security	55
4.1 Deputy T.M. Pitman:.....	55
Deputy I.J. Gorst (The Minister for Social Security):.....	55
4.2 Deputy J.A. Martin:.....	55
4.2.1 Deputy J.A. Martin:.....	56
4.3 Deputy R.G. Le Hérisier:.....	56
4.4 Deputy D.J. De Sousa:.....	56
4.5 Senator A. Breckon:.....	57
4.6 Deputy S. Pitman of St. Helier:.....	57
4.6.1 Deputy S. Pitman:.....	57
4.7 Deputy G.P. Southern:.....	57
5. Questions to Ministers Without Notice - The Minister for Planning and Environment	58
5.1 Deputy T.M. Pitman:.....	58
Senator F.E. Cohen (The Minister for Planning and Environment):.....	58
5.2 The Deputy of St. John:.....	58
5.3 Deputy G.P. Southern:.....	58
5.4 Deputy C.F. Labey of Grouville:.....	58
5.4.1 The Deputy of Grouville:.....	59
5.5 The Deputy of St. Mary:.....	59
5.5.1 The Deputy of St. Mary:.....	59
5.6 Deputy J.A. Martin:.....	59
5.6.1 Deputy J.A. Martin:.....	60
5.7 Deputy A.E. Jeune:.....	60
5.8 Connétable G.F. Butcher of St. John:.....	60
5.9 Deputy J.A. Hilton:.....	60
5.10 Deputy D.J. De Sousa:.....	60
5.11 Deputy J.A. Martin:.....	61
5.12 The Deputy of St. Mary:.....	61
5.13 The Deputy of St. John:.....	61
PUBLIC BUSINESS	62
6. Millennium Town Park - funding from the Stabilisation Fund (P.135/2009).....	62
6.1 Deputy G.P. Southern:.....	62
LUNCHEON ADJOURNMENT PROPOSED.....	66
LUNCHEON ADJOURNMENT.....	66
PUBLIC BUSINESS - resumption	66
6.1.1 Senator P.F.C. Ozouf:.....	66

6.1.2	Connétable A.S. Crowcroft of St. Helier:	69
6.1.3	The Deputy of St. Mary:	70
6.1.4	Connétable M.K. Jackson of St. Brelade:	73
6.1.5	Deputy J.B. Fox:	73
6.1.6	Deputy T.M. Pitman:	73
6.1.7	Senator F.E. Cohen:	74
6.1.8	Deputy M. Tadier:	74
6.1.9	Deputy P.V.F. Le Claire of St. Helier:	74
6.1.10	Deputy D.J. De Sousa:	76
6.1.11	Deputy J.A. Martin:	76
6.1.12	Deputy A.K.F. Green of St. Helier:	77
6.1.13	Senator A.J.H. Maclean:	78
6.1.14	Deputy K.C. Lewis:	78
6.1.15	Senator T.A. Le Sueur:	78
6.1.16	Deputy G.P. Southern:	79
7.	Draft Honorary Police (Repeals) (Jersey) Law 200- (P.114/2009)	80
7.1	Connétable K.P. Vibert of St. Ouen (Chairman, Comité des Connétables):	80
7.1.1	Deputy P.V.F. Le Claire:	81
7.1.2	The Connétable of St. Ouen:	81
	Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):	81
7.2	The Connétable of St. Ouen:	81
7.2.1	Deputy P.V.F. Le Claire:	81
7.2.2	The Connétable of St. Ouen:	82
8.	Draft Honorary Police (Amendment) (Jersey) Regulations 200- (P.115/2009)	82
8.1	The Connétable of St. Ouen (Chairman, Comité des Connétables):	83
8.1.1	Deputy R.G. Le Hérisier:	83
8.1.2	The Connétable of St. Ouen:	83
	Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):	84
8.2	The Connétable of St. Ouen:	84
8.2.1	Deputy R.G. Le Hérisier:	84
8.2.2	The Connétable of St. Ouen:	85
9.	Wheel Clamping: introduction of legislation (P.119/2009)	85
9.1	Deputy P.V.F. Le Claire:	86
10.	Wheel Clamping: introduction of legislation (P.119/2009) - Amendment (P.119/2009 Amd.)	87
10.1	The Connétable of St. Brelade (The Minister for Transport and Technical Services):	87
10.1.1	Senator B.I. Le Marquand:	87
11.	Wheel Clamping: Introduction of Legislation (P.119/2009) - Second Amendment (P.119/2009 Amd.(2))	87
11.1	Deputy M. Tadier:	88
11.1.1	The Deputy of St. John:	88
11.1.2	The Deputy of St. Martin:	89
11.1.3	The Connétable of St. Saviour:	89
11.1.4	Senator S.C. Ferguson:	89
	Mr. W.J. Bailhache Q.C., H.M. Attorney General:	89
11.1.5	The Connétable of St. John:	89
11.1.6	Deputy J.B. Fox:	90
11.1.7	Connétable J.M. Refault of St. Peter:	90

11.1.8	Senator B.I. Le Marquand:	90
11.1.9	Deputy K.C. Lewis:	92
11.1.10	Deputy C.H. Egré of St. Peter:	92
11.1.11	Deputy I.J. Gorst:	92
11.1.12	Deputy D.J. De Sousa:	93
11.1.13	Deputy P.V.F. Le Claire:	94
11.1.14	Deputy R.G. Le Hérissier:	94
	The Attorney General:	94
11.1.15	Senator J.L. Perchard:	94
11.1.16	Connétable J. Gallichan of St. Mary:	95
11.1.17	Deputy R.C. Duhamel of St. Saviour:	95
11.1.18	Deputy J.A.N. Le Fondré:	95
11.1.19	Deputy J.M. Maçon:	97
11.1.20	Deputy J.A. Hilton:	97
11.1.21	Deputy M. Tadier:	97
	The Attorney General:	100

12. Wheel Clamping: introduction of legislation (P.119/2009) - Amendment (P.119/2009 Amd.) - resumption 102

12.1	The Deputy of St. Peter:	102
12.2	The Deputy of St. John:	103
12.3	Senator A. Breckon:	103
12.4	The Connétable of St. Brelade:	103
12.5	Senator B.I. Le Marquand:	105
12.6	Deputy J.M. Maçon:	106
12.7	Deputy K.C. Lewis:	106
12.8	The Deputy of St. Mary:	107
12.9	Deputy J.A.N. Le Fondré:	107
12.10	Deputy A.E. Jeune:	108
12.11	Deputy M. Tadier:	108
12.12	Deputy P.V.F. Le Claire:	109

ADJOURNMENT..... 111

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

The Bailiff:

There is a vacancy on the Health, Social Security and Housing Scrutiny Panel, and I understand there is a nomination to be made.

1. Senator A. Breckon (Chairman, Health, Social Security and Housing Scrutiny Panel)

It is against a background of an ever growing workload. It is my pleasure to propose the Connétable of St. Lawrence who has some very valuable experience of Scrutiny and can contribute to the work of the Scrutiny Panel. I have no hesitation in making the nomination.

The Bailiff:

Is the nomination seconded? **[Seconded]** Are there any other nominations? Very well, I declare the Connétable of St. Lawrence elected as a member of the Health, Social Security and Housing Scrutiny Panel. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 SENATOR J.L. PERCHARD OF THE CHIEF MINISTER REGARDING THE SALARIES OF MANAGEMENT AND STAFF OF THE WATERFRONT ENTERPRISE BOARD.

Question

“Will the Chief Minister advise the Assembly of the combined annual salaries, including bonus’, pensions and benefits paid to the management and staff at the Waterfront Enterprise Board for each of the years from 2000-2008 and the company’s estimate for 2009?”

Answer

As a former non-executive director of the Waterfront Enterprise Board the Senator will be aware that the information requested is published in publicly available documents.

The following information has been extracted from the Waterfront Enterprise Board Annual Accounts 2000 to 2008 and Business Plan 2009 and provides the combined annual salaries, including bonuses, pensions and benefits paid to the management and staff at the Waterfront Enterprise Board for each of the years from 2000-2008 and the company’s estimate for 2009:-

Forecast*	Actual								
2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
£920,000	£785,100	£561,872	£641,220	£644,013	£476,283	£376,744	£353,448	£332,347	£286,101

* Revised Business Plan 2009. Includes Seconded post from Transport and Technical Services.

2.2 SENATOR B.E. SHENTON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ASSETS OF THE WATERFRONT ENTERPRISE BOARD

Question

“What is the value of the assets transferred to the Waterfront Enterprise Board (WEB) based on the most recent valuation?”

What cash amounts have been transferred to WEB since its formation?

What dividends or other monies have been paid to the Treasury by WEB since its formation?

Given that in the report accompanying P.40/1997 it states that the ownership of the car park, and the income from it, was to be transferred back to the States on completion, why has this proposition not yet been adhered to?"

Answer

- a) This is being researched and the response will be provided in a written answer for the States sitting on 20 October 2009.
- b) The cash amounts granted to WEB since incorporation are as follows:-

Year to	Revenue	Capital		Capital Notes
	£	£	£	
31-Dec-97	461,000	-		
31-Dec-98	440,000	1,140,500		Tourism Investment Fund
31-Dec-99	480,630	75,000		Urban Renewal Fund
31-Dec-00	602,010	10,900,000		Tourism Investment Fund
31-Dec-01	639,300	-		
31-Dec-02	638,100	-		
31-Dec-03	111,100	-		
31-Dec-04	463,100	-		
31-Dec-05	309,100	-		
31-Dec-06	156,500	-		
31-Dec-07	71,900	-		
31-Dec-08	-	-		
Total	4,372,740	12,115,500		
Rev & Cap Total			16,488,240	

- c) This is being researched and the response will be provided in a written answer for the States sitting on 20 October 2009.
- d) The Waterfront Car Park has been retained by WEB in order to offset revenues against costs maintaining and running the Waterfront estate. The revenues are also used to maintain the roads that await adoption by the Parish of St Helier which is due to take place once the West of Albert phase of development is complete.

It is planned to conduct a full review of all the assets owned by WEB if or when responsibility for JDC is transferred to the Treasury and Resources Department.

In the interim the Senator will find attached to the answer relevant extracts from the most recent Financial Report and Accounts.

2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING FORT REGENT SWIMMING POOL

Question

Would the Minister confirm whether it is planned to demolish Fort Regent swimming pool, and, if not, what consideration, if any, has been given to its refurbishment and reinstatement as a public facility?

Answer

Jersey Property Holdings has recently obtained prices to demolish Fort Regent swimming pool. It is planned that this will take place as part of a coordinated redevelopment of the whole Fort Regent site once a programme has been developed by Property Holdings and Education Sport and Culture and agreed by the States.

There is little or no prospect of refurbishing or reinstating the swimming pool building as a public facility. Approximately 7 years ago, decisions were taken to close the pool and replace it with a new facility as it was considered that the cost of refurbishing the building would not represent good value for money. Since that time further deterioration has occurred and as a result, the building is now in a severely dilapidated condition.

A condition survey has been carried out and identified a number of serious structural faults. The roof leaks and is constructed of material which contains asbestos. Glazing does not meet current thermal insulation standards and there is severe concrete degradation to external areas meaning that demolition is the only option.

2.4 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING PARENTING CLASSES

Question

Given recent incidents of anti social behaviour amongst young people, what consideration, if any, has the Minister given to the introduction of parenting classes within the citizenship/ Personal, Social and Health Education (PSHE) curriculum?

Answer

The question the Deputy has asked relates to two areas that are already individually addressed in the PSHE curriculum. These areas are parenting and citizenship. The work prepares pupils to be responsible parents and active citizens in the Island.

There is research to link anti social behaviour to parenting but there are many other underlying issues that need to be dealt with. These issues are directly tackled through the Citizenship area of the PSHE programme of study.

In Jersey the school ethos and culture are centrally essential in promoting a sense of community. Schools model how young people should relate constructively with each other. This allows the students to develop good habits in terms of how they conduct themselves and demonstrate respect for others. Alongside this schools actively foster links with the wider community. This will include the States and Honorary Police and other agencies.

An extremely valuable addition to the school curriculum is the involvement of the community police officer. They support lessons across all key stages in secondary schools. They focus on preventative work and this is of great benefit.

Citizenship deals with the holistic development of the individual into an active citizen. This work runs through primary schools and into secondary schools. The main focus is developing values and beliefs. Relevant topic areas would include: getting on with others, family beliefs and customs, understanding values, challenging racism and discrimination and being part of the community.

The ways schools approach parenting is appropriate to each particular year group. General areas that will be addressed include relationships and family. An excellent project is run in conjunction with Brook in Jersey entitled “Baby; Think it over.”

Examples of specific topics on parenting are;

Year 8: A: 6 week course on parenting which includes: when it is a good time to start a family; how a baby changes parents' lives and the responsibilities involved with being a parent. Year 10: the consequences of unplanned pregnancy, and difficulties of bringing up a child alone.

In addition to the work by teachers in schools there are two excellent examples of external agencies providing guidance. The “Prison. Me. No Way!” organisation works with every school and deals directly with the consequences of behaviour across many issues. This work is very successful. Also the Parenting classes at the Bridge provide parents with practical guidance in dealing with their own children. Schools often make parents aware of the existence of parenting classes.

In conclusion, I am confident that schools are preparing pupils, through the PSHE curriculum, to be active citizens and responsible parents.

2.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING CAR PARKING PROVISION IN ST. HELIER

Question

How many commuter car parking spaces are currently available at the Esplanade and Gas Place car parks?

How many new town car parking spaces will be required by the new office blocks, retail outlets and living accommodation (including the St Saviour's Road flats)?

What will be the net number of parking spaces available for commuters and what provision, if any, is being made by Transport and Technical Services to cover the shortfall?

Answer

There are 533 (525 commuter plus 8 disabled) parking spaces at the Esplanade car park and 389 (386 commuter plus 3 disabled) at Gas Place public car park.

There are many developments continually proposed, underway or coming to completion in St Helier which alter the need and number of parking spaces and it is not therefore possible to give a precise answer. The total stock of parking is the most important issue. There are currently about 4000 public off street spaces (3200 commuter and 850 short stay) and about 7000 private non residential spaces in the town area. Pier Road and Sand Street car parks are rarely full so there is some spare capacity, both for commuters and shoppers.

The proposals for the Esplanade Square would provide approximately 900 new spaces in addition to replacing those already there. The new retail development at Jubilee Wharf has no allocated parking spaces but shoppers can use Sand Street car park, and on Saturdays the Esplanade car park has more shoppers' spaces due to the lack of commuters.

A private multi storey car park is being constructed in Kensington Place to provide 240 spaces. Proposals for the Town park have not been finalised, but have been based around the assumption that most commuter and all residents parking from Gas Place would need to be replaced either

under the new park or elsewhere in that part of the town. The 250 private spaces on the Talman site would not be replaced.

The ratio of parking spaces required by the Planning Department for both residential and office developments has been reduced in recent years. The 69 flats and 2 town houses on St Saviour's Road at the former Rex Hotel has a particularly low ratio with only 31 spaces. This is consistent with the States Strategic Plan, which proposes to reduce traffic. In accordance with the Strategic Plan I will be bringing a Sustainable Transport Policy to the House in due course, which will endeavour to reduce car use and this can be expected to reduce the demand for parking in the town area. I think it important however that the policy recognises that private cars are likely to remain a principal means of transport in our island and that the numbers of parking spaces needs to be carefully monitored so that the economy is able to thrive, whilst the principles of the strategic plan with regard to reducing traffic are respected.

2.6 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING MEASURES TO COMBAT VANDALISM

Question

“What measures, if any, is the Minister proposing to introduce to counteract vandalism within the Island, in particular with regards to repeat offenders?”

Answer

I am not proposing, at this stage, to introduce any particular change in policy.

Nationally, it is estimated that 10% of offenders commit over 50% of crime. Our own analysis of crime patterns in Jersey also indicates that a relatively small number of people are responsible for a disproportionate amount of crime and disorder in our community.

In prioritising policing activity and resource allocation, the police focus on identifying and targeting the individuals who are the most prolific offenders, the most persistently anti-social in their behaviour and those who pose the greatest threat to safety and security in Jersey. The more effective the Service can be in identifying and limiting the activities of these key individuals, the safer our community will become.

Experience of tackling crime and disorder shows that those who cause the greatest problems are invariably known to, or have direct involvement with other public services and frequently exhibit behaviours or problems which impact on a number of States Departments and their resources.

Through effective coordination and joint targeting, the opportunity exists to have the greatest possible impact on those who cause the most harm to our communities and whose activities draw most heavily on the limited resources available to States Departments.

Focussing on identifying and pursuing these key offenders can also help save scarce resources by preventing future incidents, as experience shows that these offenders will invariably keep committing offences over time.

Our overriding aim is to reduce the offending behaviour of individuals considered to pose the greatest threat of harm to our community. These individuals are prioritised with reference to –

- the nature and volume of the offences they are committing;
- the nature and volume of other harm they are causing, and;

-their current or potential impact on the local community.

The States of Jersey Police operate an intelligence led structure with regular tasking and co-ordination meetings focusing effort on prevention, reduction and detection methods to effectively target key offenders and hotspots of activity.

This intelligence led approach has seen malicious damage 10% down on the same period for 2008, and malicious damage to vehicles reduced by 16%. Sixty percent of all recorded damage occurs in the Parish of St. Helier.

The Restorative Justice Programme is demonstrating success in dealing with offenders who have been convicted of offences of malicious damage, and agreed to participate in the programme. The information I have from the Probation Service and After-Care Service shows that of the 10 cases in 2008, 7 have not re-offended; and of the 3 cases this year to date, none have re-offended.

In respect of dealing with 'repeat offenders', sentencing policy is a matter for the courts, and therefore outside my remit.

If individual members of the Assembly have concerns about vandalism in a particular area of the Island, then they should contact the States or Honorary Police directly with this information.

2.7 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHAIRMAN OF THE HEALTH AND SOCIAL SECURITY AND HOUSING SCRUTINY PANEL REGARDING THE PROPOSED COMMITTEE OF ENQUIRY INTO HEALTH AND SOCIAL SERVICES

Question

“Does the Chairman envisage that the evidence of Senior Police officers will be part of the investigations of the Committee of Inquiry proposed by the Panel in P.145/2009 in relation to the management of the Health and Social Services department, following claims by Senator Syvret that the said management participated in the orchestration of his dismissal and undermined his tenure in office as Minister for Health and Social Services?”

Answer

The States have neither debated nor approved the proposition to establish a Committee of Inquiry. It would therefore be premature to try to predetermine what investigations may or may not be carried out by a Committee of Inquiry.

2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING LISTS FOR TREATMENT

Question

“Can the Minister advise whether there is now a waiting list for certain cancer treatments, and, if so, inform members why this is the case and what measures, if any, she will put in place to eliminate any delays in treatment?”

Answer

An ageing population generates proportionately more new cancer diagnoses, whilst serial advances in drug-based cancer therapies have dramatically improved the prospects for recently diagnosed patients. The majority of cancer patients currently treated in the developed world now enjoy lengthening cancer survivorship, based upon treatment advances that permit 2nd - or even 3rd and 4th – opportunities for entering remission.

The combination of more new cancers, with multiple opportunities to successfully re-treat, has led to steady rises in numbers of treatment episodes per head of population across the world. Citizens of all modern nations now expect timely access to these treatment advances, and with them the chance of lengthening cancer survivorship.

In Jersey, patients who are diagnosed with cancer are managed by a number of consultant speciality teams within the general hospital i.e.

Respiratory

Gynaecology

Bowel

Breast

Urology

Haematology

Wherever possible the patient diagnosis and treatment is managed in Jersey, primarily with surgical intervention and / or chemotherapy. As clinically determined, UK centres are used and selected for their expertise in the particular cancer field.

Patients who require radiotherapy attend Southampton.

In answer to the specific question, all patients are seen urgently within a very short time frame and treatments are commenced within National Guidelines whether for surgery or chemotherapy.

The UK centres likewise accept Jersey patients within the clinically demanding NHS guidelines.

The only speciality where a delay in service has occurred is for Urology patients who are referred to Portsmouth. My officers are communicating with Portsmouth to improve this service.

The local Oncology service is however on the very limits of being able to cope with the increasing numbers of cancer patients. An expansion of the Oncology unit has been identified in the States Capital Program for 2011. Failure to expand the Oncology Unit in a timely fashion will indeed place the H&SS Department in an invidious and wholly untenable position of creating cancer treatment 'waiting lists', for new and/or returning cancer patients.

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WORKLOAD OF MEDICAL STAFF

Question

Will the Minister advise whether staffing shortages in many areas in the hospital have resulted in some professionals working in excess of 100 hours per week, and confirm whether staff have been suspended following errors made through tiredness and stress resulting from such excessive workloads?

Will the Minister further confirm whether an excessive workload recently contributed to the resignation of an anaesthetist from the service?

What steps, if any, will the Minister be taking to reduce the reliance on a culture of working long-hours to maintain hospital services and what consideration, if any, will be given to adopting the European Working Time Directive?"

Answer

I have no evidence of staffing shortages in the hospital resulting in professionals working in excess of 100 hours per week.

I can confirm that no staff have been suspended following errors made through tiredness or stress resulting from excessive workloads.

I can confirm that an anaesthetist has recently resigned from Health and Social Services. However this resignation is for entirely personal reasons and the anaesthetist is embarrassed that there has been any suggestion of excessive workload being involved.

I have been successful in obtaining some extra funding to support the nursing and medical requirements, as identified in the recent Nursing Review and Medical Manpower Plan. This additional funding will support sustainable working patterns into the future.

All work rotas are compliant with the Jersey Employment Law and all trainee doctors' rotas are compliant with the revised European Working Time Directive which is 48 hours per week (as from 1st September 2009).

There is currently no consideration being given to adopting the revised European Working Time Directive for other grades of Medical Staff.

There is no legal obligation for the European Working Time Directive to be implemented for groups other than trainee doctors.

The Sustainable Hospital Project is however, examining the suitability and sustainability of all rotas within the Hospital service.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES THE TERMS AND CONDITIONS OF NURSING STAFF

Question

Following the decision to allocate additional funding in the Annual Business Plan 2010 to recruit more nurses to the service, will the Minister outline what representations, if any, she will make to the Chief Minister and the States Employment Board to improve terms and conditions for nurses in order to increase recruitment and retention rates and decrease the vacancy rate.

Would the Minister consider the case for a substantial pay award to improve nurse recruitment?

Answer

Officers in my department and the Chief Minister's Department are currently actively working together to address the size of the nurse recruitment and retention problem and possible solutions. The nursing unions are aware of this. Once this work is complete, I propose to discuss the conclusions with the States Employment Board.

It is too early to say what solutions may be necessary to any problem which is identified. This is a complicated matter involving issues concerning working conditions, staffing levels, accommodation standards, cost of housing and childcare, recruitment methods, pay and conditions

of service etc. It is not possible at this stage to say whether a general pay increase to all nurses is an appropriate solution.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COST OF LIVING IN JERSEY AND THE UNITED KINGDOM

Question

Will the Chief Minister inform members what estimate he has of an overall figure comparing the cost of living in Jersey with that in the UK?

Answer

The measurement of the “cost of living” within a jurisdiction, and of the relative cost of living between two jurisdictions such as Jersey and the UK, is a highly complex conceptual exercise which delves deeply into microeconomic theory. In essence, what does one include within the term “the cost of living” and having decided, how then does one go about measuring it?

The domain of the cost of living is, potentially, all commodities (goods, services, environmental, social, etc.) which may be included in the notion of “standard of living”. What would appear to be a hypothetical construct, with too vast an array of commodities, many of which may be subjective or unfeasible to measure, achieves practical relevance through the concept of a cost-of-living sub-index - a “conditional” cost of living. This concept enables clearer definition of what is actually being included and measured. For example, consumer price indices such as the RPI may be considered to be an approximation to the cost-of-living sub-index of market purchased goods and services for private consumption, keeping all other factors (which can be specified, if not measured) constant.

The relative movement of consumer price indices, such as the RPI, between jurisdictions then provides a practical measure of the relative change of the aforementioned cost of living sub-index. Such a comparison for Jersey and the UK has been made annually since 2002 by the Statistics Unit in their publication “Comparison of Consumer Prices”; the most recent was published in September 2009.

Within this annual report, the Statistics Unit is able to compare prices of certain items in Jersey with those published by the Office for National Statistics in the UK. For some staple foods, direct comparisons show that average meat prices were 15% higher in Jersey than in the UK in June 2009 and the cost of fresh fruit and vegetables in Jersey were 25% and 14% higher, respectively. Other comparisons include alcoholic and non-alcoholic drinks, tobacco and motor fuel. Members are invited to read the full report on the States website.

These percentage differences should be considered simply as indicators of price differences relating to the specific sub-set of items which may be included within the theoretical cost of living framework.

Over the coming year, the Statistics Unit is endeavouring to undertake an exercise which aims to compare a Minimum Income Standard for Jersey with that in the UK, incorporating data collected by the year-long Household Spending and Income Survey currently being run by the Unit. Such a measure and comparison will not provide an overall comparison of the cost of living in the two jurisdictions, which is fraught with the theoretical constraints already alluded to, but rather a much more practical and useful measure, that is of the level of income required for the most economically vulnerable to live adequately in our society.

2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PAYMENTS MADE THROUGH NON-TRADING COMPANIES IN HONG KONG OR ELSEWHERE TO AVOID TAX

Question

Can the Chief Minister inform members whether the practice of making payments through non-trading or other companies registered in Hong Kong or elsewhere, revealed in the Panorama programme on Lloyds TSB Jersey, in order to avoid the EU Savings Tax is widespread and whether he is aware of an estimate of the total tax avoided in this way?

Will the Minister also advise members what measures, if any, he has under consideration to eliminate such tax avoidance in order to protect the Island's reputation in Europe and elsewhere?

Answer

The particular circumstances revealed in the Panorama programme are currently being investigated by Lloyds TSB. There is no reason to believe that this is other than an isolated incident as the bank has stated. However we will have greater certainty once the results of this investigation are known and have been fully considered by the Jersey Financial Services Commission. I will then be in a position to respond to the Deputy's question. What I can say however is that if evidence is forthcoming that suggests that further action is required to ensure that the Island's present excellent reputation for compliance with international standards of financial regulation, anti-money laundering and transparency and information exchange for tax matters is protected, the Assembly can be assured that the necessary action can be expected to be taken by the relevant authorities.

2.13 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING MEETINGS AND MINUTES OF THE EMERGENCIES COUNCIL

Question

Can the Chief Minister advise the Assembly of the number of meetings of the Emergencies Council held in the last three years, and whether the Minutes of its meetings can be viewed by members?

Answer

The Emergencies Council has met on the following occasions during the past three years:

During **2007** the Council met on Thursday 17th May 2007 and participated in an all day multi-agency counter terrorist 'Exercise Flying Swan' on Saturday 17th November 2007;

During **2008** the Council met on Monday 7th July 2008;

During **2009** the Council met on Tuesday 6th January 2009. On Monday 23rd February 2009 the Council participated in an all day multi-agency exercise to test the Island's preparedness for Pandemic Influenza 'Exercise Cold Play'.

The Council met again on Friday 1st May 2009 and Friday 14th August 2009 to discuss the States response to Swine Flu and has further meetings scheduled for Friday 9th October and Monday 7th December 2009.

The minutes of these meetings are confidential to the Emergencies Council and may only be viewed by States Members with the approval of the Chief Minister (Chairman of the Emergencies Council).

Further Information

During June this year, all States Members were sent a personal copy of a publication compiled by the Emergency Planning Officer to assist them in their understanding of the role of the Emergencies Council and the Island Resilience Structure. The publication was titled, ‘A Guide to Dealing with Emergencies, Ministers and States Members Handbook’.

2.14 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE CASTLE QUAYS DEVELOPMENT

Question

“Given the legal duties of the Minister to protect the Island’s marine environment can he advise the Assembly of the relevant clauses in the Construction Environment Management Plan (CEMP) and other conditions imposed on the developer and contractor at Castle Quays concerning -

1. General principles applying to the protection of the marine environment;
2. Methodology concerning contaminants being removed from the pit and the actions to be taken to avoid contamination of sea coming in and out of the pit as removal is taking place;
3. Methodology concerning the separation of contaminants as they are removed from the pit and the actions to be taken to avoid contamination of the sea upon dumping at La Collette;
4. Methodology concerning contaminants left on the floor and sides of the excavation pit upon completion of the excavation, and the actions to be taken from then on to avoid contamination of sea coming in and out of the pit;
5. Testing regime for seawater and groundwater in the pit – including frequency, responsible authority, validation methods and so on?”

Answer

For each of the questions above I have responded by (1) outlining the relevant clauses from the CEMP and (2) providing a brief description of other relevant regulatory or legislative requirements that are in place. My response should be read in conjunction with the full CEMP and can be accessed by the following link.. <<<file://P:\States questions\Minister's questions\2009\6 October\Castle Quays Construction Environmental Mgt Plan.pdf>>>(or copies of this document may be obtained from the Planning and Environment Department)

I am satisfied that Construction Environment Management Plan submitted in relation to Castle Quays adequately and appropriately responds to the requirements set out in the associated Planning Permit.

Question 1:

Clause 1.0 **Introduction:** Identification of storage locations and specification of storage facilities for construction materials and equipment (fuel oil, etc). Groundwater vulnerability and surface water drainage systems.

Clause 1.3 **Construction Methodologies:** Rainfall infiltration, collection, pumping. Silt interceptors and surface water drains.

Clause 2.1 **Jersey Law:** Reference to specific requirements under Water Pollution (Jersey) Law 2000

Clause 3.2 Roles Responsibilities and Reporting: Principal Contractor responsibility for compliance with all relevant legislation, environmental controls and mitigation measures contained in the CEMP; and any other relevant environmental or codes of conduct required,

Clause 3.5 Training: Induction on environmental issues. Training aims to ensure that personnel are conversant with the CEMP and its on-site implementation, the environmental sensitivities of the site, dealing with unforeseen environmental incidents; and the roles of the Project Supervisor with respect to environmental issues.

Clause 3.8 Control of Site Drainage and Contamination. Reference made to possibility of groundwater being present in the basement over high tides. Proposal that work stops in the event that water seeps into the excavation to allow natural drainage. Basement slab construction to be timed to avoid high tides. Reference to surface water drainage and settlement interception facilities. Discharge arrangements outlined. Assurance that waters potentially coming into contact with contaminated materials will be disposed of to the satisfaction of States of Jersey.

Clause 3.16 Contingency Planning for Emergencies and Environmental Incidents: Reference made to definition of Environmental incidents. Need for planned responses is outlined including reporting and training.

Clause 4.0 Construction and Monitoring: Reference to guiding standards including those contained in legislation, those in industry codes of practice and those specific to commitments made in consultation including the CEMP. Reference to implementation of an environmental monitoring programme.

Clause 4.1 General Monitoring and Control: Reference to records including fuel delivery and storage, removal of contaminated waste, records of spillages or other non compliances with requirements of CEMP.

Clause 4.2 Water Quality Monitoring: Reference to possibility of encountering contaminated soils which could present risk to controlled waters. Reference to mitigation proposals and environmental advice gleaned from the developer's consultant including water testing and observation of soils and waters.

Other relevant regulatory or legislative requirements

It is the responsibility of parties involved in the development of the site to operate in compliance with the Water Pollution (Jersey) Law 2000. It is also beholden upon the developer to comply with Supplementary Planning Guidance, Planning Advice note 2 – Development of Contaminated Land (2005) in accordance with condition 2 of the Planning Permit.

Question 2:

Clause 3.8 Control of Site Drainage and Contamination. Reference made to possibility of groundwater being present in the basement over high tides. Proposal that work stops in the event that water seeps into the excavation to allow natural drainage. Basement slab construction to be timed to avoid high tides. Reference to surface water drainage and settlement interception facilities. Discharge arrangements outlined. Assurance that waters potentially coming into contact with contaminated materials will be disposed of to the satisfaction of States of Jersey.

Clause 4.2 Water Quality Monitoring: Reference to possibility of encountering contaminated soils which could present risk to controlled waters. Reference to mitigation proposals and

environmental advice gleaned from the developer's consultant including water testing and observation of soils and waters.

Other relevant regulatory or legislative requirements

It is the responsibility of parties involved in the development of the site to operate in compliance with the Water Pollution (Jersey) Law 2000. It is also beholden upon the developer to comply with Supplementary Planning Guidance, Planning Advice note 2 – Development of Contaminated Land (2005) in accordance with condition 2 of the Planning Permit.

Question 3:

Clause 3.7 Excavation and Waste Management: Reference to site investigation for contaminated materials. Reference to precautionary principle of treating all excavated wastes as contaminated. Reference to requirements under Waste Management (Jersey) Law 2005. Disposal at La Collette to be managed in accordance with Method Statement CO/CL0001. Methods outlined to prevent emissions from site during excavation and loading of waste, and also to prevent emissions from soils remaining on site. Outline of separation of wastes from construction phase.

Method Statement CQ/CL 0001: Reference to site being on an area of reclaimed land, predominantly comprising construction and demolition waste but including incinerator ash and outlining the potential determinands to be found therein. Reference to control measures to human health outlined. Reference to method of identifying contaminated land and removal thereof. Reference made to preparation of arrangements to dispose of materials. Records of waste removal to be kept and a site diary to record excavated areas. Outline of responsible parties and actions to be taken upon discovering contaminated areas

Other relevant regulatory or legislative requirements

It is the responsibility of parties involved in the development of the site to operate in compliance with the Waste Management (Jersey) Law 2005.

Question 4:

The developer, in excavating the required material to make way for the subsequent construction, was required to put in place methods to identify areas of contamination within the material. Further they were required to then remove and dispose of that material under conditions stipulated in their method statement CQ/CL 0001 and in any case in compliance with the Waste Management (Jersey) Law 2005. The effect of the identification, removal, and disposal of contaminated materials from the body, sides and base of the excavation is to lessen any potential for associated risk in respect of ground contamination by ensuring that materials are removed and are ultimately disposed of in a manner specifically designed for this purpose at a site that has been identified for the purpose.

Question 5:

Clause 4.2 Water Quality Monitoring: Reference to possibility of encountering contaminated soils which could present risk to controlled waters. Reference to mitigation proposals and environmental advice gleaned from the developer's consultant including water testing and observation of soils and waters.

2.15 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING CAR PARKING IN ST. HELIER

Question

Following on from the work done by Hopkins in identifying car parking sites both small and large within the ring road in St. Helier, can the Minister give members –

- an estimate, for each of these sites, of the space taken up in m², and of the approximate development value of the land;
- an estimate, for the aggregate of these sites, of the space taken up in m², and of the approximate development value of the land?

Answer

The information requested is contained in the table attached to this answer.

Warning

It should be made clear that the information contained therein comes with a warning as to its complete accuracy, as within the time available since the question was received, it has not been possible to accurately survey the individual sites, nor to produce individual planning briefs for each one that has development potential so that accurate individual valuations to be assessed.

Residential valuations have been calculated at a flat rate of £1200 per sq metre, except for those site included in the North of Town Masterplan, where the figures have been transposed from the financial appraisals undertaken for that project.

Replacement car parking provision in multi-storey car parks has been calculated at £20,000 per space.

Valuations have been produced with the assistance of the Property Holdings Department

AREAS AND LAND VALUES OF EXISTING CAR PARKING SITES IN CENTRAL ST HELIER

PUBLIC SITES WITH DEVELOPMENT POTENTIAL SHOWN EMBOLDENED

	Existing Car Park	Ownership	Area (sqm)	Area (sqft)	Data from OS MAP / S of J pdf	Public / PNR (Private non residential)	Type	Stay	Total number of spaces	Lost Spaces if developed	Development Potential	Development Assumptions	Approximate land value with planning permission
		Various				PNR	Various	Long	Approx				(Residential land valuations based on flat-rate of £1200 per sq metre)
1	Robin Hood gyratory	States of Jersey	1344	14466	S of J pdf	Public	Surface	Long	43	43	Yes	Residential; 2 stories above car park; half site area	£1,612,704.00
2	Springfield Stadium	States of Jersey	3029	32599	OS MAP	Public	Surface	Long	52	52	Yes	Residential; 2.5 stories; half site area	£4,542,765.00
3	Monterey Hotel	Private	645	6947	OS MAP	PNR	Surface	Long	26		No		
4	Springfield School	States of Jersey	371	3998	OS MAP	PNR	Surface	Long	13		No		
5	Deanery, Byron Road	Parish of St Helier	924	9941	S of J pdf	Public	Surface	Long	43	43	Yes	Residential; 2.5 stories; half site area	£1,385,370.00
6	St Mark's Car Park	Private	955	10275	OS MAP	PNR	Surface	Long	32		No		
7	Midvale Road	States of Jersey	1203	12953	S of J pdf	Public	Surface	Long	59	59	Yes	Residential; 2.5 stories; half site area	£1,805,100.00
8	St John Ambulance	Private	1255	13505	S of J pdf	PNR	Surface	Long	18		No		
9	Jane Sandeman Court	States of Jersey	539	5805	OS MAP	PNR/resi	under/g	Long	5		No		
10	All Saint Church	Private	900	9688	OS MAP	PNR	Surface	Long	35		No		
11	Journeaux Court	States of Jersey	349	3758	OS MAP	PNR/resi		Long	2		No		
12	St. Simon's Hall	Private	473	5095	OS MAP	PNR	Surface	Long	15		No		
13	St. Thomas Church	St. Thomas's church	1714	18452	OS MAP	PNR	Surface	Long	66		No		
14	Old St. John's Court	States of Jersey	290	3126	OS MAP	PNR/resi	Surface	Long	2		No		
15	Jersey Financial Services	Private	601	6468	S of J pdf	PNR		Long	15		No		
16	Royal Hotel, Apsley Road	Private	252	2707	OS MAP	PNR	Surface	Long	17		No		
17	Masonic Temple, Common Lane	Private	699	7520	S of J pdf	PNR	Surface	Long	36	36	Yes	Residential; 2.5 stories; half site area	£1,047,975.00
18	Oxford Road Garage Block	Private	841	9051	S of J pdf	PNR	Surface	Long	34	34	Yes	Residential; 2.5 stories; half site area	£1,261,275.00
19	Le Mas Office	Private	2430	26159	OS MAP	PNR	Surface	Long	40		No		
20	Grande Marche	Private	4113	44270	OS MAP	PNR	Multi-storey	Long / Short	250		No		
21	Jersey Gas	Private	1715	18463	OS MAP	PNR	Surface	Long	36		No		
22	Tunnel Street	Private	1184	12745	OS MAP	PNR	Surface	Long	42		No		
23	De Quetteville Court	States of Jersey	1093	11768	OS MAP	PNR/resi	Surface	Long	2		No		
24	Belmont Road Car Park	Parish of St Helier	617	6641	OS MAP	PNR	Surface	Long	27	27	Yes	Residential; 2 stories above car park; half site area	£740,376.00
25	Gas Place	States of Jersey	7661	82464	S of J pdf	Public	Garage	Long	389	389	Yes	as North of Town Masterplan	£15,445,200.00
26	Talman	States of Jersey	5440	58553	S of J pdf	PNR	Surface	Long	230	230	Yes	as North of Town Masterplan	incl. above
27	Nelson Street	Parish of St Helier	860	9262	OS MAP	Public	Surface	Long	41	41	Yes	Residential; 2.5 stories; half site area	£1,290,735.00
28	Odeon Cinema	Private	524	5642	OS MAP	PNR	Surface	Long	25	25	Yes	alternative use only	£629,028.00
29	Le Mas Bath Street	Private	2585	27829	OS MAP	PNR	Surface	Long	100	100	Yes	ground floor retail and 3.5 floors residential; whole area	£10,858,596.00
30	Minden Place	States of Jersey				Public	Multi-storey	Short	235	235	Yes	as North of Town Masterplan	£3,840,000.00
31	Jersey Telecoms	States of Jersey	346	3724	S of J pdf	PNR	Surface	Long	14	14	Yes	limited extension	£415,164.00
32	Lord Coutanche Court	States of Jersey	608	6544	OS MAP	PNR/resi	Surface	Long	1		No		
33	Le Sueur Coalyard	Private	605	6511	S of J pdf	PNR	Indoor	Long	19	19	Yes	ground floor retail and 3 floors residential; conversion or re-bu	£2,903,520.00
34	Philip Le Sueur & Sons Ltd	Private	403	4336	OS MAP	PNR	Surface	Long	16	16	Yes	ground floor retail and 3 floors residential; conversion or re-bu	£1,933,488.00
35	Hilgrove Street	Private	492	5295	OS MAP	PNR	Surface	Long	28	28	Yes	small extension of Le Gallais warehouse	£245,950.00
36	Don Street	Private	458	4934	OS MAP	PNR	Surface	Long	20		No		
37	Dumaresq Street	Private	833	8962	OS MAP	PNR	Surface	Long	28		No		
38	Corporate Parking Ltd.	Private	876	9434	OS MAP	PNR	Surface	Long	20		No		
39	Corporate Parking Ltd.	Private	1479	15918	S of J pdf	PNR	Surface	Long	20		Yes	Residential; 3 floors; half site	£2,661,894.00
40	Barnes Garage, New Street	Private	437	4700	OS MAP	PNR	Surface	Long	31		No		
41	Hue Court	States of Jersey	89	957	OS MAP	PNR		Long	34		No		
42	Hue Street	States of Jersey	1306	14063	S of J pdf	Public	Surface	Long	30	30	Yes	Residential; 3 floors; half site	£2,351,646.00
43	Seaton Place	Private	1058	11390	OS MAP	PNR	Surface	Long	51	51	Yes	Residential; 3 floors; half site	£1,904,778.00
44	Barclays	Private	1148	12358	OS MAP	PNR	Surface	Long	54		No		
45	Mulcaster Street	Private	776	8357	S of J pdf	PNR	Surface	Long	20	20	Yes	Residential; 4 floors; half site	£1,863,336.00
46	Clos Du Fort	States of Jersey	1507	16223	OS MAP	PNR/resi	Surface	Long	15		No		
47	Snow Hill	States of Jersey				Public	Surface	Short	84	84	Yes	Additional floor of parking	No Value
48	Sand Street	States of Jersey				Public	Multi-storey	Short	545		No		
49	Esplanade	States of Jersey				Public	Surface	Long	533		No		
50	Patriotic Street	States of Jersey				Public	Multi-storey	Long	619		No		
51	Elizabeth Lane	States of Jersey				Public	Surface	Long	44		No		
52	Peoples Park	States of Jersey				Public	Surface	Long	70		No		
53	Victoria Avenue lay-bys	States of Jersey				Public	Surface	Long	246		No		
54	Albert Pier	States of Jersey				Container park	Surface	Long			No		
55	Pier Road	States of Jersey				Public	Multi Storey	Long	741		No		
56	Green Street	Bermuda Trust (Jersey) Ltd				PNR	Surface	Long	57		No		
57	Green Street	States of Jersey				Public	Multi-storey	Long	608	608	Yes	as North of Town Masterplan	£7,800,000.00
58	Route du Fort	Private				PNR	Surface	Long	45		No		
59	Route du Fort	States of Jersey				Public	Surface	Long	81		No		
60	Royal Crescent	Private	204			PNR	Surface	Long	36	36	Yes	4.5 stories residential; developable area 204sq.m	£1,101,600.00
59	Les Jardins Du Soleil	States of Jersey				Resi	Surface	Long	8		No		
		Aggregate Total	57233	613857						2220		Aggregate Total	£67,640,500.00
			Sqm	Sqft									

Provision of lost car parking spaces	
Cost of Construction Replacement Multi-Storey Car Park	£44,400,000.00
Land Acquisition for Car Park	£16,650,000.00
(Assumption that land value is 30% of Investment Value and that land could be acquired due to planning designation as car park use only and not as any other value to reflect other uses)	
Total	£61,050,000.00

2.16 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE REGULATION OF UNDERTAKINGS AND DEVELOPMENT LAW

Question

Can the Minister inform members of the criteria built into the Regulation of Undertakings (Jersey) Law 1973 at its inception and can he further advise members of what significant changes to these criteria have been made over the years and when these revisions took place?

Answer

The Regulation of Undertakings and Developments (Jersey) Law, 1973, has been amended on a number of occasions since its inception, as outlined in the End Notes in the latest version of the Law. Paragraph 6 of the Law deals with the matters which the Minister is permitted to have regard when determining a licence application, which currently reads:

- (1) The Minister may grant a licence either unconditionally or subject to such conditions as he or she considers appropriate, or may refuse the grant of a licence.
- (2) In deciding whether to grant a licence, to impose conditions, or to refuse to grant a licence the Minister shall have regard –
 - (a) to the need to regulate and manage demand on the resources of Jersey, and to protect the integrity of Jersey in commercial and financial matters; and
 - (b) to the provisions of the Competition (Jersey) Law 2005 and to the decisions and directions of the Jersey Competition Regulatory Authority made or given under that Law.

The most significant amendments to paragraph 6 have been:

- In 1988, the ability to “have regard to the economic situation of the Island” was replaced with the ability to “have regard to the need to regulate and manage demand on the resources of the Island and to protect the integrity of the Island in financial and commercial matters”
- In 2005, the ability to have regard to the “provisions of the Competition (Jersey) Law, 2005 and to the decisions and directions of the Competition Regulatory Authority made or give under that Law” was introduced.

The Law is also supported by policy guidelines to aid consistency and the understanding of the public. These latest guidelines are available at www.gov.je/ChiefMinister/PopulationOffice and are as follows:

The criteria against which business applications are assessed:

- *The pressure to be placed on the Island’s resources;*
- *The need to maintain a balanced and prosperous economy;*
- *The need to maintain a range of job and training opportunities for locally qualified persons and school leavers, including apprentices, those over normal working age, and people in supported and special employment schemes;*
- *The importance of the service rendered to locally qualified persons;*

- *The track record of the undertaking in terms of profitability, and its contribution to tax revenues.*

*Decisions are also made having regard to the need to **protect the financial and commercial integrity of the Island**. The Minister shall also have regard to the provisions of the **Competition (Jersey) Law 2005** and the decisions and directions of the Jersey Competition Regulatory Authority, and as far as possible, to wider objectives, with a particular emphasis on encouraging environmental responsibility as a key element of managing demand on resources*

2.17 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HOUSING REGARDING THE HOUSING LAW

Question

Can the Minister inform members of the criteria which were built into the Housing (Jersey) Law 1949 and Housing (General Provisions) (Jersey) Regulations 1970 concerning J-Category consents and can he further advise members of what significant changes to these criteria have been made over the years and when these revisions took place?

Answer

The Housing (General Provisions) (Jersey) Law Regulations 1970, paragraph 1(1)(j) states that housing consent shall be granted where “*the Housing Minister is satisfied that the intending purchaser, transferee or lessee either is, or will be, essentially employed in Jersey and that consent can, in the best interests of the Community, be justified*”. The additional clause as to the need to consider the “best interests of the Community” was added in 1974, but otherwise this provision has remained the same since being approved by the States in 1970.

The Law is also supported by policy guidelines to aid consistency and the understanding of the public. These latest guidelines are available at www.gov.je/ChiefMinister/PopulationOffice and are as follows:

The criteria against which j applications are assessed:

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

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

3. Oral Questions

3.1 Deputy G.P. Southern of St. Helier of the Chief Minister regarding evidence of a pay freeze in the private sector

Will the Chief Minister inform Members what hard evidence he has of a widespread pay freeze in the private sector?

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

A survey carried out by the Chamber of Commerce showed that, in June 2009, over 50 per cent of the respondents said then that their wage bill would remain unchanged or reduced this year. That survey has now been updated and the most recent published figures reveal that this figure has increased to 60 per cent in September. I also have good anecdotal and media evidence plus informed professional feedback of private sector employees facing the prospect of pay freezes, redundancies, job cuts, reduced pension provisions and so on and the States Employment Board has taken the view that it is unrealistic for public employees to expect to be immune from all these pressures.

3.1.1 Deputy G.P. Southern:

Can the Minister explain then why the Average Earnings Index has risen by 3 per cent across the board in Jersey in June 2009 and why, in particular, the financial services industries and related industries have risen by greater than that at 3.3 per cent while the public sector fall behind with only 1 per cent?

Senator T.A. Le Sueur:

Yes, because the Average Earnings Index compares average earnings - which is not the same as pay anyway - over a period of 12 months and it may well be that, given the reasonable economic climate that existed for part of 2008, that average earnings figure reflected that situation. I cannot say. All I know is that the Average Earnings Index is compiled statistically on a realistic basis.

3.1.2 Deputy G.P. Southern:

Yes, I am glad that the Minister says that the Average Earnings Index is realistic. Can he also explain why he has allowed Jersey employees to fall 1.7 per cent further behind their equivalents in the U.K. (United Kingdom)?

Senator T.A. Le Sueur:

One-year comparisons can easily be misleading and I have no reason to believe that average wages over a period of years in Jersey have not been significantly in excess of those in the U.K. I do not think comparisons like that have any particular relevance.

3.1.3 Deputy P.J. Rondel of St. John:

Given the Minister and his colleagues' approach to a pay freeze for public sector workers, can the Minister please explain why, in response to a written question here from a fellow Senator, his forecast that an increase of approximately £140,000 is to go to staff at W.E.B. (Waterfront Enterprise Board), given that the remainder of our staff will not be getting a pay rise and, yet, he has given, in a response to Senator Perchard, nearly £140,000 increase for a quango?

Senator T.A. Le Sueur:

The response given is a factual response, although the 2009 figure is, as it says, a forecast including an extra post. The Waterfront Enterprise Board is an independent company which has its own remuneration body and takes professional advice. I have no idea of what level of staff increases there may have been. This is simply a factual answer and does not alter the general position.

3.1.4 The Deputy of St. John:

May I come back on a supplementary, Sir? The Minister says that the Waterfront Enterprise Board is an independent company. Given it is wholly owned by the States of Jersey, does he really think **[Approval]** that is the kind of answer to give Members of this House at this time?

Senator T.A. Le Sueur:

Yes, I do. It was a conscious decision of the States that we should encourage these sorts of operations to be carried out at arm's length by independent companies run by professional people in the interests of the Island. Having done that, it is up to us to get behind those Boards and ensure that they deliver services to the benefit of the people of the Island.

3.1.5 Deputy G.P. Southern:

Will the Chief Minister accept that, in many sectors, especially financial services, bonuses continue to be paid and cost of living rises granted in that sector?

Senator T.A. Le Sueur:

Yes, I am sure that bonuses will continue to be paid in certain situations where they have been earned by higher productivity or some other good reason. Efficient working should be rewarded, where appropriate, and I will accept that bonuses may well form part of those rewards.

3.2 Deputy D.J.A. Wimberley of St. Mary of the Minister for Planning and Environment regarding a new development between Le Saie and La Coupe

Given the public disquiet over the construction of a large house on a prominent site between La Saie and La Coupe, will the Minister explain to the Assembly the process which led to the approval of this application?

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

Planning permission was originally granted in 1996 for the re-development of this site and the construction of a large, replacement dwelling in a traditional style. In 2001, an alternative contemporary development on the site was approved. In 2003, a third application was submitted for a traditional design. This, I understand, was considered acceptable by the department, subject to some changes, but was withdrawn. In 2004, the building now being constructed was approved. Since 2004, some minor variations have been approved and an application for a new permanent access refused.

3.2.1 The Deputy of St. Mary:

Just to clarify what happened in 2003. The Minister said that a building of traditional design was found to be acceptable to the department and then I missed what he said next because, what is there now, I would doubt if many would consider it was of a traditional design.

Senator F.E. Cohen:

Just to repeat, I said that, in 2003, a third application was submitted for a traditional design. Although this was considered acceptable by the department, subject to some changes, it was withdrawn and, in 2004, the building now being constructed was approved.

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

Very much on the same track, I am concerned, not only about that one but also what was known as Amy's House and Members will remember the difficulty we had in getting the States to agree to do something with that and I still think they made a mistake. In fact, it is quite clear now the amount of money that has been made on that particular building but what I would ask the Minister really is is it in line with what is in a traditional area? Like we had at La Coupe, one would see traditional type houses and, even worse, is where Amy's House was, which is all granite type buildings. How can the Minister give a thorough approval to such futuristic modern-looking houses which are completely out of context and way beyond even 10 per cent of the building they are replacing?

Senator F.E. Cohen:

I was not responsible for approving the house at La Coupe but what I would say is that there is a place for good, contemporary design in coastal locations providing it is excellent design. It is not necessary to design solely in the traditional vernacular but there is also a place for the traditional vernacular. You can have either. It is just that, whichever one chooses, it has to be excellent in design and excellent in quality of construction.

3.2.3 Deputy R.G. Le Hérissier of St. Saviour:

Is the Minister happy that the right lessons have been learnt from La Coupe and could he advise the House whether he has reviewed the files and what lessons he has learnt from what occurred?

Senator F.E. Cohen:

No, I have not reviewed the files but I think that the lesson that has been learnt is - and, particularly, this is obviously evidenced by the Line in the Sand event at the weekend - that there is considerable concern in the Island to protect the coastline, to protect the coastline sites and it is necessary to be extremely careful when considering applications for coastline sites and to ensure that they are of the very high standard.

3.2.4 Deputy R.G. Le Hérissier:

Therefore, can we assume, therefore, that the Minister believes that that decision was taken within the correct parameters of the Island Plan? If so, would he confirm it was a dysfunctional plan?

Senator F.E. Cohen:

I understand that the consent is valid. Whether or not it is a good design or a bad design, I am afraid it is rather too early to say. It is certainly a rather large house and considerably larger than the previous buildings on the site and it is very clear that there is some concern over allowing significant increases in the size of dwellings on coastal sites, particularly in very prominent locations. That does not mean there should be a firm rule against them but it does mean that one should be very careful in considering such applications.

3.2.5 The Deputy of St. Martin:

Could I just ask again a question about the size and the alleged 10 per cent rules because the Minister knows that we had a disagreement about another building in St. Martin which I felt should have been allowed to go larger than what it was? Could the Minister inform Members what is the general rule about increasing the size of a building which is on the site and then one wants to re-build? Is there a general rule that 10 per cent is the fair assumption or can one just pick and choose and, if one is lucky, maybe get 25 per cent, 30 per cent or even 50 per cent? Is there a general rule please about the size increase on re-building on a present site?

Senator F.E. Cohen:

There is no firm rule. It is a question of context, it is a question of relevance and it is also, to some extent, a question of design. There are examples where there have been very significant increases in the square footage of buildings that have been allowed and there are examples where the department has been very restrictive in allowing an increase in the size of the building and, in fact, I am dealing with one of those presently.

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

Bearing in mind the Minister's reply to a previous question and his intimation of the Line in the Sand at the weekend, will he now make sure that, in future, things are much tighter for building on the coastal area?

Senator F.E. Cohen:

I think things are much tighter but that does not preclude some development in the coastal zone. The new Island Plan Review currently out for consultation does increase the protection by the creation of a new national park but there must always be some place for some development on the coastline. It is just essential that that development is sensitive, well-designed and excellent in execution.

3.2.7 The Deputy of St. Mary:

I feel that the Minister is somewhat dodging the question of public concern about this. Will he assure us and the public that this construction at La Coupe and the one on the west side of Portelet and the one on the west side of St. Brelade - the multiple huge houses there beyond the church - will be permissible within the new Island Plan, as has been put out?

Senator F.E. Cohen:

Each application must be considered on its own. It must be considered within the context of the application and within the context of the site. I cannot give any specific assurances in relation to generalities because each application is considered on its merits. It may be that some of the sites that have been referred to by the Deputy would currently be refused and it may be that others would be acceptable but without a careful analysis of each one and re-visiting the applications, it is impossible to say.

The Deputy of St. Mary:

The whole point, Sir, if I may comment on that ...

The Bailiff:

No, you may not comment. This is question time, Deputy.

3.2.8 The Deputy of St. Mary:

Will there be a policy that will outlaw these developments?

Senator F.E. Cohen:

There will not be a policy that will outlaw these developments but there will be tighter controls to ensure that whatever development occurs on the coastline is of the highest standard.

3.3 Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding arrests for violent crimes related to alcohol

Would the Minister advise the Assembly whether statistics exist for 2006, 2007 and 2008 to illustrate how many arrests/convictions for violence related crimes can be linked to the consumption of alcohol within pubs and nightclubs?

Senator B.I. Le Marquand (The Minister for Home Affairs):

Figures are not kept in this form because of the difficulty of knowing where people have been and whether the alcohol which they have consumed in pubs or nightclubs has really caused some difficulty but I do have lots of interesting figures. For instance, so far in 2009, 52 per cent of all people detained in custody were under the influence of alcohol when arrested and 10 per cent were intoxicated, 79 per cent of people detained in custody for violence or disorder offences were under the influence when arrested and about 18 per cent were very intoxicated. I would comment that there has been no significant change in recent years in the level, in terms of numbers, of violence or disorder occurring in the St. Helier night-time economy but there has been for a number of years and that has been exacerbated in the short-term by an increase in serious violence in St. Helier at night. That is an issue of some concern.

3.3.1 Deputy T.M. Pitman:

I am sure that other Members find those figures absolutely shocking. Does the Minister agree that, in light of the reported huge increase in facial injuries resulting from assaults, this area is worthy of some targeted investigation for future response?

Senator B.I. Le Marquand:

As I have often said in this Assembly, the police do target resources, particularly on a Friday and Saturday night when there is a much higher police presence and police availability. The difficulty is that when assaults have been taking place ... in particular, we have had quite a number of very nasty incidents in recent months. It will be very interesting of course to see what the view is of the Royal Court when it comes to sentencing upon those matters although, of course, I have no influence there at all. But I think we have had somewhat of a blip, if I can put it this way. I have a fairly long experience of this. The general trend for serious violence is up. That is highly regrettable. It cannot be avoided but we then had something of a blip, I think, in a period of 3 or 4 weeks when we had a number of cases. I have met with the parents of one young man who had his leg broken in such an attack and both myself and my Assistant Minister take these matters very seriously.

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

Given the reply from the Minister for Home Affairs about strict resources and trying to get a good police presence on Friday and Saturday night and that it is St. Helier nightclub culture - and most people do come into St. Helier now because all the out of town nightclubs have basically closed down - has the Minister any intentions of working with the Comité des Connétables to get some of their Honorary Police or the majority of their Honorary Police where the trouble spots are on a Friday night? A bigger police presence - Honorary or States - will help. Does the Minister agree and will he be working with the Constables?

Senator B.I. Le Marquand:

We have just in fact agreed with the Constable of St. Helier to set up a joint working group which will comprise both himself and St. Helier Honorary Police and also States of Jersey Police and Home Affairs. We have realised the point has arrived where we need to do something jointly but this is not simply an issue of police presence. There are major issues which this Assembly will need to address through the Licensing (Jersey) Law. The fact is that we have a nightlife culture which attracts many young people into St. Helier into a heavy drinking culture. Now I do not think that is a healthy thing whatsoever and I think that the time is well due for politicians to take responsibility in this area. Historically, I am not in any sense wishing to criticise them. Historically, the responsibility has been left to a great extent, in the making of policy, with the Licensing Assembly but these are fundamentally political matters. We must decide what sort of St. Helier nightlife we want. **[Approbation]** Having done so, we must then seek to take whatever measures in terms of amendments to the Licensing (Jersey) Law or other things as are necessary. This is an area that I am particularly giving priority to myself but looking at the licensing aspect. I do not want to be knocking the nightclubs and the pubs alone. There are issues there but, on the whole, they are pretty responsible. We have problems associated with people quite deliberately setting out to get drunk. It is a binge drinking culture or sub-culture and you get a situation where people will drink half a bottle of vodka or something like that before they go out on the streets at night. The answer is much too long, I apologise.

3.3.3 Deputy D.J. De Sousa:

Can the Minister inform the House if he thinks it would help to look at establishments and the figures for excessive drinking in those establishments and take action to close them down?

Senator B.I. Le Marquand:

There have always been difficulties in relation to obtaining successful prosecutions in relation to premises where there is drunkenness and that is partly a difficulty with the law because the effects

of permitting drunkenness requires proof that there is knowledge of this. Now I, in the past, have come up with a variety of different ideas and no doubt will be floating some of these different ideas again but there are difficulties there. But I think we have to understand that there are major difficulties associated with the accessibility to alcohol generally; the number of off-licences we have got and how long they are open and things of this nature. We must not just be looking at one area but at the totality.

3.3.4 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

Would the Minister agree that, if perception is everything, there is a perception that St. Helier faces a choice between café culture and job culture and that for the good of our resident population and the tourist industry we wish to protect and to grow, it must be the café culture and responsible night culture that wins and that is a matter for politicians, community leaders and society as a whole?

Senator B.I. Le Marquand:

I do, in general, agree with that, although I would not limit matters purely to café culture. There will always be a demand for nightclubs as well but this is the point that I was trying to make rather powerfully, and perhaps getting unusually passionate about, that we must take responsibility for this area as politicians. It is long overdue.

3.3.5 Senator S.C. Ferguson:

The Minister may be aware that Milan has the same problem. The Mayor of Milan solved it by banning alcohol in the city centre. Would the Minister advocate such a response here?

Senator B.I. Le Marquand:

I think I need clarification as to what was meant by “banning alcohol in the city centre” because I suspect there has not been a wholesale closing down of cafés and other such things. We are not at that point yet. We want to achieve a situation in which people can enjoy themselves but without being in a culture of getting drunk and without being put at risk.

3.3.6 Deputy T.M. Pitman:

I stand to be corrected on the figures but, given that I am told that this year police time has included retrieving more than 600 young people reported missing, which I believe relates to just 25 individuals, does the Minister believe that police time is being best utilised and is this having an impact on such matters?

Senator B.I. Le Marquand:

There is a problem with young people who have been reported missing from children’s homes and the correct figure has been given of 640 instances up to the middle of September involving 25 young people. Now, I want to work with other departments, particularly with the Children’s Service and Health and Social Services. We need to be redesigning work in this area to avoid this sort of situation. It is a massive draw and a massive waste of police time.

3.4 The Deputy of St. John of the Minister for Economic Development regarding the duty free shop at Jersey Airport

Would the Minister advise whether Alpha, the company that runs the duty free shop in the airport departure hall, is a Jersey company and therefore liable to paying income tax on Island and inform Members when the lease to Alpha was signed and how long it has to run?

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

The company operating the duty free and food and beverage activities at Jersey airport is a Jersey registered company trading under the name of Alpha Airports Group (Jersey) Limited and is subject to local tax on profits made on the Island. The lease was made on 21st November 2005 which extended the lease until 31st December 2017 with the approval of the then Harbours and

Airport Committee. I further inform Members that Alpha was acquired by Autogrill in 2008. This resulted in specialist organisations within the Autogrill group being able to operate specific elements of the retail offering at the airport.

3.4.1 The Deputy of St. John:

Did the lease go out to tender and, if not, why not? Could the Minister give us the annual rental and do we get a share of the profits?

Senator A.J.H. Maclean:

The extension to the lease, which I assume is what the Deputy is referring to in November 2005, did not go out to tender. That was a decision that was made by the then Airport Director and the then Harbours and Airport Committee. The rationale behind it, I understand, was that there was significant potential investment which has since materialised in the facilities of the airport and that was the justification that they felt was reasonable at that time. Perhaps the Deputy could confirm the second part of his question.

3.4.2 The Deputy of St. John:

Do we get a share of the profits?

Senator A.J.H. Maclean:

Yes, is the short answer. The arrangement is quite simply, as profits increase and more sales ensue, the airport does better and it gets a percentage. The percentages do vary depending on the different business and different product ranges but yes is the answer to his question.

3.4.3 Deputy R.G. Le Hérisier:

Referring to the contract signed by the then Committee and President, would the now current Minister inform the House whether or not there are break points in the contract and what performance levels are required of the operator?

Senator A.J.H. Maclean:

I am not familiar with break points in the existing lease arrangement as it is at the moment, although I should say there has been a significant change. It was an area that the J.C.R.A. (Jersey Competition Regulatory Authority) were particularly interested in. They were concerned that there was one operator effectively dispelling or discharging its activities at the airport. It was not overly satisfactory. We now have effectively 3 different organisations under the Autogrill group. We have HMSHost that does the catering, we have the World Duty Free and then we have WH Smith and certainly that meets the requirement at the moment of the J.C.R.A. However, there is an undertaking that, when the current lease expires in 2017, it will of course be going out to competitive tender.

3.4.4 Senator B.E. Shenton:

My wife and I were away on Saturday and had a cup of stewed coffee that was undrinkable. Given that Autogrill or Alpha, or whatever you want to call them, has sole rights at the airport for drink and food, can he tell us how that fits in with the J.C.R.A. recommendations that also come under his department?

Senator A.J.H. Maclean:

As I was explaining just a few seconds ago, the J.C.R.A. took a great deal of interest in the retail arrangements at the airport and it is not a sole arrangement because you have World Duty Free who can also dispense food and a limited amount of other sustenance and it certainly meets the requirements of the J.C.R.A. They have confirmed that to us.

3.4.5 Deputy D.J. De Sousa:

Can the Minister inform the House what level of regulation for employment within these outlets are as to 5 years or unqualified?

Senator A.J.H. Maclean:

That would be a matter for the individual companies. I am sure they meet the necessary regulations. These are independent companies that employ their own staff and meet, I am sure, the necessary employment criteria within the Island.

3.4.6 Deputy D.J. De Sousa:

I am sorry. The Minister has not really answered my question. The Government give a regulation on what employees can be employed by companies. I am asking what level of qualified or unqualified employment is allowed in these outlets?

Senator A.J.H. Maclean:

I am sorry. I misinterpreted the Deputy's question. I do not have the figure in front of me of the exact breakdown but I am more than happy to supply the Deputy with the breakdown for the individual companies on the local and non-qualified and so on.

3.4.7 The Deputy of St. John:

Given the increase in the departure hall trading area, are the new stakeholders under individual leases or under a lease within Alpha and, if under a lease within Alpha, how is this covered under the extension in 2005?

Senator A.J.H. Maclean:

One of the arrangements reached under the new structure and, indeed, investment and redevelopment, is that other retailers were given the opportunity under a tender arrangement to tender for retail opportunities at the airport. I am pleased to say that 2 local companies - Jersey Pottery and La Mare - have already taken up those opportunities. They operate in a similar way but independently to the existing arrangements. It is based on turnover but they do operate independently themselves.

3.5 Deputy S. Power of St. Brelade of the Minister for Economic Development regarding a subsidy to an existing ferry operator

Has the Minister considered an application for a subsidy or grant aid from an existing ferry operator or any new entrant into the local car and freight passenger market, particularly a subsidy or grant application during off-season operations and what is his position in such cases?

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

Yes.

3.5.1 Deputy S. Power:

Can I ask the Minister whether he thinks it is appropriate that a company that has a monopoly should be entering into negotiations with the Minister on subsidies on one of their routes?

Senator A.J.H. Maclean:

I might say that the Deputy has considerable talents and one of those appears to be a psychic ability because it struck me as interesting that his question arrived within the department before indeed the request that he was questioning about. We had no knowledge prior to his question which was somewhat curious. With regard to this, as it has just arrived in the department, we will, like all requests that we receive, give it due consideration. We will look at the commercial merits, the economic benefits to the Island and we will, once we have deliberated, make an appropriate response. I have no personal view. The request did not come into me personally; it came into the department.

3.5.2 Deputy S. Power:

I am just wondering whether the Minister thinks it appropriate that a company that has a dominant position in the Island, both in car, passenger and freight, should appear to be asking his department to subsidise a route for winter operations when there are existing concerns about that monopoly?

Senator A.J.H. Maclean:

As the request has just come in, I do not think it is appropriate to go into a great deal of detail. Certainly I have not had a chance to give great consideration to the matter. The request that has come in is for a very limited number of sailings for a specific requirement and it needs to be properly assessed and that is exactly what will happen in due course.

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

Can the Minister inform the Assembly if his department has received expressions of interest from any other ferry operator in recent times?

Senator A.J.H. Maclean:

I am not aware of any specific requests.

3.5.4 The Deputy of St. John:

Could the Minister explain why he is not up to speed on this, given that Members have to put in the written questions and the verbal questions a number of days before he has to answer the question from Deputy Power? I am surprised he is not up to speed. In fact, I am more than surprised because, in the past, the Minister has been very helpful and usually he will come back with that information but he is not prepared to do that on this occasion.

Senator A.J.H. Maclean:

I did not say I would not come back with information and I am disappointed to think that the Deputy does not think I am up to speed. All I commented on was the fact that my department only received the request for support late last week. I will obviously be assessing that and the department will assess it, as I have already said.

3.5.5 Deputy S. Power:

One final question, Sir. If the Minister is to consider a subsidy or a grant to this particular ferry company, will he be prepared to disclose to the Assembly the amount?

Senator A.J.H. Maclean:

I would be prepared to consider that, yes. [Laughter]

3.6 Deputy M. Tadier of St. Brelade of the Minister for Economic Development regarding the possibility of attracting filmmakers to Jersey

Given the continued success of the Branchage Film Festival, what scope does the Minister see for attracting filmmakers to the Island to shoot their movies here and what specific steps will he be taking to make this happen?

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

I would like to take this opportunity, if I may, first of all to congratulate the organisers for the recent Branchage Film Festival [Approval] which I am sure Members will agree with me was a significant success, extremely welcome and obviously helped to raise the profile of Jersey with overseas producers and executives. Economic Development recognises that the Island has many attractions for local and overseas film producers and helps co-ordinate States and external offers of support whenever necessary. In common with other initiatives designed to help diversify the economy, the department has been working with the private sector partners to assess the potential for establishing a filmmaking sector. Recent research has indicated that the scale of investment

required to establish a strong sector presence would not produce commensurate economic benefits and makes strong recommendation that further work be undertaken with grass roots local producers adopting a bottom up approach towards developing this sector. We are also in discussions with E.S.C. (Education, Sport and Culture) for a joint approach with the involvement of the Jersey Arts Trust which will help address the grass roots community.

3.6.1 Deputy M. Tadier:

I am interested to hear this novel idea of bottom up. It seems that trickle down does not apply to the film industry but I am sure that the Minister is just as keen to make sure that this very competitive and lucrative industry comes to Jersey and I am sure he is keen to make sure that we push all the right buttons to get this industry to come to Jersey. So will the Minister give assurances and give specific examples of what concrete steps have been taken to attract the film industry to Jersey?

Senator A.J.H. Maclean:

Yes, I thoroughly agree with the Deputy. Certainly recent research that we have had done has identified that the Island already has a thriving film and screen industry, one that needs to be developed and we are keen to develop further. Indeed, with the first Branchage Festival, representatives from Jersey Finance Limited and Economic Development met with more than 100 producers and executives to do a presentation on Jersey and the opportunities that existed here within that sector. Indeed, Economic Development also went last year to the Edinburgh Film Festival to give a similar presentation to raise awareness of the opportunities that exist within Jersey. I should add it is not just necessarily filming in the Island where benefits exist. There are opportunities in intellectual property - which Members will be aware we discussed yesterday - for filmmakers, as there are indeed with finance where different structures can be put in place and so on. So, yes, it is a lucrative area that we are working to develop.

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

I am interested in the Minister's reply that he has just given to Deputy Tadier. I have been informed that one Hollywood producer did approach the department and was turned away. Could the Minister please explain the reasons why?

Senator A.J.H. Maclean:

The Deputy will probably be aware - as I am sure other Members are - that the department gets many approaches for support in many different ways, as we were just discussing with Deputy Power a few moments ago. We assess requests that come forward, estimate the economic benefit to the Island and, based on that information, we make a decision as to the level of support that is appropriate or not as the case may be. Unfortunately, where we are involved in taxpayers' money, we need to ensure that we get a sensible and effective return on whatever investment that is requested.

3.6.3 Deputy M.R. Higgins:

Could I ask the Minister if the reason why it was unacceptable was because the subject of the proposed television series was on the finance industry?

Senator A.J.H. Maclean:

That is not my understanding.

3.6.4 Deputy K.C. Lewis:

I must declare a non-commercial interest as I am on the Branchage Film Festival Committee. Does the Minister believe that tax breaks could be a way forward?

Senator A.J.H. Maclean:

That is an area that has been looked at in a preliminary sense. At face value, it has certain benefits. It is a complex issue that involves other departments, and of course the Treasury, and I think an area that probably needs further investigation is one of the Jersey Film Commission. That is an area which has some potential and, indeed, I would go so far as to say we perhaps should be looking at a Channel Island Film Commission with the islands working together in this area.

3.6.5 The Deputy of St. Mary:

Yes, the Minister is obviously aware of the Island's beauty and the pool of creativity we have here. We have natural assets in this direction of the film industry. I would like him to assure the House that he will produce to Members the details of the scoping, like the initial studies around the intellectual property drive that we are seeing coming to fruition and the initial scoping and work around the film industry. I just want to know whether he will let Members see the initial work done to assess the viability of both those strands of our diversified economy.

Senator A.J.H. Maclean:

Yes, I am more than happy to share with Members information that I am able to share. I can say at this stage one piece of work has been carried which, unfortunately, the authors of the work have confidentiality attached to it at this stage. But I am sure, once complete, there may be an opportunity to share that but certainly the wider research that has been carried out in both I.P. (Intellectual Property) and the film industry is something that I have no concerns about sharing with Members if they would find that of value. Indeed, the Deputy himself, as a member of the Economic Affairs Scrutiny Panel, will be receiving significant information with regard to I.P. and the new legislation that is planned for the early part of next year.

3.6.6 Deputy M. Tadier:

I thank the Minister for his answer and I think we all agree that Jersey does have beautiful natural assets which would be an attraction to Jersey but will the Minister acknowledge that - given the context of an example where a film which was set in Jersey in the recent past had to be re-shot I think in the Isle of Man but it was set in Jersey and not filmed in Jersey - we cannot keep replacing our natural assets and that we have to provide concrete sets, it is complicated to make films and that may require initial investment which does not seek an initial return in the short-term?

Senator A.J.H. Maclean:

Yes, the Deputy is right in regard to investment. Yes, there may well need to be investment but whatever investment is made it needs to show a return within an acceptable period of time. There is without doubt, as I have already mentioned, a thriving film and screen industry within the Island. There are films and productions that have been made like Under the Greenwood Tree and Living with the Enemy and, indeed, the Island has developed some strength in special interest areas, documentaries and so on, so there are many different areas where we are already benefiting. More work needs to be done and I recognise that but, indeed, you must be able to get a sensible return on the investment at some point. We continue to work in this area.

3.7 Deputy T.A. Vallois of St. Saviour of the Minister for Treasury and Resources regarding the draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 200-

In the light of the draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 200- (P.152/2009) lodged by the Minister seeking an increase in the maximum limit for currency in Jersey to £100 million, could he advise what tests of supply and demand, if any, have been carried out for this decision and whether the potential for this to create further information upon recovery from the economic downturn has been considered?

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

I welcome the opportunity of explaining what is quite an important decision. It is an administrative rather than economic and fiscal decision. The amount of Jersey notes in circulation is currently approximately £70 million and it remains at about £70 million throughout the year. Circulation peaks in the Christmas period as more people tend to use cash. The Treasury therefore have recommended to me that we increase the maximum amount in circulation to £100 million in order to meet this seasonal demand and also to plan for the next 2 or 3 years of inflation. The Treasury monitors the amount of money in circulation on a weekly basis. The increase to the maximum amount simply enables the Treasury to respond to the requirements of banks when the public demands more cash in circulation. So I am happy to confirm that the Treasury is not printing more money in the traditional quantitative easing sense. The number of notes in circulation is governed entirely by demands of the retail banks which, in turn, is driven by customer demand. This is a very different situation to the quantitative easing initiatives seen in the U.K.

3.7.1 Deputy T.A. Vallois:

I was wondering if the Minister for Treasury and Resources could just explain further on the demand by the banks and the customer demand and explain the difference in how that substantiates the increase.

Senator P.F.C. Ozouf:

What effectively happens is the Treasury responds to the daily demands of banks that are requiring an amount of money to hold in their tills and it is not anything like the sort of traditional printing money or even the modern, electronic quantitative easing measures. It is simply an administrative process in that the Treasury is responding to banks in terms of their note requirements. The situation is different in Jersey because every piece of paper is backed by a pound on a deposit account which is held in a separate reserve in the States Treasury and, therefore, it is very different from any government that would be trying to pay for public sector workers by simply printing more money and therefore it does not have the inflationary effect.

3.7.2 Deputy M.R. Higgins:

Following through on this, one can understand the argument for increasing the money supply at Christmas. That is standard practice for most governments but they also claw back that money after the Christmas period. Leaving the money in circulation could have an inflationary consequence, especially as no extra goods are being produced; it is just there is more money out there. If people realise there is more money out there, prices will go up and one of the effects will be to add to the inflation. So why is the Minister not clawing the money back after the Christmas period?

Senator P.F.C. Ozouf:

I think I need to take Deputy Higgins on a quick economics lesson, if he wants one, but this is nothing to do with economics. This is simply an administrative issue and if the Treasury of the States of Jersey would not provide the banks with sufficient pieces of paper and notes in order to deal with their demand, then they will effectively call on English notes. As I have explained to the Assembly before, it is Jersey's economic interest to use Jersey notes as we effectively get that pound of deposit for every pound in circulation and we earn interest on it. Interest rates are low at the moment, but in a high interest rates time with about £100 million, Members can work out the figure for themselves. This is an administrative issue. It is nothing to do with economics.

3.7.3 Deputy M.R. Higgins:

A supplementary, Sir? It is interesting that the Minister says that it is an administrative matter but he has also mentioned the economic benefits of doing it. He has mentioned, for example, that the banks could use English notes instead but, by taking Jersey notes, they are adding to money that the States has. So, therefore, it has got an economic benefit. It is not just admin.

Senator P.F.C. Ozouf:

It is a business benefit to put more money into circulation. It is in the financial interests of the States of Jersey and the people of Jersey to use Jersey notes as opposed to English notes. This is nothing to do with economics, if I may respectfully say, and with the total economy of Jersey at about £4 billion and £100 million is about 2.5 per cent, I am afraid this has got nothing to do with macro or micro economic policy; it is just commonsense administrative decisions.

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

If we are talking about an administrative function, can the Minister explain why £30 million has been the figure arrived at of this increase when he stated there is about £70 million around? I am very interested in this big jump.

Senator P.F.C. Ozouf:

Let me be clear, the maximum authorised limit in circulation notes at the moment is £70 million. We are seeking to achieve an increase in the maximum in note circulation of £30 million because that £70 million peak has been breached on a couple of occasions, most notably in 2008. In theory, there has been an increase of notes in circulation over the permitted limit of £70 million and, therefore, I am asking the Assembly to increase the maximum note increases. The Treasury do not want to be in a position that they cannot issue notes when there is that maximum increase in place.

3.7.5 Senator S.C. Ferguson:

Would the Minister like to confirm that the cash benefit arises because of the complete transferability between U.K. notes and Jersey notes and it is in our benefit to accept the Jersey notes, put them on deposit, issue our own notes and earn interest on them?

Senator P.F.C. Ozouf:

I completely agree with the Senator. That is exactly the reason why and there are other note issuing authorities in the United Kingdom. I think Clydesdale Bank, Bank of Scotland and the Royal Bank of Scotland all do this because there is a benefit on issuing pieces of paper and having a cash deposit. Jersey is no different.

3.7.6 Deputy D.J. De Sousa:

The Minister mentioned in his answer to Deputy Maçon that, in 2008, the level of circulation was breached. Can he tell the House by how much?

Senator P.F.C. Ozouf:

I think that the amount in circulation demanded increased around the 2008 Christmas period and I think that there was something like a 23 per cent increase in circulation within a fortnight over the Christmas period. The Treasury do not know the reason why that was. It may have been that this coincided with a reduction in the public confidence in terms of banks and financial institutions. It may well be that Islanders were putting lots of £50 notes in for people's Christmas presents but, effectively, the notes I have here technically increased I think from £69 million to £85 million, an increase of 17 per cent, but then fell very quickly down to £12 million 2 weeks afterwards.

3.7.7 Deputy D.J. De Sousa:

A supplementary please, Sir? Bearing in mind the Minister's answer, it was a different economic climate at the time. We are now enforcing pay freezes. Does he really think that there will be that extra demand at Christmas this year?

Senator P.F.C. Ozouf:

I suspect that there will be an increase in demand. Every year in the last 3 years, there has been a very bold increase in the demand for notes around the Christmas period. I think that is a perfectly logical explanation in relation to all of our activities in relation to the use of notes over the issue of

credit cards in giving presents, et cetera, and just more money circulating in retail environments. Certainly, I am very much hoping that the new family of notes which will be in circulation next February and March will certainly spark public interest and, in setting the £100 million limit, I certainly do not want to have to return to the Assembly every 6 months or every year in order to increase the amount of limit. It is simply an administrative issue but it is important that the administrative instrument is well-understood.

3.7.8 Deputy T.A. Vallois:

The Minister mentioned commonsense in one of his answers. Then why has it taken 12 years for this to come to the House to amend if it is just an administrative matter and especially due to the 23 per cent increase in demand in the circulation of notes last year, seeing as Christmas comes around every year, that is 12 Christmases, then why is it not being looked at, say, every 3 or 4 years?

Senator P.F.C. Ozouf:

The Deputy raises a good question. I do not know the answer to that. All I know is that there is going to be a Christmas peak this year and I want to ensure that the maximum currency in circulation is within the regulations that are provided, hence I have lodged the regulations for debate prior to this year's Christmas. I would point out that for the vast majority of the weeks of the year the limit of currency in circulation is well within the limits that were previously agreed.

3.8 The Deputy of St. Martin of the Minister for Health and Social Services regarding the number of doctors and nurses suspended or excluded from duty.

Will the Minister inform Members of the number of doctors and nurses either suspended or restricted from carrying out their normal medical duties and advise what reasons an employee would be restricted from carrying out their normal duties rather than being formally suspended?

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

There are currently 2 doctors excluded from work and one doctor on restricted duties. There are no nurses currently suspended. The decision whether to restrict the duties of an employee or to suspend from work depends on (1) the need to protect patients, (2) the need to protect the employee and/or their colleagues, and (3) the nature and seriousness of any allegations made. The particular circumstances of each case are examined and, where appropriate, duties are restricted rather than resorting to formal suspension.

3.8.1 The Deputy of St. Martin:

The Minister will, no doubt, have learnt that I have been asking questions around this particular doctor's restriction from work. Could I ask the Minister at what stage would a decision be made whether to exclude that doctor or suspend that doctor permanently and, indeed, what action is taken to ensure that doctor is not de-skilled in the meantime?

The Deputy of Trinity:

The final point of the question first, that is why doctors are excluded because underneath, by their professional conduct, they can continue with professional development, which I am sure the Deputy will agree is very important. The decision to suspend or exclude goes back to those 3 points that I made: the need to protect patients, protect employees and their colleagues and the seriousness of the allegations made.

3.8.2 The Deputy of St. Martin:

Could I ask the Minister is she in a position to inform Members how long it will be before a decision is made to formally exclude that person or get that doctor back to normal duties?

The Deputy of Trinity:

There are 2 doctors excluded and one which we know has been excluded for a period of time which is not satisfactory, but the conditions of that, my hands are tied because at the moment we are waiting for the report from Verita. The doctor went to the Royal Court to stop the process and that was granted. The other doctor is going through policy as set down.

3.8.3 Deputy D.J. De Sousa:

Can the Minister inform the House of all levels of suspension and restrictions within her department and what steps have been taken to decrease these and sort these out?

The Deputy of Trinity:

There are a lot of steps taken because it is not a process that we do lightly, and continued professional development plays an important part as well as support with the line management and occupational health. As I said, it is the last thing really. We want to, if it is necessary, restrict and find out the reasons why before there is any form of suspension.

3.8.4 Deputy A.E. Jeune of St. Brelade:

Could the Minister explain if there is consideration to relocating staff to another department rather than excluding or, more particularly, suspending if the circumstances suit rather than the employee receiving pay for not working at all?

The Deputy of Trinity:

Yes, I am sure it is the case, but it is very difficult to generalise because each case is examined in its own right and if there are other areas that, by relocating or whatever, can be a way of supporting that employee and the reasons I have stated, I am sure that is taken into account.

3.8.5 Deputy R.G. Le Hérissier:

Has the Minister been able to exercise any influence, certainly not over the substantive issues, but over the way that cases are handled or do cases simply disappear into a void from which they re-emerge at some time never known to anybody? Is she able to be reassured that cases are handled in a proper, paced and realistic way?

The Deputy of Trinity:

I do get monthly updates or even more frequent if I need to and the staff have been very open with the reasons why.

3.8.6 The Deputy of St. Martin:

I am sure the Minister agrees with me that there is no way that anyone should be circumventing the system just to avoid the inevitable and some have got to be suspended, but recently the States approved a system whereby after a month and no disciplinary hearings or proceedings are to take place whereby a suspended person may attend before an independent panel to have their continuation of their suspension considered. Is the Minister in a position to advise Members whether the doctor in fact ... I know one has been for 3 years, but there is a doctor who has been suspended now for 8 months; would the Minister be aware whether that doctor has been able to go before this new panel?

The Deputy of Trinity:

I do not know the answer to that, but I will ask and come back to the Deputy.

3.9 Deputy T.M. Pitman of the Minister for Homes Affairs regarding legislation relating to knife crime.

Recently the Minister promised a tough stance on knife crime. Would he advise the Assembly what progress, if any, has been made in this area regarding new legislation?

Senator B.I. Le Marquand (The Minister for Home Affairs):

I do not recall making that promise. I have some memory of a *J.E.P.* (*Jersey Evening Post*) headline, but as we all know, *J.E.P.* headline writers live in a parallel universe [Laughter] which may or may not have any link with the actual report. Of course I am not blaming the reporters. They have no control over the headline writers. I am very concerned about knife crime and that concern appears to be reflected in the sentencing approach of the Royal Court which has, in recent times, treated knife crime as being very serious. I have, for some years, also been concerned at the difficulties of prosecutions in proving the intent to injure a person in relation to possession of an offensive weapon. Now, the Members of this Assembly may, of course, recall that they were given an opportunity last December to pass a piece of legislation, which I happen to agree with, and was one of the people behind the scenes pushing for, which would have tightened the law up quite considerably, but the Members in their considerable wisdom voted against that. This has created a problem for me because I believe the law does need to be tightened up because of the difficulties of proving beyond reasonable doubt intent to injure, but I do not see any value in reintroducing the provision that was rejected so decisively last December so I either have to invent something new for Jersey or try to find some other model of legislation elsewhere. This is going to take me some time and I do not guarantee success because of the difficulties. There are other issues also in relation to sale of knives for those under age which will need to be looked at at the same time.

3.9.1 Deputy T.M. Pitman:

I have to say I am shocked that the Minister would suggest the *J.E.P.* would misquote anyone. I cannot believe it myself. [Laughter] In light of the Minister's response, could he just clarify for the House how he is working with his ministerial colleagues to find a solution to this increasing menace, and I am thinking particularly of the Minister for Education, Sport and Culture and his role with young people?

Senator B.I. Le Marquand:

That is going somewhat beyond my remit. I would hope that to be part of educational programmes, to educate young people how dangerous it is to take knives out with them, the danger of others taking knives to protect them against the first set of knives and the danger of knives being used when they are, first of all, only been taken, as it were, for "protection". The legislative problem remains. I should have said that I intend to give some time to it next year.

3.9.2 The Deputy of St. Martin:

I think the Minister will agree the primary objective of efficient policing is the prevention of crime. To that extent, would the Minister not agree that it is very important that young people are made aware as early as possible of the danger of knives and there ought to be a link between the police and education as far as police school involvement in schools informing youngsters of their rights and responsibilities in particular with knives? Could I get an assurance made that the Minister will speak to the Minister for Education, Sport and Culture with a view of ensuring there is some form of education about the dangers of knives, knife carrying, or the police going to schools in uniform speaking to the children about that?

Senator B.I. Le Marquand:

I will happily do so. I can see the Minister for Education, Sport and Culture is mouthing something at me, but I cannot lip read. I think he should be allowed to intervene.

The Bailiff:

I think this question is to you really.

Senator B.I. Le Marquand:

I think he is trying to say something. I will be making some presentations on Saturday to those involved in Prison Me! No Way! and I suspect there is probably an element of the Prison Me! No

Way!, a programme which does go into schools and involves police officers. I see the Minister is now nodding so the answer may be the correct one.

3.9.3 Deputy J.M. Maçon:

Does the Minister not believe that because his department is involved heavily with the people who carry knives, does he not think that it is important to understand the culture, to find out why the people are carrying the knives in the first place and does he not think that his ministry is the best suited one to find that out?

Senator B.I. Le Marquand:

My ministry does not employ psychologists if that was the question. Education for young people is, I think, the best route but also where people are convicted of offences it is important that the sentencing policy be appropriate and it is also, as I have said already, appropriate that we have the right offences.

3.9.4 Deputy D.J. De Sousa:

The Minister now a couple of times has touched on Prison Me! No Way! We all know how successful this has been within education. Am I not right in believing that there was a problem with funding for this and has it now been sorted out? If not, what steps are being taken so that it will continue?

Senator B.I. Le Marquand:

I do not know the exact answer to the last part of the question, but will no doubt know on Saturday when I meet up with people from there. Home Affairs, because of the massive squeeze on its budget this year, did not feel able to increase what it was giving to that particular function and there was anticipated that there might be a shortfall, but I do not know if that has been met in some other way or simply whether the budget has had to be cut.

3.9.5 Deputy D.J. De Sousa:

Bearing in mind the answer from the Minister and yet he has said that prevention is better than cure, will he not take steps to ensure that this vital area of his ministry is retained and funded adequately?

Senator B.I. Le Marquand:

This is not just my area. There was a 4-way funding, part from Home Affairs, part from Education, part from Housing and part, I believe, from a bank which saw this as part of their social programme. I am supportive of this work, but I cannot guarantee continuing funding if there are going to be continuing massive pressures on Home Affairs budget. One has to balance priority against priority.

3.9.6 Deputy T.M. Pitman:

The Minister mentions that he hoped to give some time to this matter next year. Could he just advise realistically what timescale are we looking at when some legislation could possibly be brought forward at the earliest?

Senator B.I. Le Marquand:

I hope to start thinking about this early next year. Of course it depends what else happens in other parts of the Home Affairs empire or elsewhere. I would expect by Easter next year to either have some fair ideas as to where we would be going and then to be starting feeding those towards the Law Draftsman, because we do have law drafting time for 2010, or to have frankly given up on being able to find a suitable solution in terms of a lower level of offence.

3.10 Deputy R.G. Le Hérisier of the Minister for Health and Social Services regarding out-of-hours psychiatric services.

Is the Minister satisfied with the out-of-hours psychiatric services which are presently available?

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

I appreciate that the area is quite vast so I will go through. The psychiatric service out-of-hours cover within Jersey consists of an on-call consultant psychiatrist, an on-call staff grade psychiatrist, a psychiatric social worker and a mental health senior manager. People needing to access emergency psychiatric services out of hours do so in the same manner as they would do for medical emergency by contacting either their general practitioner or attending to an A.&E. (Accident and Emergency) department. Mental Health Services, we have a strategy responsibility under the Jersey Mental Health Law in relation to compulsory detention to Mental Health Services following the recommendation of a doctor on application from a social worker. The Jersey Mental Health Services also provide an accident and emergency liaison service which consists of an experienced psychiatric nurse being on call between 5.00 p.m. and midnight Monday to Friday and 9.00 a.m. until midnight on Saturdays, Sundays and bank holidays. The aim of the service is to ensure that any attendees at Accident and Emergency are seen promptly by an experienced mental health professional and a risk assessment is conducted. Now, looking to those people with mental health problems who are supported in the community, a community nursing team provides 7 day a week services from 9.00 a.m. to 10.00 p.m. These are for planned contacts including support and social integration. Turning to old age psychiatry team, they provide a 7 day a week service and at weekends. There is also a community psychiatric nurse available from 8.00 a.m. to 4.30 p.m. Going on to the Child and Adolescent Mental Health Services, they provide a service Monday to Friday 9.00 a.m. to 5.00 p.m. and on-call service over the weekends. Due to the economics within Jersey it is not possible to have 24 hour on-call service for each of the specialisms within the Mental Health directorate but there are always mental health professionals available 24 hours a day, 7 days a week to provide assessment and instigate any treatment options. So, in response to the Deputy's question, I am satisfied with the out-of-hours psychiatric services currently available and believe that they provide the most appropriate service within the finite resources that we have available.

3.10.1 Deputy R.G. Le Hérisier:

I thank the Minister for that very comprehensive answer. I wonder if the Minister could define more clearly what the weekend hours are for children's psychiatric services and secondly, could she outline the circumstances in which an individual can directly approach their worker rather than having to go through A.&E. or a general practitioner?

The Deputy of Trinity:

The Child and Adolescent Mental Health Services provide Monday to Friday 9.00 a.m. to 5.00 p.m. and on-call services over the weekends. Regarding the second part of the question, as I say, there is always someone on call especially through A.&E. or via their G.P. (General Practitioner). It is very difficult to give exact examples. It depends on the type of patient and where they would fit in the psychiatric care.

3.10.2 Deputy R.G. Le Hérisier:

Just to clarify, my question was can somebody who is known to and working with psychiatric services, make a direct approach or does the approach always have to be through A.&E. and the general practitioner?

The Deputy of Trinity:

No, if they are known to the community nursing team, as I said, the team does provide 7 days a week service just up until 10.00 p.m. at night unfortunately, but then, if necessary, during the night it would be through the A.&E. Department.

3.11 Deputy M. Tadier of the Chief Minister regarding the Panorama programme broadcast on 21st September 2009

Following the Panorama programme broadcast on Monday, 21st September 2009 what specific action, if any, will the Chief Minister be taking to restore people's confidence that our main industry is not promoting tax evasion?

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

I refer the Deputy to my answer to the written question 4791 asked by Deputy Southern on the subject. I would also refer him to the statement I made on 20th September 2009 which is available on the States website. The particular circumstances revealed in the Panorama programme are currently being investigated by Lloyds TSB. There is no reason to believe that this is other than an isolated incident, as the banker stated. However, I do not wish to speculate. Rather we will wait and know with more certainty once the results of the investigation are known and have been fully considered by the Jersey Financial Services Commission. I will then be in a position to respond better to the Deputy's question and, if necessary, thereafter instigate specific actions.

3.11.1 Deputy M. Tadier:

Indeed I have already referred to the answer and with regard to: "There is no reason to believe that this is anything other than an isolated incident" will the Chief Minister accept that on the balance of probability it is more likely that this is an example of normal practice rather than an example of an exception to the rule?

Senator T.A. Le Sueur:

No, I disagree entirely. The Island has high standards. It has had those standards reviewed and accepted as being good and I stand by my comments that I believe this is an isolated incident.

3.11.2 Deputy T.M. Pitman:

It is unfortunate but true that there has been a long established practice to simply rubbish, some might even say, smear anyone who dares suggest that all might not be as it should be in our financial garden, so to speak. Does the Minister then agree that it was perhaps a mistake for the Council of Ministers to respond effectively by simply dismissing the Panorama programme and the motives behind it?

Senator T.A. Le Sueur:

But I am not dismissing the Panorama programme. I am taking it extremely seriously, as is Lloyds TSB. That is why the investigation is under way and it will be pursued also by the Jersey Financial Services Commission. No one is rubbishing or dismissing this programme at all.

3.11.3 The Deputy of St. Mary:

Does the Chief Minister really believe that employees in the middle reaches of the financial industry make up their own products to sell to customers?

Senator T.A. Le Sueur:

No, the products are there and supplied by the institutions concerned, so I do not accept the Deputy's comments.

3.11.4 Senator A. Breckon:

I wonder if the Chief Minister could confirm that the Jersey Financial Services Commission have no sanction, only to remove the licence?

Senator T.A. Le Sueur:

That sounds a very powerful sanction to me. I believe they do have other regulatory functions that they can adopt, but certainly they have not indicated to me any lack of sanctions to ensure that

Jersey continues to deliver to the highest standards which the banks and other institutions themselves are committed to delivering.

3.11.5 The Deputy of St. John:

Given the Island has been courting the media in recent times, and we see this on a daily basis in the last few weeks with television vans parked in the Royal Square where nobody else is permitted to park, will the Minister agree that the courting in this particular way has not helped the image of the Island?

Senator T.A. Le Sueur:

I think the Deputy starts from a false premise. I do not believe that Jersey is courting the media and encouraging them to park in the Royal Square. The media can make their own mind up in that respect. Certainly, to be more serious, the Island does have a responsibility to demonstrate to the rest of the world the high quality and high standards which it has. It does that through matters of reputable judgment such as the I.M.F. (International Monetary Fund) report and when we get reports as good as we have received, that demonstrates to me far better than any potentially biased media comment just what the true position is.

3.11.6 The Deputy of St. Martin:

The Minister has read out the sentence: "There is no reason to believe that this is other than an isolated incident as the bank has stated." Could the Minister remember that there was a young lady called Mandy Rice Davies who said: "They would say that, wouldn't they?" Could the Minister give us a reason as to why he thinks this is isolated and would he think it might be better to make no comment until someone has stated whether it is an isolated statement or not?

Senator T.A. Le Sueur:

I make that statement on the basis that the Jersey Financial Services Commission have a very thorough reviewing process for all financial institutions and all products being marketed within the Island, and the information and the feedback we get from that and indeed from the independent reviews is that the Island sets high standards as indeed do the financial institutions themselves. Those institutions are worldwide institutions and they have no wish to sully their reputation either.

3.11.7 Deputy I.J. Gorst of St. Clement:

I wonder if the Chief Minister would reiterate his statement that he believes it is probably an isolated incident because there are requirements on individuals operating within the finance industry that were they to suspect that their client is evading tax they would have to make a report. So, I wonder if he could reiterate that statement?

Senator T.A. Le Sueur:

Absolutely. I am glad to reiterate that statement and give the prominence it deserves.

3.11.8 Deputy M. Tadier:

I must say I find that comment very strange that we are saying here that because we have good regulation, this must be an isolated incident. It is a very strange thing to say. The final question is how damaging was the Panorama programme, in the opinion of the Chief Minister, to the Island's finance industry?

Senator T.A. Le Sueur:

I do not believe it was particularly damaging. I believe that the Panorama interview and programme was not a particularly well put together piece of work. It was a bit of - I will not say cheap - but crude and sensationalistic journalism and I believe that we should pay far more attention to reputable views of the Island taken by responsible, professional people.

3.12 The Deputy of St. John of the Minister for Home Affairs regarding the current number of police officers in the States of Jersey Police

Could Members be told of the current number of police officers in the States of Jersey Police, what shortfalls in numbers there are, if any, and what action is being taken to recruit new officers, please?

Senator B.I. Le Marquand (The Minister for Home Affairs):

The current police establishment is 246, but in 2009 there was only money for 240. I have not got the up-to-date figure, but the last time I was informed we were about 6 down which would be 234. During 2010 we expect to be between 11 and 16 down depending upon retirements. That would be, I think, from the figure of 240. There was a cut of 2 posts directly through the Council of Ministers approved approach to budget and in addition to that, we have suffered a loss of 5 additional posts due to increments. Increments are causing significant difficulties in the Home Affairs Department at the moment.

3.12.1 The Deputy of St. John:

Given the recruitment process has been cut short, will the people who have been through the selection process need to reapply for their positions?

Senator B.I. Le Marquand:

I would suspect that they would, but I do not know that for sure. The reason I suspect that they would is because we have been getting a lot of people applying and, therefore, it has been the best applicants who have been approved. I should have gone on to say during my first answer, but I try to keep it short, that it will be necessary to carry a minimum of 11, somewhere between 11 and 16, posts short for 12 months partly in order to ensure that sufficient funds are available to build up a good training group.

3.12.2 Senator A. Breckon:

I wonder if the Minister could confirm that with certain exceptions it is compulsory for officers to retire at 55 when some are willing, fit and able to continue?

Senator B.I. Le Marquand:

That is correct. The retirement age, so I understand it, is between 50 and 55. Of course if you have got experienced officers that is helpful in terms of their experience. On the other hand, when your budget is being worked on a total figure, on an annual basis, it is not helpful in terms of the numbers. We have been retaining experienced officers but at cost to total numbers.

3.12.3 The Deputy of St. Martin:

I was not quite sure of the answer the Minister gave, but could I have an assurance that there has been no restriction in the normal training period? I gather every year 16 or 20 officers are trained. There has been no cutback in the normal training period.

Senator B.I. Le Marquand:

No, I am afraid the very opposite. I am sorry I do not speak loudly enough sometimes for the Deputy of St. Martin. No, the problem is we are not going to have a training group next year effectively. This is what it means. We are going to be carrying between 11 and 16 down and that pretty well for the whole of the year. My expectation is the training group can only be formed towards the end of 2010.

3.12.4 The Deputy of St. Martin:

Can I just clarify, is there no course being run because the States have got no money or is it because we have no recruits?

Senator B.I. Le Marquand:

We most certainly have lots of recruits and many of them very capable indeed. It is because of the effect on the budget of Home Affairs. As I said so before, we took a loss of 2 in the budget shakeout, but the effective increments has cost us another 5 posts, i.e. a total of 7 reduction effectively. I am very hopeful that progress can be made during this period in relation to areas to increase efficiency within the States of Jersey Police. There are issues as to the way in which paperwork is done and procedures operated, and I am confident that some significant improvements can be made which will counterbalance this drop in manpower.

3.12.5 Deputy T.M. Pitman:

I have to say I am quite surprised that there is any shortfall of police because the last few weeks it seems like we are breeding them within the States Building but, nevertheless, with the violent crime we have talked about, could the Minister give us his view on how serious an impact this shortage of police officers is likely to have on violent crime within the next year or 2?

Senator B.I. Le Marquand:

I do not expect it to have any real impact on that at all because the police put out special additional resources at key times. I expect if there is a problem it will arise more so in the time periods for investigations with the process slowing up. It is regrettable but when I was first a Chief Officer in 1990 the system ran upon the basis that you pretty well got the money you needed for your existing staff even if that meant there were incremental increases. That system has changed at some stage to the current system where you are simply given a sum of money. Now if, as Home Affairs is experiencing, you have more and more people moving up towards the top grades and we do not just have a 3 increment system, we have a multi increment system, for instance, the Fire Service has 8 increments over 10 years, then even for the same amount of money you can find your staff resources being impinged upon. The position is extremely tight for Home Affairs for 2010 and will not be sustainable for future years if we have the same problems with increments.

3.12.6 The Deputy of St. Martin:

As the Minister knows there are a number of police officers suspended, particularly the Chief Officer. It is going to cost the taxpayer a lot of money on keeping police officers suspended and obviously there is going to be a shortfall of money. Can the Minister explain, is the shortfall in not being able to recruit officers purely down to the fact that the money which could have been spent on keeping people on duty is keeping them off duty? In other words, the shortfall is caused by the number of people on suspension.

Senator B.I. Le Marquand:

There are a great number of different reasons why there is a shortage of money in financing of the police. That is one of them but there are other more major issues. There are also issues of police officers who are currently unable to perform duties due to levels of sickness or injury, things of that nature, but we are also experiencing pressures in other areas such as increased rentals for premises and increased costs of maintaining the buildings, in particular the old school building is now increasingly looking like some form of croquet. It is held together by all sorts of bits of plaster as far as I can see.

3.12.7 The Deputy of St. John:

Given the shortfall in police officers, what impact has the current Royal Court trial had, given that I am aware that at least 2 U.K. forces are assisting in policing this building and would the Minister not consider that training our own men to do these jobs is far cheaper than bringing in men from off Island?

Senator B.I. Le Marquand:

I am not going to reveal operationally the number of officers who are required on the security arrangements which have been operating around here, but the requirements have been too great to be able to operate purely internally. We are using our own firearms people and other people, but there was a requirement beyond that.

The Deputy of St. John:

The Minister did not answer my question. The question was, would it not be cheaper to train our own men and have them within the Island than bring men in from off Island?

Senator B.I. Le Marquand:

I thought I had answered the question because I was simply saying there were too many people required for us to be able to do that.

3.13 Deputy G.P. Southern of the Minister for Health and Social Services regarding the current vacancy rates in the Health and Social Services Department.

Will the Minister inform Members what current vacancy rates exist against the services for which she is responsible and outline what action, if any, she is taking to remediate these rates?

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

Out of the 2,437 full-time equivalents there are approximately 120 full-time posts currently vacant. The vacancies exist across all staff groups as follows, 33 per cent registered nurses which are all grades, 13 per cent healthcare assistants, 25 per cent civil servants, 11 per cent manual workers, 0.5 per cent medical staff and 17.5 per cent other. The above is, of course, a constantly moving picture given the size and complexity of the departments. All vacancies are being actively managed following normal recruitment procedures. The department is developing local talents in response to a global shortage of qualified nurses for the Open University linked pre-registration nursing programme and this programme won the training and business award at the 2008 Jersey Enterprise Awards. In addition, the cadet scheme run in conjunction with Highlands College provides local residents with an opportunity to gain a vocational qualification in Health and Social Care. Still with nursing, in partnership with Education, Sport and Culture, there is a bursary scheme which offers a bursary training programme for school leavers and most recently we have started at the Insight days for students to attend and have a look at what a career in nursing and midwifery could offer them. The department is also participating in the apprentice scheme for manual workers. With regard to further actions I am taking, I refer the Deputy to my response in his written question which was this morning.

3.13.1 Deputy G.P. Southern:

Is it correct that there are currently vacancies for doctors in Accident and Emergency and Gynaecology Services?

The Deputy of Trinity:

As I said, there are 0.5 medical staff vacancies but what the Deputy might be referring to is in the medical manpower, the part of the £1.1 million extra funding that we have got for the nursing and medical staff review which showed that there was, because of the working times, a need for vacancies within A.&E. and Obstetrics and Gynaecology. I am grateful that this House passed that because now we can go out and actively recruit doctors for those posts.

3.13.2 Deputy G.P. Southern:

A supplementary, is it correct to state that improvement to conditions of services for medical staff which have been in place in the U.K. since March 2008 are still awaiting negotiation locally?

The Deputy of Trinity:

That is a very difficult question to answer. If the Deputy could be more specific, I will try to answer the question. If not, I will get back to him with the answer.

Deputy G.P. Southern:

I think the question then, without being more specific, is she aware that improvements in terms and conditions for U.K. doctors have yet to be implemented in Jersey?

The Deputy of Trinity:

I am not aware of that, but I will ask the question and come back to the Deputy.

3.13.3 Deputy T.M. Pitman:

Vacancies aside, does the Minister agree that the result of the ill-considered pay freeze has brought the morale of existing nurses and hospital staff to its lowest ebb ever?

The Deputy of Trinity:

As I said in my speech for the Business Plan, I am very much aware that the morale in the hospital is low, but I must say, having walked around most of the wards since the Business Plan was approved, the morale has increased. Let me make it very, very clear, having those extra funds approved here has made a tremendous difference and we will go out and actively recruit more nursing staff.

3.13.4 Deputy R.G. Le Hérisssier:

The Job Families Agreement was promoted as an agreement that would end all agreements, so to speak. Would the Minister comment about whether this agreement is working or whether it has cost us an awful amount of money with not terribly obvious results?

The Deputy of Trinity:

The job families, I think that was done 4 or 5 years ago and a previous Minister. I do not know the outcome of that, other than it was not its finest moment, shall I say.

3.13.5 Deputy D.J. De Sousa:

Bearing in mind that the Minister realises that recruitment is really difficult and that her department has now received extra funds to target recruitment, can she not see that the pay freeze will hinder this?

The Deputy of Trinity:

With recruiting nurses, it is not just one aspect of pay. Obviously it is an important aspect but also the other working conditions such as staffing levels when the nurses are working under pressure and doing extra overtime on wards, that lowers the morale and it is not satisfactory for anyone, let alone nurses working in that, but also the patients. We have to look at the whole mix of accommodation, cost of housing and childcare and in response to Deputy Southern's written question, that has already started and working with the unions and a paper is going to be produced and the conclusions will be going to the States Employment Board.

3.13.6 Deputy G.P. Southern:

Will the Minister confirm that the European Working Time Directive which applies to all trainee doctors, combined with medical vacancies, is placing a large stress on middle ranking doctors who deliver services and resulting in long hours of work?

The Deputy of Trinity:

In the other question that the Deputy had asked, all trainee doctors' rotas are compliant with the revised European working time directive, and if he knows anything different I will be pleased to hear from him.

3.13.7 Deputy G.P. Southern:

Is that directive, combined with staff vacancies, causing untold pressure on middle ranked doctors who deliver services?

The Deputy of Trinity:

Not that I am aware of, but if he knows anything different, I will open to hear his comments.

3.14 Deputy R.G. Le Hérissier of the Minister for Housing regarding the release of the Whitehead report on social housing.

Will the Minister advise whether the Whitehead report on social housing will be made available to Members and explain how it is intended to deal with its recommendations?

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

My Minister is off Island at the moment so I am answering on behalf of him and the department. The first part of Deputy Le Hérissier's question is answered as follows, it is proposed that this academic review of Professor Christine Whitehead will now be presented to the Council of Ministers on 15th October, this month. Copies of that report will be circulated to all States Members the following day and released for public consultation on Monday 19th October, this month. The second part of Deputy Le Hérissier's question, the review presents a number of options for change in the way that social housing is provided and regulated. The Minister and myself will consider all of the feedback generated throughout the 3-month consultation period before deciding on options to be recommended to the States. There are a number of serious significant issues and it is likely that the first report and proposition to be brought by the Minister will establish the main strategic decisions that the States have to make about housing.

3.14.1 Deputy R.G. Le Hérissier:

With the tantalising glimpse that the rapporteur has given us of the report, could he say whether the report has been much more radical than they expected and it will lead to major changes with housing policy and the Housing Department?

Deputy S. Power:

I am not sure if the word "radical" is a correct word. I can say to the Deputy that the Housing Department in its present form is unsustainable, and I say that because the Housing Department has to sell stock to maintain stock and we have a finite resource in the amount of stock we have. We have to address the prospect somehow for the future in how the Housing Department maintains a stock of something in the region of £900 million worth of stock with access to a rent figure in the region of £10 million to £11 million a year. It is simply unachievable, so the report deals with this in a number of ways, and when this is released the department will be very, very happy to listen to Members reactions to the options being recommended.

3.14.2 Deputy T.M. Pitman:

Would the Assistant Minister confirm or deny reports that one or 2 less complimentary aspects of the Whitehead report are in fact being revised, some might say airbrushed, prior to general consumption?

Deputy S. Power:

Professor Whitehead has been studying Jersey's Housing Department for well over a year now and there have been a significant number of economic factors that have changed the way that the future of Jersey's Housing Department is to be looked at. I think airbrushing is probably too dramatic a phrase to use, however, I can advise Deputy Pitman that the report started long before I became an Assistant Minister and it has evolved from where it started to where it more or less is now and there have been some changes, but I think airbrushing is an incorrect use of the phrase.

3.14.3 Senator A. Breckon:

The Assistant Minister has said in answer that it has taken well over a year. Can he say how long the report has taken and what was the reason for the delay?

Deputy S. Power:

The report has taken too long. There have been factors to do with global economic conditions which affect the way Jersey's housing stock is being looked at. Professor Whitehead looked into other areas of housing stock within the U.K. and other areas that were comparable to Jersey, but I think the answer to Senator Breckon's question is, it has taken too long and I have been in the department for 10 months and I have pushed very hard to get this report concluded and it will come out this month.

3.14.4 Senator A. Breckon:

I wonder if the Assistant Minister could expand on what global economic conditions have to do with States rental housing?

Deputy S. Power:

The parameters on which the study of Jersey's housing stock was first commenced changed. For instance, the sell off of social rental stock, one of the big things that changed the success or otherwise of that was the fact that people suddenly had very great difficulties in getting mortgages so one of the areas that has changed the way we look at the way the Housing Department conducts itself would be in that area and there are other areas as well.

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

Will the Assistant Minister advise the House what was the agreed cost for this report and whether the increase in time to prepare it has meant an additional cost to the Housing Department and can he confirm what the cost in total has been?

Deputy S. Power:

I can tell the Constable of St. Lawrence that I do not know the cost. The review started before I became involved in the Housing Department and as it is an academic report, I have not had any input into the composition of this review and I deliberately stayed away from it because it has to be an academic report. If I have left something out, the Constable will remind me.

3.14.6 The Connétable of St. Lawrence:

If the Assistant Minister cannot tell the House today what the total cost of the report has been, will he give a commitment please to come back to us when he has found the information?

Deputy S. Power:

Yes, the Constable did ask me whether there was an increase in the cost of the report because of the extension and delays. I do not know the original cost and I do not know any additional costs, but I will find out and report back to the Assembly.

3.14.7 Deputy D.J. De Sousa:

The Assistant Minister, in answer to one of the questions already put, touched on the fact that the way the Housing Department currently runs it cannot continue in this way. Is it not a fact that because such a large proportion of the department's revenue goes to Treasury to supplement budgets that the previous Ministers that have been in charge at the department have been weak in fighting their corner and not retaining a higher level of their revenue to carry out maintenance of the properties?

Deputy S. Power:

Very briefly, the Housing Department's annual rent is about £35 million. Of that £35 million, about £23 million is returned to Treasury and to Social Security for the housing portion of income support. In relation to Deputy De Sousa's about the Housing Minister and previous Committee Presidents, I really would have great difficulty in commenting on the rights and wrongs of previous Committee Presidents' decisions or previous Housing Committee decisions, but I think it is fair to say and I think Members will have me on record as saying I am not happy with some of the decisions that were made in this Assembly and approved by the majority of Members in this Assembly that have put the Housing Department where it is today. It is absolutely impossible to maintain a large portfolio of housing stock approaching £900 million with something in the region of £10 million a year and that is why the department is in the position it is in. It is impossible to go on ...

3.14.8 Deputy R.G. Le Hérisier:

Could the Assistant Minister confirm whether or not the issue of the housing trusts' relationship to the Housing Department and housing policy has been fully covered and could he tell us what the outcome is?

Deputy S. Power:

The relationship between the Housing Department and the housing trusts has been addressed in the report. It does make some recommendations and obviously I am not in a position to do that because the Council of Ministers have not considered the report, but it does make some recommendations and a way forward which will be decided by this Assembly some time in the next 6 to 9 months.

3.15 Deputy S. Power of the Minister for Economic Development regarding queues at check-in desks at Jersey Airport

Given that passenger queues at the airport are often out the door of the departure terminal at peak times during the summer, what action, if any, will the Minister be taking to encourage Flybe to make more check-in desks available for the customers during the summer or adopt the common user terminal technology known as C.U.T.E.

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

I see the Deputy is gamekeeper turned poacher in a matter of seconds. I agree with the Deputy, however, that recent queuing at the airport at peak times was totally unsatisfactory. Airport management have discussed this matter at the highest level of Flybe to help ensure that the problem is resolved. Discussions have been open and constructive and will continue in early November when the airport is hosting a workshop for all airlines, ground handlers and retail partners. The aim of the workshop is to help improve customer service and ensure a better and more streamlined process for passengers. I am also delighted to confirm that Flybe is currently connecting to the new C.U.T.E. technology at the airport.

3.15.1 Deputy S. Power:

I wonder if the Minister would be prepared to comment? The number of the people who have queued out the door of the terminal building during August and early September was unacceptable and we run the grave risk of these people never returning to Jersey if they are treated in this way, trying to get on a flight, 12 or 13 flights, midday Saturday and Sunday. It is a P.R. (Public Relations) disaster for the Island. Would the Minister not agree?

Senator A.J.H. Maclean:

Yes, I would agree. I think one person queuing outside of the terminal building is unacceptable, let alone the queues that we saw at the time. So, I do agree with the Deputy's sentiments that the problem has to be resolved and we are doing what we can in discussions with Flybe in order to do so.

3.15.2 Deputy R.G. Le Hérisier:

I wonder if the Minister, when his airport manager saw the queues building up, can he inform the House whether they immediately contacted Flybe's management in order to see whether the matter could be resolved or did they allow the situation just to grow and grow?

Senator A.J.H. Maclean:

It was not just a question of allowing the situation to grow and grow. I can confirm that the airport staff did contact the duty officers with regard to Flybe and there was a collective effort in order to try and resolve the problem. It was far more deep rooted than something that could be resolved in a matter of minutes, but we need, as I said a moment ago, to find an acceptable solution in discussions with Flybe to ensure this does not happen again. It is not an acceptable position.

3.15.3 The Deputy of St. John:

Given in the 1990s when we extended the airport terminal to take additional check-in desks, et cetera, and we had a million tourists per annum plus at that time, we now have 50 per cent less in 2009 than we had then, how can this have come about? Will the Minister please explain, given that he has already told us that we have got 2 new operators within the terminal selling goods, he mentioned La Mare Vineyards and another a few moments ago, will he please tell how come we have now a building which is too small for people to stay in given the huge size the building was?

Senator A.J.H. Maclean:

The Deputy is conflating issues here. First of all, I would comment, there is no shortage of check-in desks. The issue is more a question of airlines' utilisation of desks and that is the basis of the conversations that are being undertaken at the moment. I repeat there are no shortage of check-in desks and it really is a matter for the airlines in discussions with the airport to resolve. As far as the second part of the Deputy's question regarding the retail area, there is plenty of space in the retail area once passengers pass through. There is plenty of seating available, despite recent media comment, both upstairs and downstairs. I do not feel there is a shortage of space at all in the new retail environment.

3.15.4 Deputy S. Power:

Final question for me. Is the Minister aware that during the periods of check-in delays and frustration that some check-in staff were reduced to tears on these weekends because of stress dealing with unhappy members of the public? Can he make sure that no airline puts their staff in this position again?

Senator A.J.H. Maclean:

I can imagine that it was extremely stressful for the check-in staff. It is not for me to ensure that that is the case. I think that we should bear in mind first of all it is not the airline staff necessarily, it is the ground handling staff. They are the ones that we should feel sorry for. It is a matter that needs to be resolved collectively between all the parties involved in checking people through the airport. It is a problem that is being worked on and it needs to be resolved.

3.16 The Deputy of St. Martin of the Minister for Treasury Resources regarding the reinstatement of Haut de la Garenne

Will the Minister give an update of the work being undertaken by the Officer Working Group established to review the various options for the future of Haute de la Garenne and advise whether the property has been reinstated and if so what was the final cost?

Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

Members may remember that the Officer Group was formed to bring forward recommendations for consideration by Council of Ministers. The group met on about 3 occasions and in May of this year

reported its initial recommendations to the Council of Ministers. Basically it was agreed that limited restoration works would be carried out and short term uses of the building would be allowed, such as by visiting military groups and in particular the lifeguards. That is really until such time as the long term future is resolved. As regard to the restoration, the building has now been partially restored, such that most of the bedrooms are now usable, as is the majority of the ground floor and external space. The cost of those particular partial restoration works is just over £31,000. In addition, we have spent about £30,000 in maintaining the security of the site during and immediately after the police investigation. The lifeguards have been based in the building over the summer months and obviously that saves them costs from staying elsewhere and there have been some visiting military groups that have used it on a very ad hoc basis for very short periods of time. I would like to take the opportunity to thank the Connétable of St. Martin and the St. Martin's police for their support in keeping an eye on the building.

3.16.1 The Deputy of St. Martin:

The Assistant Minister mentioned the fact that a report had gone to the Council of Ministers in May. Is the Assistant Minister in a position to say if a report came back from the Council of Ministers, because I think he probably agrees that the sooner we can get a long term future agreed the better.

Deputy J.A.N. Le Fondré:

As regards to the long term future, I think I agree with the Deputy of St. Martin, it would be very nice to get that all resolved. It was essentially a briefing to the Council of Ministers. The decision that was made at that time was essentially to do some short term work, which is the limited restoration works that have been performed, and obviously to allow some ad hoc short term uses of the building from an accommodation point of view.

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

I wonder if we could ascertain what progress if any has been made to re-establish the youth hostel facilities in the Island that was disrupted as a result of the inquiry that was going on and what the likely future is for this re-establishment.

Deputy J.A.N. Le Fondré:

Obviously, the youth hostel facilities are slightly different from the operator that was operating from Haut de la Garenne initially, which was the Youth Hostel Association, and there are obviously other associations as well. My understanding is that obviously it has caused problems from the Youth Hostel Association's perspective, but that they were going to be in discussions with representatives from the Officer Group, but in particular Economic Development, to find another location to operate from within the Island. I have to say, because I look at it from a property management point of view, I am not up to speed as to what has happened once it had gone out the remit of Haut de la Garenne. Hopefully that answers the Deputy's question.

3.17 Deputy J.M. Maçon of the Minister for Economic Development regarding the definition of sustainable economic growth

Would the Minister give his department's definition of sustainable economic growth?

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

Sustainable economic growth in economic terms is the rate which does not lead to accelerating inflation. This would normally relate to the trend, kind of average rate, of growth over the economic cycle.

3.17.1 Deputy R.G. Le Hérisier:

The Minister very cleverly worked in "economic terms". I wonder if the Minister could define how sustainable economic growth is linked to environmental sustainability.

Senator A.J.H. Maclean:

I think the easiest way to explain that for the Deputy would be the basis of productivity growth. We believe that productivity growth ensures that environmental requirements are met and also constrained, as we do. In fact, it should be noted that we constrain our growth by constraining the introduction of people into the economy and the use of land. All these things arguably constrain the growth and you can see over the period, the economic cycle for say 2000 and 2008, G.V.A. (gross value added) averaged about 1 per cent, which is lower than you would expect in many other economies, because we control those external factors like population.

3.17.2 Deputy R.G. Le Hérisier:

Just a supplementary, would the Minister say, for example, whether he sees increasing the rate of local food production as an integral part of sustainable economic / environmental growth.

Senator A.J.H. Maclean:

Yes, I think that would be excellent and is indeed a route we are keen to see. The introduction of allotments is one example where we are looking to do that and I think there are other opportunities to ensure that we are more sustainable within the constraints of our own land mass.

3.17.3 Deputy M.R. Higgins:

The Minister in his answer to Deputy Maçon mentioned the trend rate. Could he explain to the House what the trend rate is in Jersey? For example, in the United Kingdom 2.5 per cent is the normal trend. Would he first of all tell us what the trend rate is in Jersey and what he thinks would be unsustainable?

Senator A.J.H. Maclean:

Yes. I think I answered that question a moment ago. The trend rate in Jersey between 2000 and 2008, which is arguably from peak to peak, is 1 per cent G.V.A. As the Deputy has pointed out that is below the U.K. rate, partly because we control factors like migration, which has a constraining factor on our growth.

3.17.4 Deputy M.R. Higgins:

Just following through. Again, what would be unsustainable? Obviously the Jersey economy was growing in the previous 2 years by 7 or 8 per cent. Does he believe that is sustainable?

Senator A.J.H. Maclean:

That is exactly the point about looking over the economic cycle. Yes, we have seen economic growth. In fact last year, 2008, it was 2 per cent. It came down significantly. The previous 2 years, the Deputy is correct, it was at 7 per cent. But over the economic cycle, and that would be the period from peak to peak or indeed from trough to trough, between 2000 and 2008 averaged at 1 per cent, which is below what you would see in the U.K. because we constrain issues like migration.

3.17.5 Deputy D.J. De Sousa:

Twice now the Minister has said we control population. The last census that we had was in 2001. We have still got a couple of years until the next one. We do not know the level of population, so how can he tell the House that we have controlled population?

Senator A.J.H. Maclean:

There are many other mechanisms used other than censuses to get a feed on what the population is doing. We get, for example, a very good read through the Regulation of Undertakings, we get requests for increased population, requests for business to increase their staffing levels and so on. There is a whole raft of data available through the Statistics Unit which gives us a good indication of what is happening with regard to migration.

3.17.6 The Deputy of St. Mary:

Because we have heard that sustainability equals continuous, can the Minister confirm that his definition of sustainable economic growth excludes environmental destruction and pollution anywhere in the world and labour exploitation elsewhere?

Senator A.J.H. Maclean:

Sorry, can the Deputy repeat that? I missed it. [Laughter]

The Deputy of St. Mary:

Can the Minister confirm that his definition of sustainable economic growth excludes environmental destruction and pollution anywhere and labour exploitation?

Senator A.J.H. Maclean:

I think it is fair to state that my view or the department's view of sustainable economic growth takes into consideration environmental issues within the Island which is absolutely appropriate and it is indeed constraints within the Island that we are concerned about.

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

The Bailiff:

We now move to questions to Ministers without notice and the first period is to the Minister for Social Security, Deputy Trevor Pitman.

4.1 Deputy T.M. Pitman:

I should say that my question is about public perception and not an accusation. Nevertheless, given that some people wrongly tag all of those needing to claim benefits as scroungers or as playing the system, could the Minister just clarify that neither he or his Assistant Minister are among those Members of the Council of Ministers seemingly not content with claiming States' expenses but are also using and getting their BlackBerry bills paid on top of this at the considerable expense of the taxpayer.

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

I certainly would not want to associate myself with the sentiment that all those people receiving benefits are scroungers. That is certainly not to my understanding. I think it is a matter of public record that I have and use a BlackBerry provided by my department. I think it is also a matter of public record what my 6-monthly bill was. I cannot speak for my Assistant Minister. However, I would say that the assumption of the question was that I also claim my States' expenses and that is not the case.

4.2 Deputy J.A. Martin:

Could the Minister for Social Security inform the House since the end of the school academic year this June how many 16 to 18 year-olds have approached the department on the Actively Seeking Work scheme which allows them around £90 a week and of those young people how many have been passed on to the excellent scheme from Economic Development that will enable them to have the £90 a week, but work 3 and a half days and attend college for one and a half days, as I think it is a very good scheme.

Deputy I.J. Gorst:

I would agree with the Deputy that it is a very good scheme. It comes out of the Skills Executive of which I am a member. It is my understanding that there are roughly 153 possible places on that scheme. It has been funded via the Economic Stimulus package. Unfortunately, I cannot tell the Deputy exactly how many people have approached my department, but people approaching my department are referred to the careers service, which are running the scheme. I can, however, tell her that to date there are 53 people on that scheme and people continue to be referred to that

scheme. It is an excellent scheme which aims through the course of the year to ultimately help people get into work through training and on the job experience.

4.2.1 Deputy J.A. Martin:

Sorry, supplementary. The actively seeking work that are not on the scheme ... How many 16 to 18 year-olds are claiming this? Again, my concern is that it has not been well publicised, they are not being directed to Social Security and therefore they are not being directed to the excellent scheme being run by Economic Development. So the numbers, if the Minister has them, and if not I will have the numbers later.

Deputy I.J. Gorst:

I am quite happy to see if I can provide those numbers for the Deputy because I do not have them with me today. I am told by Education that all those pupils within their system were told of their eligibility, if they were going to be eligible for income support they were also told about the apprenticeship schemes and the new schemes coming forward, as I say, promoted by the Skills Executive but funded by the economic stimulus package.

4.3 Deputy R.G. Le Hérisier:

Given the announcement from both British political major parties that they will be giving substantial assistance with regard to residential care, given the Guernsey insurance scheme for residential care, given that the department is developing a system and proposals to finance a continuum of care both in the community and residential care, would the Minister tell us when these proposals are going to surface and when will this House be presented with a policy which it can either approve or not.

Deputy I.J. Gorst:

I do not like having to come to this House continually saying we are not quite there, but unfortunately in this instance I have no choice because we are not quite there. We are mostly there with the Green Paper. Unfortunately, as we have already heard from other departments this morning, even if it is mostly there from a department it then, unfortunately, has what perhaps can only be described as a slightly bureaucratic process before it comes to Members and that is it must go to Treasury. It must go to the Corporate Management Board, and then it must be presented to the Council of Ministers for comment, as we heard from the Housing Department. So that unfortunately builds in some delay. I am not happy about that. I believe that that policy was agreed by the previous Council of Ministers. I believe that it needs to be reviewed, because it does add unnecessary delay into something which needs to happen quickly. Unfortunately that then means that I am aiming for a date at the Council of Ministers in November. After that it will be presented. I am not sure whether there were earlier parts of that question regarding other political parties' proposals. As I understand them, we are about to approach an election period in the United Kingdom and we seem to be in that season of parties making suggestions or pledges. Most of those pledges seem to be around a premium approach to this problem, i.e. an individual pays what in effect might be a lump sum insurance premium and then gets cover should they need it later in life. That is not like the Guernsey system, but Members will ultimately, and I hope the public, be able to choose what is most appropriate for our jurisdiction. I suspect that a more like a Guernsey approach would be more acceptable than the upfront premium approach, but that will be part of the public debate.

4.4 Deputy D.J. De Sousa:

Since being elected last year, I have asked the Minister several times if he would consider reversing the previous Minister's decision to provide free prescriptions for all Islanders. Bearing in mind the recent increase as well in the price of prescriptions, is he looking into reversing this decision and maybe putting the money into funding free doctor's visits for those that need it?

Deputy I.J. Gorst:

I have given my commitment to this piece of work. Even now members of my department are reviewing the prescriptions to gather the information in the format that I require. That is, I have given a commitment that over-65s and families with family members under 5, I do not believe should have the prescription charge reinstated. I therefore need to know what level of benefit will be produced to the fund if we are to reintroduce prescription charges on that middle group, as it were. The department do not have that information to hand. I would intend to introduce a prescription charge to the group in the middle, as it were, between those 2 groups. However, I should say that over-65s and under-5s are the individuals which, in experience, most frequently have to visit the doctor and therefore most often require a prescription charge. So we need to understand what level of benefit will be returned to the fund. How that is used, again, will be a decision for this House and not for me.

4.5 Senator A. Breckon:

I wonder if I may ask the Minister about statistical information. First of all, why there is no pension or other benefit rates posted on the Social Security website? Secondly, when the unemployed statistics will be available for August this year?

Deputy I.J. Gorst:

I must admit I am not an avid internet browser. I cannot say why those rates are not there. I shall ask departmental officers why that is the case and put them there, because they have recently been, as the Senator knows, up-rated and while they are a matter of public record they should be on our website so that people can easily access them. With regard to the actively seeking work numbers for August I am afraid they should be there. I have a copy in my pack. We are aiming to get them on the website and released around the 20th to 25th of every month. So they should be there. I will ensure that they are there by the end of today.

4.6 Deputy S. Pitman of St. Helier:

Would the Minister inform the House whether or not he does private work outside of his political role and if so to what extent?

Deputy I.J. Gorst:

I am not certain whether this is in relation to my portfolio as Minister for Social Security and whether it is strictly relevant. However, should the Deputy care to look at my declaration of interest - which is lodged with the Greffier at Morier House, which as I understand it is a publicly available document - she will be aware that I am retained by an accountancy practice on this Island and undertake work for them. I am careful, I hope, always to make sure that I make a declaration of interest in this House should there be a conflict during a debate.

4.6.1 Deputy S. Pitman:

I do think it is appropriate as his role as a politician, as I have tried to work with him on a number of cases with people who have problems with income support and other benefits and he has either taken a very long time or has not replied to me and those people. I also understand other colleagues have had the same problem. So I want to know if his work is impinging on his work as a Minister.

Deputy I.J. Gorst:

I hope that it is not the case. I do not believe that it is the case. I, like many Members, have outside interests, be it paid work or other interests that we are involved in from the charitable sector to the parochial sector and I, like many Members, spend many hours, which members of the public might think are my own free time, working on political matters.

4.7 Deputy G.P. Southern:

What steps has the Minister taken to initiate a fundamental root and branch review of social security contribution levels to include the issue of supplementation over the coming years?

Deputy I.J. Gorst:

As the Deputy will know, being on the Scrutiny Panel with responsibility for my department, that review will be starting next year.

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

That brings questions to the Minister for Social Services to a close. So we move on then to the second period which are questions to the Minister for Planning and Environment.

5.1 Deputy T.M. Pitman:

Can the Minister clarify what, if any, consideration is given to the reasons applicants quote when applying to, say, demolish a hotel to replace with luxury housing? I ask this in the light of being aware of one hotel which we are told is being demolished due to a drop in business, yet the Manager informs me last year was the best year they have ever had in terms of tourism.

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

All applications are considered on their merit and all representations are taken into account. Simply because a hotel is profitable would not in planning terms be a specific reason for refusing consent for conversion or demolition and replacement with residential accommodation.

5.2 The Deputy of St. John:

In the proposed new Island Plan I note that there is a presumption that Thistle Grove will become a big industrial site, something 5 or 6 times larger than is currently on site. Obviously this raises concerns given a new farm was built which will be incorporated in that industrial area only several years ago after having moved from another farm unit. I sincerely hope the Minister will look carefully at not allowing farms to go out of agriculture so that farmers are capitalising on land yet again in these areas. Secondly, within that site, I note there are polytunnels on land which could be returned to agriculture which are being designated as an industrial site. I would like the Minister's views. Finally, will there be a road show around the various Parishes, please?

Senator F.E. Cohen:

The position is that the Island Plan is currently out for public consultation. I would urge the Deputy if he has a particular view on this site or any others to make a formal representation. I can assure him that that representation will be taken into account and will be dealt with by the inspector when the matter is considered in the public domain. As far as a road show, there are no plans presently to take the Island Plan around Parish by Parish, but I can assure the Deputy that there are significant plans for appropriate and proper consultation on the Island Plan. Remember this is the first time that the Island Plan has been examined by an inspector in public so we have that additional level of public consultation within the process. But I would urge the Deputy and any other Members if they have a view to make a representation.

5.3 Deputy G.P. Southern:

Can the Minister assure Members that the consultation process on the Hopkins Masterplan and subsequent parking solutions to enable the development of the town park will be put through as quickly as humanly possible?

Senator F.E. Cohen:

Yes, I can give that assurance.

5.4 Deputy C.F. Labey of Grouville:

Are there any plans to have an agricultural land bank and to monitor the land currently in the industry and if any land is lost?

Senator F.E. Cohen:

The land in the industry is currently very carefully monitored and carefully assessed, both through my department and through work conducted through Economic Development. There is no, as far as I am aware, plan to develop a formal States-owned land bank, however.

5.4.1 The Deputy of Grouville:

Are there any restrictions within Planning when land is changed from agricultural use to leisure use?

Senator F.E. Cohen:

Yes, there most certainly would be, but they would be determined specifically in relation to the application and would be clearly contained and detailed on any planning consent relating to the change of use.

5.5 The Deputy of St. Mary:

What happened to the commitment not to rezone green fields?

Senator F.E. Cohen:

The Island Plan review draft document contains some rezoning. Unfortunately, there is a very fine balance here. It is very difficult. We need to provide some land for new housing and at the same time we also want to preserve the countryside and to preserve green fields. I would say that this is a draft document out for consultation. The final document, the final draft, will of course be the cumulative results of the representations made by the public and of course by States Members, and if the Deputy has a particular view on this matter, again, I would urge him to make a representation and I am sure that representation will be considered by the inspector as the draft plan progresses.

5.5.1 The Deputy of St. Mary:

Does the Minister not agree that it is unfortunate that here again we have rezoning proposals both for brown field and green field sites and we still have no way of controlling the increase or getting at the increase inspector to value and that leads to perceptions in the public which are most unfortunate?

Senator F.E. Cohen:

It would have been preferable to deliver an Island Plan draft document with no rezoning proposals at all, but I am afraid that that just was not possible if we are to adequately balance our housing requirements. All I can say is that we have done our best to minimise the amount of land that we are proposing for rezoning and this is out for public consultation.

5.6 Deputy J.A. Martin:

Can the Minister inform the House of any status of any actual plans submitted on the already rezoned green fields for the housing for over-55s and how many are likely to be coming on line shortly and that amount, please?

Senator F.E. Cohen:

The Trinity programme is underway. There are other applications in at present or coming in at present, but all I can say is that the matter has been significantly delayed because some of the site owners are endeavouring to change the type of housing or swap around the housing on the sites, which we are, as a department, concerned about. It is my view that if there were any significant changes, and I say significant changes, to the proposals for those sites that I would intend to make sure that this House had some say in any such changes.

5.6.1 Deputy J.A. Martin:

Sorry, just a supplementary. When he says changing around, could you give an example? I mean these were specifically for over-55s. Are we talking 4 or 5-bedroom town houses now in the country?

Senator F.E. Cohen:

No we are not. I do not want to be too specific about the particular sites, but where sites were for multiuse, so for example, first time buyer or over-55, open market or over-55 social, there have been some efforts to combine those particular uses on sites where the numbers remain the same, but the uses per site change.

5.7 Deputy A.E. Jeune:

Could the Minister tell us, please, whether when considering approving planning or development applications he considers access and whether it is in fact restricted or reliant on closing of public roads, which might in fact be of detriment to those living in the area?

Senator F.E. Cohen:

This relates to a particular application and I am not entirely sure of the answer. I am waiting for some advice at the moment of whether or not such an issue is a valid planning issue in relation to determining an application. But what I can say is access generally is, of course, of material importance in determining a planning application.

5.8 Connétable G.F. Butcher of St. John:

Could the Minister enlighten the Assembly to the view of the Planning Department in relation to sensitive coastal sites, particularly in view of the demonstration last weekend, whereby there is a building on a site; will the department be looking for a significant reduction in the footprint to gain environmental gain?

Senator F.E. Cohen:

The Planning Department considers the preservation of the coastal zone and the countryside of the utmost importance. The general principles that have been established in relation to the conversion or the demolition of existing commercial sites and their replacement with residential in the coastal areas, is that there has been an expectation of a reduction. However, there are one or 2 cases of which I am aware where residential units on the coastal zone have been replaced with new residential units that are significantly larger. So all I can say is over a period of time this must be considered on a case by case basis. But I think it is very clear that presently the move is towards restricting development in the coastal zone and being more careful with what development is allowed and the standard of that development and I am sure that the Island Plan when it concludes through the consultation process will reflect that public mood.

5.9 Deputy J.A. Hilton:

An application to build homes on field 1248 at La Pouquelaye was referred to the Minister from the Planning Applications Panel a few weeks ago. Is the Minister able to indicate when he might be making a decision on that application, please?

Senator F.E. Cohen:

I am waiting on some advice from officers presently and I will announce my decision very shortly.

5.10 Deputy D.J. De Sousa:

Bearing in mind last week's decision regarding the Plémont headland and the old holiday village, will the Minister assure the House that he will be looking to liaise with people rather than just coming in with the ministerial decision over the top of this?

Senator F.E. Cohen:

I am very sorry. I do not really understand what the Deputy is getting at? Perhaps she could explain a little bit more clearly.

Deputy D.J. De Sousa:

It was intimated last week that although this decision was turned down for building, the Minister could override that decision and go ahead with the plans that have been put in.

Senator F.E. Cohen:

I think that it is most unlikely that that would occur.

5.11 Deputy J.A. Martin:

It is just to go back. I want a reassurance. I have full faith in this Minister for Planning and Environment who says that of the already rezoned sites if there is very much deviation from what we agreed in this House it would come back. I am concerned that in 2 years' time Senator Cohen may not be the Minister for Planning and Environment. Is there any way we can get an assurance that if these sites are not developed in the next 2 years everything will have to come back to this House?

Senator F.E. Cohen:

I am not sure that that assurance can be given, but I would be deeply disappointed if all the sites had not progressed through to the point of planning consent within 2 years. It does, so far, seem to be an extraordinarily slow process, but I am afraid that that is often the case when a development and commercial interest are involved.

5.12 The Deputy of St. Mary:

Does the Minister not agree that this apparent policy of we will build on the coastline as long as the building is beautiful, is contrary to what the public want and will he not take direction from the public and say that building on the coastline is in principle not desired?

Senator F.E. Cohen:

My general view is, and of course there always will be exceptions, that there should not be new building on the coastline where there are presently are no buildings. However, if someone makes an application in relation to an existing building the Minister for Planning and Environment and the Planning Department cannot take away their property interest and the property owner is entitled to make a planning application for really whatever they want. It is up to the Planning Department to ensure that we represent effectively in the long term the collective view of Islanders. That is what I am endeavouring to do. If we are going to allow building on the coastline then let us make it exceptional and let us make sure that we ensure that it is delivered to the highest standard.

5.13 The Deputy of St. John:

Will the Minister confirm or otherwise if he would be happy for the Environment Scrutiny Panel to review the final draft of the Island Plan when it is ready?

Senator F.E. Cohen:

I am delighted for Scrutiny to take whatever course of action it wishes in relation to the Island Plan, and I will endeavour to assist them in every way possible.

The Bailiff:

Very well, that concludes the time for questions to the Minister.

Deputy I.J. Gorst:

Sir, perhaps in answer to a question earlier I said that I was not an avid browser of the internet. It would appear that the questioner themselves is neither because both the documents that were referred to as not being publicly available on the website are in fact publicly available on my department's website and on the government.je website.

PUBLIC BUSINESS

6. Millennium Town Park - funding from the Stabilisation Fund (P.135/2009)

The Bailiff:

The first matter on the Order Paper is the Millennium Town Park - funding from the Stabilisation Fund, P.135 lodged by Deputy Southern. The Greffier will read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 5th December 2006 in which they approved the establishment of a Stabilisation Fund and to request the Minister for Treasury and Resources to lodge a proposition in accordance with Article 4A(2) of the Public Finances (Jersey) Law 2005 asking the States to agree to transfer £10 million from the Stabilisation Fund to the Consolidated Fund, to provide funding in 2010 for the proposed Millennium Town Park project as part of the economic stimulus package.

Connétable P.F.M. Hanning of St. Saviour:

Excuse me, Sir, can I declare an interest on this one?

The Bailiff:

Very well.

The Deputy of St. John:

Can I do the same please, Sir?

The Bailiff:

What is the interest? Fair enough, you have properties on the site where the town park will be.

6.1 Deputy G.P. Southern:

Despite in this issue on, which I believe this House has already decided, and despite referring to the M.T.P. (Millennium Town Park), I was thinking about the name of the park last night and I suddenly had an inspiration. I had a vision of the gates somewhere near the old sign board that says, increasingly tatty "Ringbinder Park". I can imagine some old Jerseymen taking somebody around the park and telling him the tale about this famous entrepreneur and philanthropist who managed to donate £10 million to the newly named Ringbinder Park and how proud we were of it. However, without wishing to labour the point, as I said before, I believe that the decision has already been taken by this House on funding and to start us off I just want to read an email exchange with the Chief Minister that I had last week. It says: "Terry, I am aware that the Council of Ministers met yesterday. I assume that you discussed M.T.P. funding and the second debate on Monday (now Tuesday). Can you tell me what approach you and the Council of Ministers are taking on this issue? I sincerely hope that you will not be seeking to effectively sabotage the debate with rescindment or equivalent. That would risk total condemnation in the eyes of the public. I am aware too that there are significant problems in delivering the M.T.P., not the least of which is sorting out the parking. I need to respond appropriately on Monday (now Tuesday). Do I face a 3 hour debate or what? I would appreciate your co-operation." Now I hope we are not going to have a 3 hour debate like we had last time. The response came: "The Council of Ministers did indeed meet yesterday and I can confirm that the Council of Ministers had no intention of bringing any such rescindment motion. **[Approbation]** Our objective is to have a full and open consultation on the North of Town Masterplan, including parking constraints. As to your proposition that asks that the Minister for Treasury and Resources takes funds from the Stabilisation Fund. Having argued

strongly in the previous proposition that this proposition was unlikely to be delivered in a timely way it would be unrealistic now to support the proposition to take £10 million from the Stabilisation Fund. The Minister for Treasury and Resources will be reviewing options for re-jigging the capital programme in future years. With the certainty that the £10 million is now secure might it not be simpler for me simply to withdraw the proposition?" Well, no, it would be obviously simpler for me to withdraw. However, I believe we can have a straightforward debate today and confirm the decision that we have already taken. So what had we decided last time we discussed the Millennium Town Park? We decided, as a House, that we would go for the largest possible green space over Gas Place and Talman. We decided that building on the town park was inappropriate. We do not want it closed down, enclosed, boxed in. Therefore, the funding proposal, that it be funded by planning gain, was also decided. We decided that the funding was to come from the Stabilisation Fund, as it clearly said in my proposition ...

Senator P.F.C. Ozouf:

I do not want to interrupt the Deputy, but can I get a ruling from the Chair, the intimation has been given by the Deputy's remarks that a load of decisions have been made that clearly have not been. There was no agreement from the Stabilisation Fund, what this debate is about. There has been no agreement in relation to the site of the town park. Those are all debates to be had subsequently.

Deputy G.P. Southern:

I have started. I will not give way. I am on my feet. I am not giving way. Is there a point of order? Is there a point of clarification? Can I just read from the proposition that I brought?

The Bailiff:

The last proposition?

Deputy G.P. Southern:

The last proposition, yes. Down in financial or manpower implications the sum of £10 million to be taken from the Stabilisation Fund, and it continues. It is clearly on the amendment to the Business Plan that the indication was and certainly the proposition that we are debating today had been lodged. It is clear what my intention was and the decision of the House was.

The Bailiff:

With regard to the point of order, the position is that you made your position clear, Deputy Southern. It will be for the Assembly today to decide whether it wants to agree to your current proposition. That seems to be the position.

Senator P.F.C. Ozouf:

It is a matter of procedure of this Assembly that we agree the terms of a proposition. What is in a report is by way of information. The Deputy was suggesting that the decision had been made. I wish to get clarification that the decision has not been made.

The Bailiff:

A decision has not been made, although the Deputy made it clear all along the basis on which he would be asking the States to agree the funding of the £10 million. You are absolutely right. No formal decision has been taken. That is a matter for the Assembly in this debate.

Deputy G.P. Southern:

Nonetheless there was a clear indication that the funding was to come from the Stabilisation Fund. We all agree that finding a solution for the parking is the problem, because that has always been the bugbear about how do we replace the parking, either on a temporary basis in order to construct the park or on a permanent basis so that parking is catered for. For that we have to turn, I believe, to the Hopkins Masterplan, which states clearly on page 38 and throughout the document, that past

proposals for car parks at the Ann Court and Gas Place site have assumed that funding for car parks should be met by the Car Park Trading Account. Now, I have not managed to find out quite how much is in the Car Park Trading Account at the moment, but certainly in principle that is how we pay for public car parking. **[Approbation]** It then goes on to say: "In focusing on north-east St. Helier we are faced with effacing the existing Gas Place commuter and residential overnight car park with its 390 spaces. The Talman private car park spaces will not be replaced. Both are lost to make way for the new town park." That seems to contradict another statement through there. But solutions are proposed. So it talks about underground car parking. The Masterplan proposes to accommodate 450 parking spaces in a single level basement car park below the entire site. The 450 spaces are split the following way: commuter, residents, short stay. In addition there is to be some 200 spaces at Ann Court, it says here. It suggests, on page 82: "200 of the 240 spaces in the underground car park below Ann Court are proposed for short term parking with the remaining 40 spaces allocated to residents living in the development above." So solutions to the parking problem are proposed in a variety of forms in the masterplan. If we examine options 1 to 6 that we are to consult on and what we have done is given a large steer to that consultation that the solutions to the North of Town Masterplan must start with a prioritisation of the town park. Option 1 has been abandoned, full town park plus Ann Court's 631 car parking spaces in a high rise. That has gone by the board, I believe. Then we are talking about option 2, 450 spaces. Option 3, 450 spaces. Option 4, 450 spaces. Options 5 and 6, 450 spaces. So, substantial planning to work out how we can cater for the parking need as well as the town park. That is indeed the issue. The question over funding from the Stabilisation Fund is multifaceted. Back in 2009 it was clearly the intention of the Council of Ministers to deliver the town park by 2012. So we are talking starting the work 2010, 2011, 2012 we should have the Millennium Park. At the time some £7.5 million was allocated for the 2010 Business Plan. That has been withdrawn, but nonetheless that £7.5 million was the money to start the park, start the process and deliver by 2012. There is no fundamental reason why, given the will, the political will, that schedule should be further delayed. But the 3 conditions, and there is argument about this, as to how well or how accurately the use of the Stabilisation Fund fits the 3 conditions, the 3Ts laid down by the Minister for Treasury and Resources, timely, targeted and temporary. There is no major argument, I do not think, with the Chief Minister or the Minister for Treasury and Resources over temporary. It is clearly a valid development which could be put in place and is a one-off spend by and large to create the park. But over timely, the report requires discretionary fiscal stimulus that expect it to be timely, action should start immediately to have an impact as quickly as possible. We are now in October 2009 and the question I have to raise is how many initiatives and how much of the funding has already been allocated from the £44 million that we are supposed to be spending and/or the remaining £70 million that is in the Stabilisation Fund? How much has been allocated and delivered so far, if we are talking about timely? Because in the latest comments on my proposition it says: "Time. It is estimated that works could not commence on site before January 2011. Fiscal Policy Panel specifies a 6 to 9 month window with all work to commence on site before 1 July 2010." Really? Is that condition met for the spends that have been agreed or the spends that are in the pipeline? The proposal therefore does not satisfy the timely criteria. I would argue that with the political will it can be made to satisfy the timely criteria. That it should be targeted: "Targeted. Policy should hit the intended target, whether it is to support activity and employment in the Island, support those supposedly affected by the downturn or implement projects which have intrinsic benefit." Absolutely intrinsic benefit in a town park; absolutely no doubt and the target is there. However, in the comments from the Minister for Treasury and Resources we find targeted the first activity is the remediation of the contaminated ground below the site: "This work accounts for more than 30 per cent of the project value, is specialist in nature and could not be undertaken by on-Island contractors. The proposal does not therefore satisfy the targeted criteria." Oh, yes it does. While it is admitted that a third of the spends effectively would suffer from leakage to a foreign company. The targeted definition says: "Policy should hit the intended targets, whether it is to support activity and employment on the island." Two-thirds of it could do that. "Support those most adversely affected by the downturn."

It is not intended to do that necessarily. It does not say “now” and it says “or”: “Or implement projects which have intrinsic benefits.” Now, that is targeted and no one can deny that the town park with subsequent regeneration around it is and has intrinsic benefit. It is almost, all agree, fairly well of a temporary nature. In the comments of the Minister for Treasury and Resources, the Minister states: “This proposition increases the sum allocated within the Stabilisation Fund for discretionary fiscal stimulus from £44 million to £54 million in order to provide £10 million for a town park.” He then goes on to say: “The consequence of the Minister bringing this proposition and the States agreeing it is that less will be available in the Stabilisation Fund to meet automatic stabilisers, the fall in tax receipts in the recession.” That is true. But are those stabilisers accurately and definitively defined? Are they measured? No, they are a projection. “The Stabilisation Fund will run out earlier than it would otherwise which would then require the States to reduce spending or increase taxes.” Stabilisation fund to run out? We have got £110-plus million in it. We are due to spend £44 million. How much of it has been spent? We do not know. Is all of this £10 million extra spend? I am not sure that it is. The alternative, because the States has already agreed to allocate £10 million to the town park, if the States rejects the proposition, the £10 million will still be allocated to the town park, but this money would come from the Consolidated Fund, which would then run out earlier than it would otherwise requiring the States to cut spending or increase taxes. So we have decided to spend £10 million. The choice is the Stabilisation Fund or the Consolidated Fund. How much is in the Stabilisation Fund? £110-plus million. How much has been spent? Question mark, we do not know. Or the Consolidated Fund. How much is in the Consolidated Fund? I do not know. Is it £110 million? Oh, no it is not. It is far from that. Why? Because this Council of Ministers decided to empty the Consolidated Fund virtually and spend it on an incinerator in one lump sum, around, £110 million. So, hang on. We spent that money last year. We changed, at very short notice, from staggering the payments - I cannot remember the figures exactly but - around £7 million a year over 25 years, was it? That sort of staggered payment would have left the Consolidated Fund in a very healthy state. We decided, this Council of Ministers decided, to spend that money all in one go. I do not know quite how much is left in the Consolidated Fund, but it is not £110 million. So what is going to run out first? I know what is going to run out first, the Consolidated Fund. Both funds require the States to cut spending or increase taxes. Now we come to a statement, and this is where we have to make up our minds, hence, the ultimate effect of this P.135/2009 is neutral. Ultimate effect is neutral. The States has made the decision to allocate £10 million to the town park, and the decision in this proposition is only whether to charge the £10 million to the States saving accounts or economic downturns, the Stabilisation Fund or to the States current account, the Consolidated Fund. We have made the decision; we are going to spend it; the only decision today is where from. Now, the alternative then, right, in the Stabilisation Fund, over £110 million. We can add the £10 million to the spend, I believe appropriately, or we can take the money from the Consolidated Fund which we emptied last year virtually, and that will run out. So, the decision is, and the final paragraph sums it up: “In recognition of the States decision both to provide £10 million for the town park and also to ensure that income and expenditure is balanced over the economic cycle, the Minister for Treasury and Resources will propose either to delete or defer one or more capital schemes from the future capital programme in order to finance the town park without further increasing deficits.” Members, is that really what we want to do? Let us go into a reprioritisation scheme, let us have Ministers head to head, arguing the toss over what may end up as shroud-waving projects, my sewer line out to St. John, my cancer spending, my education capital spending, and have that whole heart-wrenching debate all over again, as we decide town park versus this important capital project. Ministers, Assistant Ministers, is that the sort of process you want to engage on in the coming year? I do not believe it is. I believe we took the decision last time to spend this money. I believe the case for spending it out of the Consolidated Fund has not been made, not been clearly and legitimately made; that we can use the Stabilisation Fund, and that is what we ought to do appropriately. Anything else will lead to an awful wrangle as we try and reprioritise the capital spending over the coming year, and I do not want to see that happening, because we will be tugging

at the heart strings time and time again over one project versus the town park; and I can predict unfortunately what might happen, as in the past whenever attempts have been made to finally get the funding for delivering the town park, when push comes to shove it will be described as “a nice to have” as against something absolutely essential. Now, I believe it is absolutely essential for the regeneration of St. Helier that we have this park; I believe the best way to ensure that it gets delivered is to vote for this proposition.

The Bailiff:

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

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The Assembly will adjourn and reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - resumption

The Bailiff:

Does any Member wish to speak on P.135?

6.1.1 Senator P.F.C. Ozouf:

I sought a point of clarification on a ruling from you in the earlier remarks of Deputy Southern because I was concerned that this debate had the potential of turning into a debate as to whether or not the town park should or would happen. For the avoidance of doubt, I do not believe that this is a debate about whether the town park should happen; I do not believe it is a debate whether the town park will happen; I do not believe it is a debate about the size of the park; I do not believe it is a debate about the linked development that could potentially arise as a result of the North of Town Masterplan. I think that this debate is about financial rules, whether this Assembly is prepared to stick to them, and more importantly, whether the Assembly is willing to make a public declaration that we are prepared to live within our means. The effect of this proposition, if I was to bring one, would be to increase the Stabilisation Fund discretionary fiscal stimulus from £44 million to £54 million in order to provide the £10 million for the town park. Members will be aware that the Island is facing the possibility, or I would say now the probability, of a structural deficit in our public finances on or round 2012 and beyond. Therefore, I want Members to be aware of that situation when discussing and when debating this issue and deciding upon it later on. The consequence of this proposition, if the Minister for Treasury and Resources was to agree to it, would be that there is less money available in that Stabilisation Fund to meet the automatic stabilisers. The whole of the Stabilisation Fund has been earmarked, £112 million for the downturn in tax revenue, and £44 million in respect of the fiscal stimulus. If the Assembly were to require me, ask me, and I was to accede to that request of reducing the balance of the Stabilisation Fund by a further £10 million, there is an inevitable consequence, and the inevitable consequence is that in 2 or 3 years' time, either spending will be cut or taxes were to be increased. I will deal with the issue of borrowing on investment in a second. If I were to not take any action and if I did not bring a proposition, or if I did bring a proposition to the States in relation to the Stabilisation Fund and if the States were to reject it, then, other things remaining equal, it would mean that the other account of the States of Jersey, the Consolidated Fund, would run out slightly earlier than we thought. I am surprised the Deputy is raising the issue of the incinerator. I am not, for the avoidance of any doubt, against investment and I will consider the case for borrowing for investment, but only where there are projects which could provide a financial return that could be repaid. I think it was the right decision for the avoidance of doubt for the previous Council of Ministers and the Minister for Treasury and Resources to pay for the incinerator from cash balances, because there is not an income receivable on which to repay it over a period of years. The reality is that drawing down and running down the balance of the Consolidated Fund would have exactly the same effect as drawing

down money from the Stabilisation Fund: i.e. when the money runs out, I will have to bring proposals to cut spending, increase taxes or borrow from the strategic reserve. I have to say and be quite frank with Members, the ultimate effect of this proposition is, in cash terms, neutral. It effectively means that we either use up the money on the Stabilisation Fund or the Consolidated Fund quicker: the action is the same. I say that other things remaining equal, that is the case. This Assembly has considered rules about the Strategic Reserve, Stabilisation Fund and the Consolidated Fund, and I think this debate is not really about the town park, because for the avoidance of any doubt, that acceptance has been made about allocating £10 million for the town park next year. There are 2 issues. The first is sticking to fiscal rules; and secondly, there is a linked issue which States Members are sending a signal on in supporting this proposition or otherwise, of whether or not they think that £10 million is an appropriate use of the Stabilisation Fund, and therefore a use for fiscal stimulus. I have to say to Members that, while I am aware that a number of people, including the editorial of today's *J.E.P.*, seem to think that the £10 million investment in the town park is going to be helpful for fiscal stimulus, I cannot agree, and I will come on to that in a second. The spend will, in all probability, I have to say to Members, not meet the States agreed purpose of the Stabilisation Fund. It will not make fiscal policy more counter-cyclical, and hence create a more stable economic environment with low inflation, and I think that we are kidding ourselves if we say that it will. I am clear that a decision has been made to earmark £10 million for the park, and as far as fiscal stimulus money is concerned, I have to say that it fails the test of the criteria of being timely, targeted and temporary. I will come on in a moment to explaining how I think the initial spend of the town park could be accelerated; but the reality is that the early spend, perhaps £2-£3-£4 million is going to be spent on the land remediation, and that is not going to benefit directly the Jersey economy, because it is going to be a requirement to bring in specialist contractors from the United Kingdom to do that. I accept that there is some argument to say that the wages of those staff would be put into the local economy, but this certainly does not fulfil the rules that I have established in relation to fiscal stimulus money. I act in relation to fiscal stimulus money upon advice. I have set up, and I have had endorsed, very strict criteria for fiscal stimulus, something which this Assembly has supported. I am also held very closely to account by the Corporate Services Scrutiny Panel that rightfully scrutinise me and regularly ask me; and I have conducted one very helpful review and am in the process of carrying out a second review in relation to the allocations of money. I am encouraged by the resilience of the Jersey economy in recent months. Labour figures will be published tomorrow. They indicate, I think, that there is an underlying strength to the Jersey economy, but we are nevertheless still expecting there to be serious difficulties. The labour market is very weak, and I remain ready and prepared to act over the next 6 to 9 months, particularly in relation to construction projects where there is a capacity gap. I am afraid that the town park does not fit the criteria of the fiscal stimulus funding, and I think that that is an important piece of honesty that this Assembly needs to bear in mind in making this decision. I also think that there is an important issue of precedent. I have repeatedly said in the Business Plan debate that I need to be the financial conscience of the States; and I have to say that it is my very strong view that if we can break the rules for the Stabilisation Fund and break the rules for the fiscal stimulus money for the town park, although the town park is a beneficial project of which there has been clear consensus to deliver it, to pay for it and by kidding ourselves that this is fiscal stimulus money, I am afraid would be breaking rules that the States Assembly has set, and does not have my support. I have to say to Members that if Members want to agree with Deputy Southern's proposal, then we might as well not bother to have a Stabilisation Fund. We might as well simply have one big bank account and operate our public finances on that basis. I seem to recall that Deputy Southern opposed the creation of the Stabilisation Fund. He has already had one attempt at using the Stabilisation Fund for the town park. This is the second time that I think that we are having this debate; I think there was a debate already on whether or not fiscal stimulus money could be used for the town park. I am happy to give way if he wishes.

Deputy G.P. Southern:

I do not believe I have done that before apart from bringing you this amendment to the budget, to the Business Plan, and ... no.

Senator P.F.C. Ozouf:

I seem to recall that Deputy Southern already has made one set of proposals in relation to the Stabilisation Fund but, frankly, it matters not. This is a difficult thing for me to say, but I need to say to Members that rules have been established in relation to the use of the Stabilisation Fund, they have been accepted by this Assembly and I am not willing to break those rules. I cannot think and I cannot conceive any scenario in which I would bring forward a proposition to break fiscal rules that have already been adopted by this Assembly, and I have to be a conscience. Ministers must lead and they must set an example, and in bringing forward a proposal to break the rules of fiscal stimulus, to break the rules of the Stabilisation Fund, would for my part, be a point that I would not be prepared to do. I accept from a simple cash flow point of view, if you do not want fiscal rules, then it is financially neutral. But this Assembly has asked me to set up fiscal rules; this Assembly has me to apply rules for the Stabilisation Fund; this Assembly has asked me to act and to adhere to the advice of the Fiscal Policy Panel, and to act upon advice, and to do so would be to effectively tear up the rule book, and I suspect, with the greatest of respect to Deputy Southern, that he does not want to stick to those rules. He has never supported from the start the proposal of the Stabilisation Fund, and he is asking us to break them now. I have to say that I am not willing to do so. If the States wants to find money for the town park by increasing deficits, then I have to say that probably the more honest way of doing so would be to run down the balance of the Consolidated Fund, not the Stabilisation Fund, if that were to be an option. I accept that the States has made a very clear ... I know that there was an issue about one vote being in the decision, but the sense that I have among Members is that there is a clear consensus of delivering the town park; and in fact I think that the only issue that perhaps was different among the majority of Members is the process of timing of it, of whether or not the issue were to be brought forward to the Assembly bringing forward after the States Masterplan. But whatever the case is, the States has allocated £10 million for the town park in the 2010 Business Plan, and I am absolutely going to respect that. The question for me is how do I respond to that, and my response to the Assembly is, and I think that I have no alternative but to do so, to propose that the future capital programmes that would run from the years of 2011 through to 2013 are effectively reprioritised. What the States I think has given a clear instruction of is that the town park is a high priority scheme. I think that we have something of the order of £150 million worth of capital projects in the scheme over the period, and therefore my proposal to the Assembly will be to meet the £10 million and to reprioritise the rest of the programme. I urge Members to vote against P.135, send a clear message to me that the Assembly wishes the town park to be delivered, or the £10 million to be delivered, and that, instead of increasing our spending to unaffordable levels, since it was the biggest increase in spending that the States agreed over the Business Plan, that cannot be afforded. It is my job to say to the Assembly that it cannot be afforded, and therefore to deal with this by commensurate reprioritising of the plan, which ... we cannot clearly have a debate about the reprioritising of the plan on the floor of the Assembly today, but clearly it can be done. This is not cancelling capital projects, but it would be effectively deferring one or 2 capital projects in the period in 2012 and 2013. In other words, we would spend more money in the capital programme in 2010 and 2011, and we would reduce the capital programme going forward. From a cash flow point of view, I need to say to Members very clearly that the money on the Consolidated Fund is going to run out in 2012, and the money on the Stabilisation Fund, if our assessment of the income tax forecasts are correct, will also run out. So there has to be action. I think this Assembly needs to send ...

Senator J.L. Perchard:

Can I ask the Minister on a point of order really: we have agreed the capital programme recently in the Business Plan; any amendment to that agreed capital plan would presumably have to come back to the House for the 2010 amendment?

Senator P.F.C. Ozouf:

That is absolutely correct, and I fully accept that the capital programme is fixed for 2010 and effectively as we debated at length last week, the issue ... and as I explained to the Assembly, the capital programme and indicative cash limits for the period beyond 2010 are indicative and they will come back to this Assembly for approval. There will be a debate and there is a constructive debate with the Corporate Services Scrutiny Panel about how we deal with that whole process of, I hope, fixing a 3-year, or 2-year cash limit certainly, so that we can set cash limits what are affordable and that the States is living within their means. I want to send a very clear message to the supporters of the town park, that I am committed of finding the financial resources to do so. The Minister for Planning and Environment no doubt will explain to the Assembly what his proposals are in relation to now accepting the States decision of £10 million and how that works with the North of Town Masterplan. I believe that the progress of the town park can happen as a result of the £10 million in the capital programme next year. I believe that that could start even earlier than we previously thought as a result of that decision. It may well mean that the remediation works as a result of that £10 million being in the capital project can start early next year. It is going to be a matter for the Ministers for T.T.S. (Transport and Technical Services) and Housing and Planning and Environment to consider. I believe that we can commence work on the town park; we can make progress; we can have the debate on the Masterplan; and I commit to the Assembly whatever the outcome of that North of Town Masterplan is, that I will bring forward a proposal to reprioritise the capital programme to meet whatever the cost is in relation to the town park. For me, this is almost a die in the ditch about sticking to fiscal rules and living beyond our means. I think that that is an agreement that the States has already made in terms of a commitment in the Strategic Plan of matching income with expenditure. The States has agreed where it increases expenditure it should find a way of funding it. I am committed to finding a way of funding it, but I have to say to Members that that will have to be, and should be in my view, as a result of reprioritising the capital programme, and that is my position on the matter. It is a request to me, and I cannot be clearer in terms of the position I am setting out.

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

I am pleased to follow the Minister for Treasury and Resources, and I think the speech he has just made when it is available on *Hansard* will be one that supporters of the town park will need to study carefully. The Minister has after all given certainly the strongest commitment I have heard from him, not only that he intends to honour the outcome of the recent debate by supplying the £10 million to enable the town park to move forward, but that he is personally committed to seeing that project happen. One of the things that I picked out of his closing remarks about the possibility of starting the remediation early next year is that we really do need to either dust off the political steering group that existed under the previous Council of Ministers, or indeed we need to form a new task force that includes the Ministers for Planning and Environment, Transport and Technical Services and Treasury and Resources as well as the town park group itself, and I would hope also the Parish. We need to form that group to take forward the decision that has recently been made to make that funding available, otherwise there is going to be a period of marking time and really not knowing what to do next. So I think it is a very important speech. I welcome the Minister's speech, and I have to say with all due respect to Deputy Southern who brings this amendment, I think that the Minister for Treasury and Resources' speech was a bit better than Deputy Southern's. I think there is another problem here as well, being purely pragmatic. Last week Deputy Southern really had a momentous victory, albeit assisted by a ring binder. He persuaded the States really to reconfirm its commitment to the town park, and I think that was an extremely important debate, and it has caused a tremendous amount of good feeling out there in the community; a lot of people have said to me how pleased they are that the town park is back on course. I think it would be a pity therefore if the Deputy tests the House today and requires us to vote on taking the money from this particular fund that has been set up for these targeted, timely and temporary measures, the fiscal stimulus. I think it is a pity, because if this vote is lost I think to some extent that tarnishes the

victory that the Deputy had last week. So, I would urge him to consider that point. The Minister for Treasury and Resources has given us in no uncertain terms his absolute commitment that £10 million will be made available next year, so that we can get this show on the road. He gave me a similar promise in relation to urban renewal, and I was prepared to take that. People may call me gullible, but I was prepared to believe that the Minister will honour his commitment to urban renewal, in spite of the, again disappointing, vote from the Deputy of St. Mary when he tried to get that extended to later years. Let us focus on next year. We know we have the money in the pot to get moving on the town park project; and let us focus on the key problems in delivering it. Because the main one is parking provision, and, because I thought the whole point of the Masterplan, which I have now dubbed “not the Masterplan” ... North of Town Masterplan “not the Masterplan”, was that that Masterplan was particularly set up to deliver the parking for the project, it is frustrating to me because instead it has thrown up this plethora of alternatives; many of them are quite lovely, but it has thrown up all kind of distractions such as should we build on the site, and so on. Really, with hindsight, it would have been better if the Minister for Planning and Environment had simply appointed a parking consultancy with real expertise in dealing with parking problems, to advise us how do we deliver parking for that site. We currently have 390 well-used public parking spaces; those must be replaced, either under the site or in the near vicinity of the site. Recently as a result of questions I put to the Minister for Treasury and Resources, we discovered that there are over 6,000 private, non-residential parking spaces being used as cash cows by various States departments. There is an enormous amount of parking out there under our control. Surely somebody with expertise in this field could marry up these 2 problems, that we have to find 500 spaces or thereabouts in the area of the town park, and we have 6,000 spaces if you like, under our belt. Surely an expert would have done that. But instead we have the Masterplan; we have to go through the process now of that consultation, and I am sure at the end of the day it will bring in some useful things; certainly the improvements in David Place I welcome. So I would ask Members to consider what we really want to do now, which is to move forward on the crest of the wave that we had last week which was Deputy Southern’s amendment to the Business Plan. Let us move forward to deliver the town park; let us focus our energies possibly in a new task force or action group; let us focus our energies on unpicking the problem of what do we do with the parking while we develop the town park? There is clearly a problem of displacement there, and where do we put those 500 or so spaces once the town park is built? I urge Members to do this. I think it would be quite useful, rather than having another town park debate, if Deputy Southern were to agree to withdraw the amendment, and then we could really focus our energies on getting this project on the road.

6.1.3 The Deputy of St. Mary:

The Minister for Treasury and Resources unfortunately has gone; I was going to throw him a bouquet, which is a bit unusual. But I thought, as the Constable just said, it was indeed very pleasing to hear his commitment to the Millennium Town Park. But, well there is a but, is there not? I just want to pick out some points from his comments, because I think there are some things that need unpacking. He says that the effect of the proposition is neutral as regards the Stabilisation Fund or whether it comes out of the Consolidated Fund; it is £10 million either way. But then he says that the effect of the proposition, in his first paragraph: “The effect of P.135 is to increase the sum allocated within the Stabilisation Fund for discretionary fiscal stimulus from £44 million to £54 million in order to provide £10 million for the town park” and by implication, and he did say it in his speech, that means the £10 million has to be found from somewhere. But the point is it is in the Stabilisation Fund, and there is nothing in the proposition that says that Deputy Southern is asking for an extra £10 million. I will read out the proposition: “Request the Minister for Treasury and Resources to lodge a proposition ... to agree to transfer £10 million from the Stabilisation Fund to the Consolidated Fund.” I do not see any extra £10 million. I see £10 million from the Stabilisation Fund which includes the fiscal stimulus package monies to the Consolidated Fund in order that we can get on with this park, and I suppose that is the sort of key issue, is it not, that the

Constable has raised; you know, where exactly does this money come from and how sure can we be that it will stay in the right pot? Now, the Minister talked a lot about “breaking the rules”, “kidding ourselves”, “why bother to have a Stabilisation Fund?” and he was exhorting Members not to break the rules. I have problems with that, because as we see in Deputy Southern’s proposition in 2009, £7.5 million were inscribed into the Business Plan for the town park after all, after 10 years of delay, and finally we saw the light at the end of the tunnel. At last the Millennium Town Park has funding in the Business Plan, and then the following year, this year, the Business Plan which we have just debated and I quote from the Annual Business Plan: “Changes from 2010 to 2013 previously advised programme.” Remember we are talking about breaking the rules; we are talking about being consistent, about staying with our commitments. “The capital programme has been reprioritised to accommodate revised spending pressures and align expenditure to annual budgets. The key changes include deletion of the remaining funding of £7.5 million for the town park” and so much for breaking the rules. I am sorry, we do have to be consistent and try to stay with our commitments unless there is a very, very, very pressing reason for breaking our own commitments. I have a problem there with emphasis on breaking the rules. I would like to say a few words about his T.T.T., his timely and targeted and temporary. The first point that the Minister makes in his comments is about the 30 per cent of the cost of the park which would go on decontamination: his estimate about 30 per cent; and the amount of leakage that this would involve. Now, as I understand it, many, many holes have been drilled into those 2 sites to establish just what is underneath. A lot of investigation work into the site, the geology and the contamination, has been done. So, what we are looking at here is 30 per cent of the funding which will be needed to deal with the contamination, and frankly the vast majority of that will be digging and lorry-ing and taking to the harbour and away it goes. Now, that is local work for local people. The technical side and the U.K. treatment side is obviously part of the 30 per cent part of the £2.5 million or so, between £2.5 million and £3 million. But the majority of even that money would stay in the Island and would give jobs to local people; and clearly the remaining 70 per cent, the actual making of the park, and I leave out the car parking as a separate issue, but the making of the park, the paving, the planting the trees, the laying the grass, the installation of water features, fountains, is all local work. It will all be the genuine article. I would like to refer Members to the ministerial decisions we have had on the fiscal stimulus package and just look at a few of them, to where this sort of money, this T.T.T. money has gone thus far. I simply have a list here, and I have collapsed some of the things that go together: £333,000 to T.T.S. and Harbours for design and preparation work for 9 infrastructure projects, including St. Aubin’s harbour and various other ones which are not specified; £333,000 for preparatory design work for infrastructure projects; that is exactly what will be required for the town park; £1,890,000 for training and apprenticeships, either to Highlands or directly through apprenticeships with the States: people learning to do things - well, again, this could be on the job down at the park. So there is very little difference there either; £50,000 for Social Security, which is a stand alone, the cushioning effects of the downturn; £200,000 for T. and R.’s supervision of the fiscal stimulus package; obviously not comparable at all; £1,143,000 for Victoria Avenue phase 2, to which will be added £1 million from T.T.S.’s own budget; so there we have a road resurfacing project and various other works, purely capital project, probably not particularly labour intensive, coming out of the fiscal stimulus package; and £337,000 for promenade and cycle track infrastructure. So, there we are developing our infrastructure with F.S.P. (fiscal stimulus package) money. It does seem to me that that list is barely comparable to what we are looking at with this town park. I now just want to say a few words about parking, because I think the Constable touched on it, and he is absolutely right, of course, the problem is car parking. But let us just have a look then at this question of parking, because it is held up as the big issue, the big problem; what are we going to do about parking? As if we cannot move on this issue without sorting the question of parking first. Can I suggest a new mantra to go with the 3Ts: the 3Fs, and I do not mean what people might be thinking. I mean flexible, forward-looking and fast, and they do apply exactly to what is needed. There are 2 aspects to this: one is residents’ parking and the other is commuter parking; and the reason I am going into this is to show there is, in fact,

not a problem, that we can get on with this, and we can get on with it quite quickly. If we look at residents' parking, the local residents according to the Parsons Brinckerhoff study which I have here, paragraph 1(1)(10) says that there is enough parking on the street in the day for local residents. By that I mean, north of the park going up to St. Mark's Road. "There is enough parking on the day." No problem. "There is a shortfall at night of 75, of whom 63 park at Gas Place and 12 park elsewhere." This was back in 2001; the figures have gone down slightly since then, but they are more or less the same. So, we are talking about a problem of 60 vehicles of the local residents, who park at Gas Place, and as the Constable pointed out, there is a lot of parking around in St. Helier to jiggle these bits of the jigsaw around. The non-residents, the non-locals, they also come to park at Gas Place, and overnight we are told by Parsons Brinckerhoff, this is July 2008, that 200 cars overnight and 60 vans park on Gas Place, of which 50 are the local residents I spoke about. That is 150 residents parking overnight on Gas Place: 150, plus 60 vans: 200. I would suggest to Members that is not insurmountable: 210 parking spaces for residents. It is really quite a small problem we have to solve. Commuter parking: now commuter parking; what is the context of this? 10,200 long-stay places in St. Helier: 3,200 public and 7,000 private non-residential. But in fact, as the Constable of St. Helier pointed out, it is more. We know from the written answer he had a few weeks ago that there are over 10,000 spaces in St. Helier controlled by the States; over 10,000 parking spaces belonging to department after department after department. Now, some of those are on Victoria Avenue, the lay-bys, some of that is parking at Bellozanne, there is the First Tower car park. But even if you knocked some of those out, that is 8,000 extra spaces to add some which are not accounted for in the 3,200 public that we see there. So, there is a lot of leeway, there is a lot of parking space in St. Helier, and I am sure that not all of it is used. Now, we know that 10,000 vehicles, 12,000 people, drive into St. Helier in the rush hour; it is an astonishing number - 10,000 vehicles, because the occupancy is about 1.2 people per vehicle; 10,000 vehicles. Now what does the new draft of the transport policy tell us? It says that behaviour will change.

Senator B.E. Shenton:

Sorry, Sir. Could I just ask the speaker what this has got to do with the proposition?

The Deputy of St. Mary:

It has to do with the proposition because the proposition says that we can do this quickly. It says we can do it in 2010. That is why we need the F.S.P. money, that is why we can get on with it. Well, I am saying that the parking problems are well resolvable and so we can get on with it. Because the main sticking point is always the parking. Well, if there are other problems then maybe people can say what they are. But the new draft transport policy, and it is a very excellent document, does say that that behaviour will change for all the right reasons and that therefore car parking demand will reduce. The goal which has been stated for many years is 15 per cent reduction at peak. Now, 15 per cent, 10,000, over a period of 5 years, 3 per cent a year, 300; 300 parking spaces would be saved each year. In 2 years that is 600 spaces. 600 spaces sounds a little bit like Gas Place plus Talman to me. It sounds like almost exactly ... well it is almost exactly the same. There is no doubt that we can achieve the 15 per cent. Anyone who went to the presentation by the Minister and his Chief Officer and their consultant would have seen the evidence that these shifts away from the car to other modes are possible; they have been done elsewhere and they have dramatic effects on the quality of life. So the question is, of course, can we do it in Jersey, and I can sense people getting restless. But the fact is that already people have moved in Jersey to the bus and to the bike, and so there is, I believe ... I cannot see why there is any reason this trend should not continue. To take just the issue of double-deckers. Over the last 3 years, between 2004 and ...

The Bailiff:

I think you are straying rather far from the point now. This is a question on from which pocket should this £10 million be taken, and whether the criteria [**Approbation**] to take it from the Stabilisation Fund are on or not.

The Deputy of St. Mary:

Then I take the point as made that the savings in parking spaces can be achieved within the transport policy and the evidence is there that Jersey people will go along with that.. So, I think we should just remember that petition: 16,000 people, who signed it many years ago, and I do not expect they will be cheering and dancing in the street because their dancing shoes are in the cupboard. But there will be muted happiness. There will be a positive reaction when we go ahead with this. So, I just would urge that we do the right thing today.

6.1.4 Connétable M.K. Jackson of St. Brelade:

I think it is appropriate for me to comment a little bit on the previous speaker's remarks with regard to parking. Yes, my department are keen to reduce overall car usage by 15 per cent over the next 5 years, but that is 5 years, that is not tomorrow, as has been intimated by the Deputy, with whom I know we are in agreement on the ...

The Deputy of St. Mary:

If I may correct that: I did say 3 per cent a year.

The Connétable of St. Brelade:

I think I must also make the point that we have all sectors of the community to consider with regard to the movement of car parking. It is not only residents, but it is also the commerce of the town, the market and that is an essential part of the lifeblood of the town, and my department are very cognisant of their needs as well as we are for all parties, all stakeholders in the area. That is really all I have to say on the matter.

6.1.5 Deputy J.B. Fox:

The reason I voted against the previous proposition in simple terms is that it was eating into the fiscal stimulus package, which right at the moment we need. It was not about the town park. The town park everybody in their right mind has wanted for the last 10 years, and still does. But it is a question of the reality of achieving it. The Minister today has just neatly given us a third option, which is a delay inasmuch as the finance will have to come out of 2011 to 2013 with a reduction in the capital programme. But right at this moment in time for the next year or 2, we need that money for local people that are suffering badly out there through needing jobs and needing to have the stimulus of not being laid off. I am having some work done at the moment and, believe you me, the workforce is very grateful to be able to do it; and some people have lost their jobs. This is what we should be trying to minimise. As far as all the other ancillary things, I think that last week's proposition has provided the stimulus and we have heard about it, and we need to get that stimulus motivated, and we need to find out where we can plug the gaps that currently exist in the relation to available alternative space for parking. The public can assist there as well, and I am sure that we can overcome that. But in the meantime there is no reason why, as we have already heard, at the beginning of next year we cannot go to start clearing up the ground and everything else. So, no I shall not be voting for this package this afternoon, but yes to the package that will return. Let us get on with it.

6.1.6 Deputy T.M. Pitman:

It is really a question, I think, that might put my mind at rest, and probably a lot of Members, we welcome really the Minister for Treasury and Resources stating quite clearly his commitment to this project, and there will be no sort of backsliding. It would really help us all, I think, if we could get that same commitment from the Minister for Planning and Environment and from T.T.S., if they would both be willing to give that commitment that might have a positive influence on things.

6.1.7 Senator F.E. Cohen:

The town park now forms part of the new North of Town Masterplan currently out for consultation. The Masterplan has been produced in order that an holistic view can be taken across the area of the town. However, it would be a very significant challenge indeed to deliver an unencumbered town park that adequately addresses the parking issues for £10 million. If it turns out that delivering a town park is more costly, the Council of Ministers will bring back to the States proposals for funding through the capital reprioritisation programme. For, whatever happens, we must have a wonderful town park and we must have it soon. But the town park is only a part of the Masterplan. The Masterplan establishes a powerful long-term regeneration vision for the north of the town, of tree-lined and granite-paved roads, and connected public spaces. We all know the potential of the north of the town. We admire the wonderful 19th century houses and villas. Of course, many have lacked investment over the years, but with investment in the public realm and streetscape, it will quickly be returned to its former glory. The Masterplan is currently out for public consultation. The process runs until mid-December, at which point we will produce a report for States Members and the public, summarising the responses and amending the Masterplan accordingly. I sincerely hope that Members will enthusiastically support the North of Town Masterplan running its course in order for the wider issues of traffic, parking and funding to be discussed and solved and for the much wider benefits to be delivered. The Minister for Treasury and Resources has committed to funding the town park through reprioritising the capital funding programme. This, rather than the route presently proposed in this proposition, is the appropriate mechanism to fund the town park, and I therefore urge Members to reject the proposition.

6.1.8 Deputy M. Tadier:

I appreciate Members will be torn on this. We have heard it said that everyone now wants the town park, and that is fair enough. But I think Members on both sides have to appreciate why there is understandably this feeling of mistrust, certainly on the part of the public, but also on the part of the States Members; and it is really, I believe, because the Council of Ministers can be said to be the voice who have cried wolf on this issue. We know the town park has been on the table for such a long time and the public and proponents of the park have been let down time and time again, while the powers in charge have just procrastinated. So, I think it is quite understandable why there is this contention in the States at the moment. Just to talk about the mistrust a bit further, I mean, there is a feeling that the reassurances are meaningless. We have got nothing to go on, and I think that, in my mind certainly, why I am at the moment swinging towards Deputy Southern's proposition is purely because I think this seems to deliver the town park more quickly. Now, I think if I am to be convinced otherwise, to not support this proposition, we need some hard facts, and I would like to know the actual structure which will deliver the town park, an exact timescale, whether it can be done speedily, whether it will be a meaningful town park which will not be whittled away by building which, after the fixed consultation which we know happens in "Jersey consultation" in inverted commas, when we are told: "Well, this is the best model, is it not?" We have a reduced park with buildings all around it, and that is probably what we will end up with in 5 or even 10 years' time. So, at the moment, I think while we have heard that Deputy Southern's proposal does not necessarily meet all the fanciful and high bar that the Minister for Treasury and Resources has set, not that one could necessarily even expect it to, the attraction there I believe is that Deputy Southern's proposition will achieve the town park in a much quicker timescale. So, I would just ask once again, anyone who is left to speak from the Council of Ministers, I think further assurances would be gratefully received to know about a timescale, and some kind of concrete assurances about when we can expect the town park. Otherwise I am certainly going to be supporting Deputy Southern's proposition.

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

I think the Minister for Treasury and Resources made a very good speech and spelt it out for Members really. He has said throughout these debates last week and this week, that he is the

financial conscience of the States Assembly, and there has got to come a time when we do start to pay attention to the concerns of the Minister for Treasury and Resources, because he has a greater grasp of the overall financial position than most States Members. I want to see a town park delivered as soon as possible. I do not think this proposition, which I am minded to support, and I will explain why I am minded to support it in a second, is going to get the result that Deputy Southern is asking for. I am also wondering whether or not he does not want to consider about pulling it and bringing back something else. The Minister for Treasury and Resources said quite clearly that as much as we would like to ask him to do something, he is not necessarily going to do it. Some people might want to ask him to go jump off the cliff but he is not going to do that either. So this is akin to really that position, because as the Minister responsible for the States finances, he sees it as probably, quite rightly, part of his job to demonstrate some discipline; and to request him to come forwards and show us that he does not mean what he says is akin to asking him to go and jump off a cliff. I think what he would do would probably resign if the States forced him to do something, because I think he is a man of integrity that has the best wishes of the States and the Island in terms of finances, and other matters, at heart when he speaks about this. But I go back to what I said earlier. I am minded to support the proposition, wanting Deputy Southern to pull it, because of the fact that I have had a ... getting a bit long in the tooth, I guess, I have had experience of promises, promises, promises. I know from little conversations in coffee rooms what areas the fiscal stimulus package is going to. It is going to the hospital, it is going to T.T.S., it is going in this area, it is going in that area. Areas that they have identified that need funding, they will receive funding from this package, yet are not necessarily going to boost the economy in a timely, temporary fashion in my view. Now, maybe I have been misinformed. Maybe there are some wishful thinkers out there. Maybe they are hoping to get their hands on the cash, but they have not got any chance of doing it. As I said, I do not have the oversight of the Minister for Treasury and Resources, but I have some sympathy with what he is saying. I was very pleased to hear him say that he was fully supportive of the Island town park, but he did say quite succinctly in what I picked out, that we would have to reprioritise the capital programme, and that is a decision that the Council of Ministers makes and brings back to the States Assembly. He did identify that the money would be best taken from the Consolidated Fund to do this. So, we seem to be in this debate and this speech going round in circles. The Minister for Planning and Environment has set out the path for the North of Town Masterplan. It is not liked and loved by all of us, but I certainly do agree that certain aspects of it are going to be wonderful for the Island and wonderful for the town; so I am fully supportive of that aim. But the holistic approach that has been spoken about, I do not think is being applied. I do not think we are applying any holistic solution to this. We are talking about remediating the sites with some of this money, and yet the remaining part of the Gas Works will need remediating in the future too. So that is not an holistic approach really, especially if the pollution is transferring itself with the water flow in a southerly direction or a westerly direction. The site that we are going to remediate now may very well become polluted in the future by the site that will not be remediated. So, as I have said before, and as I hope to debate in the near future, a much bigger consideration needs to take place, probably another 1,000 feet further north of town: the top end of the town park, the Gas Works sites and the big gasholder container there; and the opportunities for building property or a multi-storey car park on that site; and the fact that in the Island Plan which is out for consultation also, in tandem now with the Masterplan, it talks about the future use of land for strategic purposes in regards to utilities; and the requirements of us to acknowledge the future relocation of the fuel depot; and the Gas Works sites are going to have to be part of this consideration for future port use and import of aggregate, et cetera, et cetera, et cetera. So, the North of Town Masterplan which I was part of, and I pulled my proposition to support, took on board many of the areas including Ann Court, but it failed to take an overarching view of the issues that I said the States needed to consider, which were a little bit further north on the town park. If we are going to take £10 million of States money and spend £1 million or £2 million of that money to remediate a site then, I believe, we should be making sure that no adjacent land will pollute that because it has not been remediated at the same time. The opportunities for the

removal and relocation of Jersey Gas to La Collette should be considered, at least, in these early stages in conjunction with the Island Plan. The other thing I would say, just in finishing, I am still appealing to Deputy Southern to consider coming back with this, because I am a little bit shy of the promises of the Council of Ministers because I think we will be here in a year's time; I think we will be back in this debate in a year's time. The other thing I think that they could do on a holistic front is they could look at the parking charges that are levied against States employees. If there are no parking charges levied on the States employees, what could we ... if, for example half of them are not paying, half of those 10,000 spaces are not being paid for ... I am not great at maths, but if we say, I do not know, what, £2 a day, 300 days, £1.5 million a year - thank you very much - that will do nicely. Now, I think we should lead from the front, but I would like to lead from the front with some people behind me **[Laughter]** and I am not going over on my own. I would like the rest of the Island community to follow our lead, and when I give a lead and when I show a lead with my actions, I expect the remainder of the workforce whom I stand by and will stand by in the future debates about pay freezes, to do their part too. No more free parking in Jersey. The public does not get free parking, so why should States employees? Even if we looked at those States employees who are on £30,000 or more who have got a car parking space ... remember I just attended recently a very interesting story with Deputy Martin. I do approve of youth workers trying to raise some money, and I said to them: "Well, why do you not give up one of your parking spaces for a month and raffle it off for a charity?" "We cannot give up our parking spaces" said the youth workers. I thought: "That is ironic, that is. A youth worker, on a pension, getting more money than me, has got a parking space in town, and I am the one who is getting eyeballed in the supermarket as to what is in my shopping bag." I think States employees who are above £30,000 need to be ...

The Bailiff:

Deputy Le Claire, would you get back to the subject matter.

Deputy P.V.F. Le Claire:

Just finishing, Sir. **[Approbation]** Thank you, Sir, apart from the Bailiff, of course. I think States employees, not Crown appointees, should be paying some money to help us achieve this goal, and that is why I think we are not looking at it in a holistic way. That is why I think Deputy Southern should withdraw this proposition and bring an amendment to the budget, and introduce charging for States parking and take that money year by year by year, because it will be 10 years before the Council of Minister prioritises this park above its capital project, above its current capital needs, the Council of Ministers will take another 10 years and probably another 10 ring-binders to make this decision.

6.1.10 Deputy D.J. De Sousa:

Most of what I want to say has been already said by the Deputy of St. Mary and Deputy Tadier. I am aware that the Minister for Transport and Technical Services has already spoken but with the Minister for Planning and Environment having already given his commitment, I wonder could the Assistant T.T.S. Minister perhaps give us his department's commitment on delivering the park, and to a time-scale for delivering it? No? My real concern anyway, is that the previous Chief Minister did say that the town park would be delivered, and every 3 years this House changes and if things carry on the way they are, the Minister for Treasury and Resources is known for saying that things have to be curtailed and cut back and cut back. I am very concerned that these promises will not be fulfilled and I am very concerned that in 3 years time we will still be waiting for the Town Park and the money. At least, if we go with this there is some money in the pot and that is where I am coming from, and I will be voting for it.

6.1.11 Deputy J.A. Martin:

It is interesting that the Deputy of St. Mary has brought in the actual petition and the wording on ... well, it is on the back of my proposition for Anne Court, but the wording is: "The park would be a desirable and appropriate project to reflect aspirations of the future of St. Helier as a vibrant urban environment in the 21st century." So if it was not the millennium, we have still got a few thousand years to go. But I do have a problem, and I think the Constable and I seem to be getting a lot closer nowadays in St. Helier. I mean, in private he does call me his favourite Deputy, but I do think he does that to everybody, so I will not take that personally **[Laughter]** ... yes, I know, very diplomatic, yes. My problem is, where I am agreeing with him, maybe ... I have not quite made up my mind on this vote because I did listen very, very carefully to the Minister for Treasury and Resources and there seems to not be enough money in any pots and we are going to ... he has pledged, Planning have now pledged and Deputy De Sousa has asked for a pledge from T.T.S. that these monies will be ready to go next year. Now, he has given the pledge. As I said yesterday to Senator Breckon, he had been pledged a few times before on the Ombudsman and in the end, giving the pledges wore off and the Ministers lost the vote. The money has been in and out of the pot for the town park but the obstacle has always been the parking. That is a different issue. My problem is, not being in the debate last week and I have not had time to read *Hansard*, to me everyone has stood up who is going to support Deputy Southern says everybody is in favour of a town park. It was 22-23 with apparently a vote that ... I will not dwell on that, but why I am dubious of pushing this vote today, from the stamping from the Constables corner and the Ministers, I think the vote will be a lot less. I do not know which way ... we have a bigger hold over the Minister for Treasury and Resources, is to push through a vote today or to hold them to their promises, and we always have a thing to come back. I am really going to listen to Deputy Southern when he sums up, because I cannot quite get ... the money is not in the Consolidated Fund, it is not in the Stabilisation Fund. From the Minister for Treasury and Resources there is something that is going to be cut. Deputy Southern says it is going to be heart-strings again in 2 years' time; will it be the hospital or will it be ... no, we do not want that. I can see where Deputy Southern is coming from because we have waited too long in St. Helier and the surrounding ... it touches St. Saviour and it is good for people who come into town, for the town park. As I say, please do not believe that everybody in this House is still willing to give £10 million to this project. We do have a firm commitment at the moment from Treasury, the Chief Minister and Planning. I am very dubious of pushing this to a vote. I will listen very carefully to the Deputy. The ball is in his court. He has really got to be pragmatic. It is not sometimes always about winning, I think he has won the day and I plead with him to be very careful not to just win the battle. We need to win the war.

Senator P.F.C. Ozouf:

Just a point of clarification, because there are a number of Members, and I understand why they are not absolutely clear. The money is there. The Assembly has made a decision in respect of putting £10 million in the capital programme next year. This is a debate about whether or not £10 million is transferred from the Stabilisation Fund into the Consolidated Fund and the Treasury's position is that the £10 million will be paid for by the Consolidated Fund, but the Consolidated Fund will not suffer another £10 million within the period of the capital programme that has been agreed. In other words, a project will be deferred or cancelled in order to make way for this, but this £10 million is there. That is the States decision, if that helps.

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

I may well be proved to be wrong, but I think the Minister for Treasury and Resources has given a very clear steer that he will find the money. It is his job to find the money and we should allow him to do so. That is all I am really going to say about it, that we should, and I would urge Deputy Southern to withdraw this proposition and allow it to go ahead on the basis that the Minister for Treasury and Resources has said that he will find the money. The only other thing I would say, slightly off the point I know, is in defence of the youth workers and their car parking spaces. They

do need to be able to get in and out and around the Island, and I will defend their having the tools to do that job.

6.1.13 Senator A.J.H. Maclean:

This debate is clearly all about the funding of the town park. I do not think we need to go over the grounds covered last week. I might say though, if it was a question of £1 being donated for every time a ring-binder has been mentioned, I think we would probably have the funding in place already. **[Laughter]** I also find that rising to speak on a particular subject is the easy part. It is less easy necessarily to get the right result when it comes to the voting and I might just say to Members that I am, at the present moment, trialling a new voting system and they might like to just see. I have got a much bigger button ... **[Laughter]** which I hope will make it easier in the future because I do have some serious concerns about the voting, as you might well appreciate, and I am sure in all seriousness it is something that Members generally should be concerned about. I do not wish to say very much, other than it was mentioned a short while ago that there was a possibility to rescind the decision taken last week. It was something that I raised at the Council of Ministers. I have to say that it is not something that either the Council of Ministers or I intended to do. I am sure Members appreciate it would have been something that, from a personal perspective I would have liked to have done in some respects, due to the circumstances. However, taking into consideration the sentiment, I felt it was inappropriate to do so, so there is no intention as has already been said, from either the Council of Ministers or myself to bring a rescindment, despite the circumstances of the vote last week. I do feel that and I hope that Senator - Senator, maybe that was a prediction - Southern, Deputy Southern, will consider the views of the Assembly and consider withdrawing the proposition because it is about funding. I have no doubt that the funding will be found as the Minister for Treasury and Resources has indicated. We are committed now to move forward with the Town Park and I hope the debate now will rapidly reach a conclusion.

6.1.14 Deputy K.C. Lewis:

I believe a question was asked of T.T.S. earlier on by, I believe, Deputy De Sousa regarding a delivery time for the park. It is known that the Minister for Planning and Environment has put out to consultation the North St. Helier redevelopments. Until such time as we get the consultation back and we know exactly what form the park will take, then T.T.S. will be able to give a date regarding delivery time. Thank you.

6.1.15 Senator T.A. Le Sueur:

It is, I think, perhaps fitting that I do reiterate the comments I gave to Deputy Southern in an email of the commitment to delivering this money and delivering this park. I only want to pick up on one or 2 comments. Firstly from the Constable of St. Helier, to dust off or recreate the town park working group; yes, that is something which I will certainly take up forthwith. I think, as far as I know, the group is still in existence although it is probably slightly moribund but it does need to be reinstated and activated, and that is something that we shall do very rapidly. I think also there were comments from some Members who have doubts about the commitment being given. All I can say is that a commitment has been given by myself, been given by the Minister for Treasury and Resources, been given by the Minister for Planning and Environment and has been given by the Minister for Transport and Technical Services and I have no doubt that commitment is there and will remain. Just picking up finally on comments from the Deputy of St. Mary about whether this is part of the £44 million or will add to it, I simply draw his attention to the comments of Deputy Southern on page 4 of his own proposition, where he admits that this proposition will add £10 million to the £44 million being quoted. So, this does not, as many of us have said, fit the rules for fiscal stimulus. Deputy Southern himself acknowledges those rules. I would urge him, as I have urged him previously, not to proceed with this proposition but to withdraw it. I think if he does in the light of all this, it will be perhaps an unsatisfactory end to what I think has been so far a very

satisfactory result, but the choice I accept has to be his, but I would have thought he might have got the general message from the Assembly.

The Bailiff:

Does any other Member wish to speak? I call upon Deputy Southern to reply.

6.1.16 Deputy G.P. Southern:

As I rise to speak there is only one or 2 points I wish to make, apart from thanking everyone who took part in the debate. An hour and a quarter, perhaps an hour and a half of debate I think is probably worthwhile, if only because of the commitments of the Minister for Treasury and Resources and his whole-hearted commitment to delivering £10 million. In many ways, having spent an hour and a half extra on this topic, I think it is worthwhile having this debate and I will push the proposition to a vote because I think that is a fair vote to make. I think that what we keep hearing described as the fiscal rules, as breaking the rules, the rules. The rules are in fact a fairly ... they are not quite loose, but they are a set of guidelines. They are not hard and fast. They are not black and white. They are guidelines. It is a grey area. Now I believe that use of the Stabilisation Fund could legitimately be made and I know the money is there. I am not sure about the Contingency Fund. What I was disappointed to hear was that nobody has committed to a timescale. One of the speakers said what this depends on is how quickly can we deliver? How quickly can we deliver? Make it fast, make it good. We are talking about end of consultation in December. It seems to me that money and a start should be being made, even if it is only planning the temporary car parks to start the work. That commitment should be made. It should be made early. It has got to be early in 2010. Now, again the Minister for Planning and Environment, and again the Minister for Transport and Technical Services made no commitment over timing, except that the Minister for Transport and Technical Services did pass me a little note saying there is £11.5 million in the Car Park Trading Fund and that traditionally, as I mentioned at the beginning of my speech, is the way to pay for public parking. So, yes we are talking about putting £10 million in, it was remediation towards the park car-parking. Car parking is available if necessary through the Car Park Trading Fund and that is the way to do things, and certainly that package can be made to deliver. I sincerely hope that we do not get a repeat of what happened last time when I brought something. It was January 2008 and then I was trying to get hold of the interest on the Strategic Reserve, to go to the town park and that is when the £7.5 million came about, which has now been withdrawn. I think this is a win-win vote even if I lose it, which I suspect I might. **[Laughter]** But, what I shall be doing, and what the Town Park Action Group will be doing and the steering group is doing, is making sure that the Minister for Planning and Environment, the Minister for Treasury and Resources and the Minister for Transport and Technical Services are all kept on the mark. I want to see things moving in 2010 and I want see - it was the original plan, we could deliver that in 2 years - by 2012 the town park was to be open. I want to see that. I want to look forward to going to the opening in 2012. I maintain the proposition and call for the appel.

The Bailiff:

Very well, the appel is called for in relation to Deputy Southern's proposition P.135. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 13		CONTRE: 31		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Deputy of St. Martin		Senator P.F.C. Ozouf		
Deputy R.G. Le Hérisier (S)		Senator B.E. Shenton		
Deputy J.A. Martin (H)		Senator F.E. Cohen		
Deputy G.P. Southern (H)		Senator J.L. Perchard		
Deputy of Grouville		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		

Deputy S. Pitman (H)		Connétable of St. Ouen		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy of St. Mary		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of St. Brelade		
Deputy D. De Sousa (H)		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

7. Draft Honorary Police (Repeals) (Jersey) Law 200- (P.114/2009)

The Bailiff:

Very well, now as agreed this morning we will now move to the Draft Honorary Police (Repeals) (Jersey) Law 200-, P.114/2009 lodged by the Comité des Connétables, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The Draft Honorary Police (Repeals) (Jersey) Law, a law to repeal the Honorary Police (Parochial Domicile) (Jersey) Law 1999 and Article 5 of the *Loi (1804) au sujet des assemblées paroissiales*. The States, subject to the sanction of Her Most Excellent Majesty in Council have adopted the following law.

7.1 Connétable K.P. Vibert of St. Ouen (Chairman, Comité des Connétables):

As Members will have seen advised in the report contained with this proposition, Members need to read P.115/2009, which is the next proposition to understand what is being proposed to replace the items which are to be repealed in this proposition, P.114/2009. The position at the moment is that a member of the Parish Honorary Police who relocates to another Parish without first informing the Connétable and the Attorney General that he or she has done so, is obliged to resign from office. Under the amendments to be proposed in P.115/2009 that member will have the opportunity to continue in office to the end of his or her term if they wish to do so. Furthermore that member will be permitted to stand for re-election to the same post or another post, save that of Connétable in that Parish. The advice of the Law Officers is that to allow the proposition of the amendments in P.115/2009, the Chamber therefore needs to repeal the Honorary Police Parochial Domicile (Jersey) Law 1999 as well the Honorary Police Parochial Domicile Amendment (Jersey) Law 2004. The opportunity has also been taken to repeal Article 5 of the *Loi (1804) au sujet des assemblées paroissiales*. This Act has already been superseded by the Honorary Police (Jersey) Regulations 1977 and today in the 2005 Regulations. I propose the repeal of these items.

The Bailiff:

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

7.1.1 Deputy P.V.F. Le Claire:

Just briefly, an interesting move to help bolster the Honorary Police Officers within the Parishes that they are currently serving in, as outlined in the Constable of St. Ouen's speech, and that is only to be welcomed. I just wondered if thought has gone into opportunity for people in the future who would say: "My next door neighbour is serving in the Honorary Police in St. Mary's and has been now for the last 12 years, but I live in St. Helier. Why, because I have never lived in St. Mary's am I prohibited from going and joining the same police force?"

The Bailiff:

Does any other Member wish to speak? I call on the Chairman's reply.

7.1.2 The Connétable of St. Ouen:

I think that what Deputy Le Claire is suggesting is a step further than what we had envisaged with these amendments. These amendments are merely there to allow members who have originally been elected into a Parish to continue to do so, should they wish. I think that the ability for someone to stand in a Parish in which they have never resided has not been considered as yet. I maintain the proposition.

The Bailiff:

Very well, would all those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Now this matter falls within the remit of the Corporate Services Scrutiny Panel. Senator Ferguson, do you wish this matter to be referred to your panel?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Very well, then, Chairman, do you wish to propose the 2 Articles together?

7.2 The Connétable of St. Ouen:

I do, Sir.

The Bailiff:

Seconded? [**Seconded**] Does anyone wish to speak on either of the Articles? All those in favour of adopting Articles 1 and 2, kindly show? Those against? The Articles are adopted. Do you propose the Bill in Third Reading, Chairman? Seconded? [**Seconded**] Does any Member wish to speak in Third Reading?

7.2.1 Deputy P.V.F. Le Claire:

Just in response to the response, I was indicating the next step or, I purposely mentioned it, a possible next step and now we see Her Majesty's Attorney General in the Chamber. I do not know if he caught my question but what it was, just to repeat it was, in the future there will probably be a situation where there is an individual living in a different Parish to the one that he or she is serving in within the Honorary Police. That, I think, is a good step, a step in the right direction. I just think the next logical step would then be for Parishes like St. Helier, et cetera, where they have a need for more police officers, to have the opportunity to have other people from other Parishes be able to step into St. Helier and serve if they wished to, where we need more Honorary Police officers.

The Bailiff:

Does any other Member wish to speak? Very well, do you wish to reply to that, Chairman?

7.2.2 The Connétable of St. Ouen:

No, as I said the suggestion of the Deputy, I believe, is the next step and it has not been considered.

The Bailiff:

Very well, would all those in favour of adopting the Bill in Third Reading, kindly show? The appel is called for in relation to the Draft Honorary Police (Repeals) (Jersey) Law 200-, projet 114/2009. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

8. Draft Honorary Police (Amendment) (Jersey) Regulations 200- (P.115/2009)

The Bailiff:

We move next then to the Draft Honorary Police (Amendment) (Jersey) Regulations 200-, projet 115/2009, also lodged by the Comité des Connétables and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

The Draft Honorary Police (Amendment) (Jersey) Regulations 200-: the States in pursuance of Article 4 of the Police Force (Jersey) Law 1974 have made the following regulations.

8.1 The Connétable of St. Ouen (Chairman, Comité des Connétables):

As I stated in the previous proposition, these amendments are made to cover the repeals which have just been enacted. The principal amendment would allow a member of the Honorary Police of a parish to continue in office despite relocating to another Parish. It will further allow that member to stand for re-election to the same or another post in that Parish, save the post of Connétable where the candidate has to reside in the Parish in which they stand, and that is other than St. Helier, who come under a different law. It also identifies the age requirements for service in the Honorary Police. Candidates will have to have obtained 20 years of age and not have attained more than 70 years of age. The opportunity has also been taken to introduce a system whereby the Connétable of a Parish will be able to appoint a Centenier to discharge the functions of Chef de Police. At the moment a Chef de Police is nominated by the Connétable to the Attorney General. The Centenier, among his or her other duties, represents the Parish on the Comité des Chefs. It has been recognised that if the Chef is unable for any reason, illness or absence from the Island, to attend the Parish cannot be represented on this Comité. Now, this amendment will allow for that matter to be addressed. It will also enable the Parish to always have a Chef des Police available. I propose these amendments.

The Bailiff:

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

8.1.1 Deputy R.G. Le Hérissier:

Two questions. It was discussed earlier today that because of the nature of police work, police officers on the front line were given the option of retiring at 50 to 55. Could the chairman of the committee outline why honorary officers in contradistinction to this, are allowed to serve until the age of 70? Secondly, we are reminded of the fact that the Chefs de Police were removed from the States as a substitute for the Constables because of their police role. As a lateral issue, could the Chairman of the Comité comment on whether the position of the Constables in relation to the police has been regularised, or is this a Clothier committee that will go on for ever and ever? Thank you.

The Bailiff:

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

8.1.2 The Connétable of St. Ouen:

I think that Deputy Le Hérissier answered his own question when he said “front-line police officers”, because that is exactly what the Honorary Police are not, and that is the reason why there can be disparate ages of the members. As far as legal recognition of the Connétables as well, the Connétable continues to be responsible for the good policing of his or her Parish, but has delegated those functions to the Chef de Police and the members of the Honorary Police. It is still a gentleman’s agreement, but it may well be that in the future we may need to legalise that and certainly I know that the Comité des Connétables have been looking at the position of the Procureur du Bien Public in order to separate the policing role from the municipal role. I maintain the proposition.

Deputy R.G. Le Hérissier:

Can I just ask the Chairman for a further definition of “front-line”? We see some excellent work being ... Oh, we cannot?

The Bailiff:

No, I do not think you can, Deputy. I think we have had the debate, and he has replied.

The Deputy of St. John:

Can I ...?

The Bailiff:

I do not think you can either, Deputy.

The Deputy of St. John:

I want a clarification, Sir.

The Bailiff:

No, well it is too late. This is a debate.

The Deputy of St. John:

A clarification of his summing up, Sir.

The Bailiff:

Well, let us try it. What is it?

The Deputy of St. John:

Given that the Constable said there was a gentleman's agreement about the position of the Connétables, will he tell us whether or not the Connétables carry warrant cards, please?

The Connétable of St. Ouen:

I can inform the Deputy that the Connétable still has the ability to do so, but it is my understanding that only one or 2 of them do. I certainly do not.

The Bailiff:

Very well, so all those in favour of adopting the principles kindly show. Those against. The principles are adopted. Senator Ferguson, do you wish this matter to be referred to your committee?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Then we move on to the individual regulations. Do you wish to propose them as a whole, Chairman?

8.2 The Connétable of St. Ouen:

I think I have explained them in my proposition.

The Bailiff:

So, you propose Regulations 1 to 5. Is that seconded? **[Seconded]** Does any Member wish to speak on any of the individual regulations? Deputy Le Hérisier?

8.2.1 Deputy R.G. Le Hérisier:

Given the possibility of an ageist qualification under number 2, that at the age of 70 officers have to give up work; given that they are not doing frontline work, why do they have to give up at the age of 70? I wonder if the Chairman could outline?

The Bailiff:

Wait, does other Member wish to speak? Very well, I call upon the Chairman to reply.

8.2.2 The Connétable of St. Ouen:

I think that we went along with the biblical 3 score years and 10. **[Laughter]**

The Bailiff:

Would all those in favour of adopting Regulations 1 to 5, kindly show? Those against? They are adopted. Do you propose the Regulations in Third Reading, Chairman? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading. The appel is called for in relation to the Third Reading. I invite Members to return to their seats for the Third Reading of projet 115 and the Greffier will open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

9. Wheel Clamping: introduction of legislation (P.119/2009)

The Bailiff:

We move next to Wheel Clamping: introduction of legislation, projet 119, lodged by Deputy Le Claire, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of the opinion to request the Minister for Transport and Technical Services, in consultation with the Minister for Home Affairs, to bring forward for approval legislation to make the practice of wheel clamping illegal unless specifically authorised by law.

9.1 Deputy P.V.F. Le Claire:

The subject of this debate is wheel clamping and whether or not the States Assembly wishes for wheel clamping to be allowed under law or made specifically illegal under law. Let me first say I do not advocate a state of affairs in which business owners or landlords are unable to maintain propriety over their parking spaces for their customers or their tenants. This proposition is not about creating a system where havoc reigns and landlords and business owners have the loss of their spaces to their detriment. It is about sending a signal out to the community that wheel clamping will not occur in Jersey unless specifically prescribed by law. There have been 2 amendments to this proposition, the first of which was tabled by the Minister for Transport and Technical Services, which I am very pleased to accept, and the second which has been tabled by Deputy Tadier which I am also, taking guidance from the Minister for Home Affairs, willing to accept on the grounds that I believe the Minister for Home Affairs has shown some remarkable leadership in taking on board a Back-Bench Member's proposition and aiding that Back-Bench Member in bringing to fruition that original aim. Many, many times I have brought propositions that were not quite right and did not succeed in their task, only to sit back and watch them resurrected 2 or 3 years later by somebody else, with a comma here or a comma there and introduced as somebody else's piece of work. I am very pleased and very grateful to the Minister for Home Affairs and his Assistant Minister and their department for having been very proactive in helping me and assisting me in bringing forward this with their support. I am also very, very pleased by the campaign through the *Jersey Evening Post* which through its pages has facilitated the opinions that have helped me to make up my mind that this practice is wrong. I would like to read one letter, if I may: "Dear Chief Officer, I refer to Acting Chief Inspector C's letter of 12th February 1987 seeking advice as to the lawfulness of placing wheel clamps on vehicles parked in private car parks. When a person parks his car without permission on land belonging to another he commits the tort of trespass. Trespass is a civil wrong which is actionable per se and would entitle the landowner to damages. The wheel clamp service amounts to a suggestion that the property owner or his agent may take the law into his own hands and exact damages of his choosing from the trespasser. Where would it stop? Would the owner be entitled to demand £100? This cannot be right. In my opinion, the action of demanding a penalty in exchange for removal of a wheel clamp might in some circumstances amount to the crime of demanding money with menaces. It is certainly conduct likely to cause a breach of the public peace and is unlawful. Those who are offering or are about to offer a wheel clamp service should be warned that they risk prosecution if they persist." Signed by the then Attorney General of the day in 1987. We have a fluid system of government in Jersey, even though it has changed. The Attorney General's advice is the Attorney General's advice, although different Attorneys General may interpret that advice as to whether or not they agree with it. The mission of the ministry has succeeded from the mission of the committee and the entity, corporation sole, it is the Minister and a continuation of that Minister and that concept. So, while this is a letter that gave an opinion of the Attorney General in 1987, it is not necessarily the opinion of the current Attorney General who is outgoing soon in his promotion, to be replaced by another Attorney General who may not also share this view. But it certainly is the view of the Attorney General of 1987. It certainly is the view in Scotland of the people there and it was found through the case in Scotland that it was unlawful and it amounted to what they considered to be the same sorts of issues with *Carmichael*. I will find the paper later. I have done

quite a large amount of research on this and I had a phone call over the weekend from an ex-Constable who chastised me for not having done my homework. Well, I have done quite a lot of homework and I have operated in my former life in managing property and in issuing tickets and managing parking. So I do know and understand the issues around the wrongful use of parking spaces by people who are not authorised to use them. But this is not necessarily about the plethora of issues and the plethora of locations that parking in Jersey affords itself; it is about wheel clamping. I wish the Minister for Home Affairs to bring forward a well thought through piece of work in the near term that will make wheel clamping illegal in Jersey and I propose this. We can move on to the amendments and I can answer questions as the debate moves forward but I will not take up any more time. Members know what I am talking about, they understand the issues and I am not going to treat them like idiots.

The Bailiff:

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

10. Wheel Clamping: introduction of legislation (P.119/2009) - Amendment (P.119/2009 Amd.)

The Bailiff:

We have 2 amendments. I think the first one to take is that lodged by the Minister for Transport and Technical Services and therefore I will ask the Greffier to read that amendment.

The Deputy Greffier of the States:

On page 2, for the words: “The Minister for Transport and Technical Services in consultation with the Minister for Home Affairs” substitute the words “The Minister for Home Affairs.”

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

Principally this proposition is being brought because it was felt, under advice, that it was not a subject for my department and with the agreement of the Minister for Home Affairs this amendment has been brought and I thereby put it to the Members.

The Bailiff:

Is your amendment seconded? [**Seconded**] Does anyone wish to speak on it?

10.1.1 Senator B.I. Le Marquand:

Sir, I agree.

The Connétable of St. Brelade:

I thank the Minister and the Assistant Ministers.

The Bailiff:

Does anyone else to speak on this amendment? Very well, all those in favour of adopting this amendment kindly show? Those against? The amendment is adopted.

11. Wheel Clamping: Introduction of Legislation (P.119/2009) - Second Amendment (P.119/2009 Amd.(2))

The Bailiff:

Then we come to a second amendment lodged by Deputy Tadier and I will ask the Greffier to read that amendment.

The Deputy Greffier of the States:

On page 2, for the words: “To make the practice of wheel clamping illegal unless specifically authorised by law” substitute the words: “To make vehicle immobilisation a criminal offence.”

11.1 Deputy M. Tadier:

First of all, I would just like to thank Deputy Le Claire for bringing it forward. I think it is an important issue which is probably the right time as well to bring this to the public domain. Also, to thank the Minister for Home Affairs for his work. We have been in consultation, the 3 of us, so it is not something that we are doing in any way separately and I think that will hopefully add to the efficiency of the debate. The reason I have brought this amendment forward is purely because I think the wording needed to be enhanced slightly and I have subsequently spoken with Deputy Le Claire and Senator Le Marquand. They agree that the wording in this amendment would be preferable. I imagine that Senator Le Marquand will echo that when he does speak. So for the moment I am not going into the ins and outs of wheel clamping and why it should not be abolished or why it should be abolished. I am simply going to explain the amendment to Members and then we can all decide whether we are happy to go with that. So the principal changes are to substitute the words "wheel clamping" for "vehicle immobilisation". The reason that this was thought necessary is because it avoids any kind of ambiguity. If we think about wheel clamping it is a very narrow area and it is quite possible if we think that this law did get through and then wheel clamping was made illegal that the clampers could just find another way to immobilise a car which was not technically wheel clamping but would still achieve the same ends. So immobilisation was deemed to be preferable. I will just give a very simple example. A concrete block could be put either side of a car which is too heavy to lift, one at the back, one at the front. That would effectively have the same function as wheel clamping but it would not be called wheel clamping. So that is why immobilisation has been thought of here. Just to put Members' minds at ease, this does not refer to something like a barrier being put down on a car park. So if a member of the public goes into a car park, parks where they should not be parking and then they leave it there too long and the car park gets locked up in the evening, that is not what is covered. That is not what we are talking about here. Vehicle immobilisation is just simply tampering with a vehicle in a way to mean that you cannot move it. The last part of the amendment is effectively to take away the sentence which would say "unless otherwise prescribed by law". It was felt that this was something of a hostage to fortune and it seemed like a contradiction really because we are saying on the one hand: "Let us make wheel clamping illegal unless there is something in the law to say that you can do it"; that seemed like a contradiction and a hostage to fortune. So that is the explanation. I am happy to give points of clarification if it is appropriate but I think that that is why the amendment has been put forward. I will not go into the actual report because most of the report deals with the pros and cons, but mostly the cons, of wheel clamping, why it should be abolished, what some of the alternatives may be, and so I just make the amendment.

The Deputy Greffier of the States (in the Chair):

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

11.1.1 The Deputy of St. John:

I am somewhat pleased that this has been brought to the fore, given some months ago a young man who often sat in the gallery there, who is known to many of you, was illegally wheel clamped on some States land and he had a heck of a job getting his money back from the wheel clampers, solely because they used a mobile telephone number to be able to be contacted and no address. There was absolutely no way whatsoever of contacting these people other than by this telephone number. The clampers had been employed by W.E.B and it took several lots of correspondence before W.E.B. in fact acknowledged that the land that was being policed by these clampers had not been transferred from States ownership into their particular portfolio. I think Senator Ferguson knows who I am talking about - the young man - and that young man, in fact, was my grandson. That being the case, he eventually did make contact with these people, after umpteen calls, and he was told to go and collect his money. They did not return it to him; he had to go and collect it. I thought there is something wrong here where people can go and impound somebody else's vehicle. But going back somewhat further, when I just heard the amendment being proposed by the Deputy

of St. Brelade, I can recall a case some years ago where a utility company was working in certain premises and the car being parked overnight and to the frustration of the utility company they decided this car was causing a problem and so they upended a 7 tonne load of sand in front of the vehicle and left it there for some considerable period of time. I am talking about weeks before it was moved. Needless to say, the person was not a happy bunny. So anything that can be done to regulate the clampers or people who try to prevent these type of things from happening needs to be done in a sensible way and I am pleased that the Minister for Home Affairs, Deputy Le Claire and the Deputy of St. Brelade, or one of the Deputies of St. Brelade, have brought this forward because it does need looking at and looking at sensibly. So I will not say any more, because I know we have got a big agenda to go through, but I am pleased that the Minister for Home Affairs is on the case.

11.1.2 The Deputy of St. Martin:

It is just a question. I am all in support and I am sure we are not going to spend a lot of time on it but could we have some indication as to how soon some piece of legislation can come to the House? I know that is a question many of us will be asked once it is passed today. So if we could get some indication. Deputy Le Claire may be able to tell us in his summing up.

11.1.3 The Connétable of St. Saviour:

It is just a question for Deputy Tadier. I wonder if he could explain the difference between the result of this amendment and the law as it stands in Scotland where I believe clamping is illegal.

11.1.4 Senator S.C. Ferguson:

I am just a little concerned about the description to make vehicle immobilisation a criminal offence. I think perhaps the Attorney General can confirm. It seems to me that we will need a very tight definition if we pass this through. I would congratulate Deputy Tadier on a splendid report - I had not realised he was so knowledgeable about the law - but I do wonder about this particular term. Perhaps the Attorney General would comment. When I was an apprentice we immobilised a car. We put a Ford Pop between 2 trees and the fellow could not get out. I mean, that is vehicle immobilisation. I have an immobilisation alarm on my car, which is perfectly legal, and this is, it seems to me, a little loose, Mr. Attorney General.

The Deputy Greffier of the States (in the Chair):

Can you help at all, Mr. Attorney?

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

I think the position is that this is not a law which is being presented to Members for consideration. It is really just an idea for a law which is being put forward. The Senator is absolutely right that when it comes to looking at the detail of the law it will require some very careful examination indeed to make sure that it captures as criminal that which is intended to be criminal, because in the wide terms in which it is drafted at the moment it would not very easily be workable, or so it seems to me. But I think it is clear from the report what is intended and I am quite sure that if the proposition is adopted then the Draftsman and the Minister for Home Affairs will ensure that the final draft law that comes before Members for approval will reflect what is intended. So, if the question is is this a satisfactory criminal offence as it stands, the answer is no, it is not. But can it be made so? I am sure it can.

11.1.5 The Connétable of St. John:

Just a very quick one. When the Minister for Home Affairs is looking at this law, if it does go through the House today, we have got 61 parking spaces around the precinct in St. John, 11 of which are controlled by the parish, the other 50 are on private land, and we have major issues with parking there. So what I would ask is when it is looked at ... I am in firm belief of controlling the

clampers but I think property owners need some recourse other than the civil courts.
[Approbation]

11.1.6 Deputy J.B. Fox:

Can I just continue with that because the only phone calls that I have received - and I know that my fellow Deputy is dealing directly with one well known person - is about what replaces it. What we do not want, obviously, is car parks full and where we are in St. Helier then they would be full of commuters very quickly every day, especially with people who own businesses, hotels, private parking spaces, et cetera. So it would be useful if the proposer of this proposition could outline in more detail for the benefit of these people, after the law if it goes through, although the Minister for Home Affairs has thoughts on this subject as well.

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

I am slightly perturbed about making the whole business of wheel clamping illegal. I would far prefer to see it regularised and controlled and still remain in force. My reasoning for that is - and I would like Deputy Tadier to help me out with a response to this - that I am currently putting a time bar on the use of the Parish Hall car park because at the moment it is filled up with people who want to use it as a park and ride and therefore people cannot get into the community centre and the Parish Hall and they have to drive past and come back another day. That is going in place on 1st November in the Parish of St. Peter. It is probable, I would guess, that those people parking all day as a park and ride will now go and park in the Co-op car park. How does the Co-op protect its shoppers' right to park to shop when there are all day parkers parked in their car park? I do not think making wheel clamping in itself illegal is going to answer that question.

11.1.8 Senator B.I. Le Marquand:

This is another problem for the Minister for Home Affairs and another problem which has been going on for a long time. Whatever is decided today will mean more work for me. **[Approbation]** I am not quite sure how to respond to the various responses from Members but there it is. Essentially, the decision which we are being asked to make today is as to whether the system which we want to have in this area will be a wheel clamping based system or a non-wheel clamping based system. At the moment we have a free for all. There is no legal authority in Jersey saying that wheel clamping is lawful. Indeed, such cases as exist strongly suggest that is unlawful, and I set out some of the cases in my opinion on that in my comments and so did Deputy Tadier. It is my opinion that it is unlawful, not criminal, but on civil land a trespass to the owner of the vehicle. Also wheel clamping is going on without any safeguards as to those who do it, how much they demand, in what circumstances they wheel clamp, et cetera. We all have examples of abuse in this area. I was phoned last week by a lady on income support who was a tenant of a housing trust and who had parked a second vehicle. She was able to park a first vehicle but her son was around and she had parked a second vehicle for a limited period as authorised in the overspill car park but forgot to put up a notice, as she should have done, and she was wheel clamped. It was not clear to me as to whether she had committed a civil trespass or not but nevertheless she had been wheel clamped and found she had been demanded to pay £75, which is quite a lot of money for her. She rang me up to get advice as to what she should do. I advised her to make some offer, notwithstanding I was not sure she was liable for anything, just to get rid of it, and if that offer was refused then I advised her to inform the wheel clampers that she would be suing in the Petty Debts Court for loss of usage of her vehicle for whatever period it remained clamped and it would remain there. Now, the latter highlights the illogicality of wheel clamping. It is used as a sort of quick punishment for those who have erred and strayed from where they should have parked but it is inherently illogical because instead of removing that which should not be there it forces that which should not be there to remain. Completely irrational if one thinks about it in that sort of way. We have a mess. If we were to go down a route in relation to legalising wheel clamping then we would have to specify who could do it, we would have to license people probably, we would need to

specify maximum penalties, we would need to provide all sorts of safeguards and we would probably need a code of practice. They have much of this in the U.K. but it still is not working properly and has been heavily criticised. I am not sure whether Members eventually got the copy of the extract from the A.A. (Automobile Association) criticising the current system. I am sorry that was not attached to the initial thing. You have got it; I do not have a copy. Somehow it did not get to me. I loaned my copy this morning to Deputy Le Claire. That is an indication, even where they have a system and have had it for some time, it still does not work properly. There are still bully boys misusing it, playing all sorts of tricks. That is the fundamental problem. In reality in other places, in particular in Scotland and in France, we know that it is banned and that the demanding of money in this way is viewed as virtually demanding money with menaces. On the other hand, we have a problem. I received a number of letters from individuals, some of which seem to have been demanding all sorts of interesting rights in relation to that, and some did not fall very far short from demanding capital punishment for those who park. **[Laughter]** I exaggerate, I hasten to add; one of my great failings, a tendency to exaggerate. On the other hand I did receive some very sensible letters explaining circumstances in which hotel owners had at times advised people to park on private land, knowing that as they are hire cars no one was ever going to catch up with them within time, et cetera, et cetera. So we cannot hide the fact that we have a problem. Today I believe we have to decide in principle one way or the other and that will provide me with some guidance as to which way to go. I inherited the situation in which my predecessor favoured going for a wheel clamping system and I was provided with some very nice potential code of practice documents for me to approve. I then had to point out that Home Affairs could most certainly not approve something, a practice, which was unlawful. We would be condoning it and be a party to that unlawfulness. Nevertheless, here is the dilemma. My view is that there is no way that we can provide adequate and total protection in relation to a wheel clamping system. It is inherently flawed, it is inherently a self-help remedy, and no matter what you do it will never be fully controllable but that does not mean that the problem goes away. So I have looked at some of the other possibilities and I do not have to come up with a perfect solution today, because I do not have one as yet. I need to look at what they have done in Scotland, I need to look at what they have done in France, I need to look at other jurisdictions and to see what works elsewhere, but at the end of the day my suspicion is that a good solution is going to require a combination of 2 things. It is going to require a combination of a civil system with recognised penalties which can enforced through the courts by virtue of penalty notices and summonses and so on and so forth, and there will be agencies willing to operate such a system because there is money to be gained from it but they will be having to work through the courts and that gives a message of control which there would not be in this system. There will, I think, still be some extreme cases, and I can think of examples of this such as someone who might deliberately park blocking somebody's driveway or the entranceway to a variety of houses, where it may be necessary for there to be some sort of criminal penalty, some means to get the police in to do something, if only because if nothing is done there is a serious risk of a breach of the peace. There is also the interesting area of self-help remedies. I do not want to go too far down this route but, of course, if somebody does park unlawfully on your land I do not see that as being, in principle, very different to if they put a pile of bricks on your land. You simply must have the right to move it off, if there is somewhere else suitable to move it off to, and of course it might accidentally end up on a public road and thereby attract penalties but that is not a matter for me to encourage people to do. One merely notes that these things might happen in the process of lawfully moving one's vehicle away. So, there it is. My hope today is that one way or the other the Assembly will give me some clear directions as to what sort of system. I will then try to start work. The difficulty that I have in this is in timing, because I think it would be relatively simple, notwithstanding the comments of the learned Attorney of the technical difficulties of wording, to produce some sort of law - they may already have something in Scotland for all I know - which would make it a criminal offence. My problem is as to whether one would should proceed with that without having in place other things, notwithstanding the fact that I think the existing system is a shambles and is illegal. I strongly

support the amendment and the initial proposition because I do not think we can cure this. Self-help has never been the Jersey route in relation to doing things in any way and if we start going down that road it is fraught with difficulties.

The Connétable of St. John:

Can I have a point of clarification. If one was to move a vehicle that was parked on somebody's land, say in a 3-hour zone and it had overstayed and somebody moved it on to a yellow line, would it be lawful to fine them? [Laughter]

Senator B.I. Le Marquand:

Of course, one only speculates that these things might happen. I am certainly not advising anybody in relation to that. I am trying to remember the parking law on that. In practice a fine would probably be issued but it might be defended, of course.

The Deputy Greffier of the States (in the Chair):

I think it may be wiser for the Attorney General to answer any legal questions if you have those.

11.1.9 Deputy K.C. Lewis:

Just to clarify, we are still talking about the second amendment here, are we not? As wonderful as it is to listen to the Minister for Home Affairs, just going on the main proposition, just briefly I have got a little problem with "to make vehicle immobilisation a criminal offence". Immobilisation to my mind also has connotations of vehicle tampering, plus there is also the fact that if it is known that a car park is locked at, say, 6.00 p.m. and someone arrives at 6.15 p.m. unauthorised they may be, to pick up their car then the landowner, through no fault of their own, would be committing an offence. So I would like some clarification on that and I will be speaking on the main proposition.

11.1.10 Deputy C.H. Egré of St. Peter:

I was going to reserve my right to speak on the main proposition when I put my light on initially. It would appear we have strayed into talking about the main proposition but I will speak on the main.

11.1.11 Deputy I.J. Gorst:

I am making the assumption that this is one of those debates where we are debating the main proposition on the amendment because they are so very similar. I will continue in that vein if you give permission.

The Deputy Greffier of the States (in the Chair):

I agree with you that does tend to happen when they are close.

Deputy I.J. Gorst:

Thank you for that. I am pleased to follow my good friend the Minister for Home Affairs. I am afraid to say that this, I think, is somewhat more complicated than the proposer of the main proposition and the amendment has led us to believe. I can concur with the Minister that it does presently appear to be a bit of a mess. I was hoping that perhaps - and I am not certain how he will take the vote today - he might have committed himself and his department to do a little more work to bring some clarity to how we can alleviate the mess in which we find ourselves and I am not certain whether he is committed to that this afternoon or not. He said that it felt it was counter-intuitive for a wheel clumper to clamp a car therefore making it immovable when what the wheel clumper was aiming to do, or the landlord was aiming to do, was ensure that people did not park there and that spaces were not taken up or routes were blocked. While I understand his point, I think the whole point of wheel clamping is that it ought to act as a deterrent. Whether it is acting as a deterrent or not, I believe that perhaps more work needs to be done to prove that one way or the other. However, I would say that from a small amount of anecdotal evidence in certain areas around town I understand that it is acting as a deterrent and that when some landlords have moved

from a barrier system, which unfortunately over a number of years was tampered with, was vandalised so that people could park in private space, that barrier was removed, clamping was put into place and that clamping has acted far more as a deterrent than the barrier ever did. It is difficult because we are being asked perhaps to choose between making wheel clamping illegal or a criminal offence and we are not certain what the other solution will be or could be. I suspect that the Minister has rather more faith in the court procedure and the ability to find remedy through the court procedure in what we might consider a timely and cost effective manner than perhaps I do, and a number of private landlords do. **[Approbation]** What we would be doing is putting the onus upon the sinned against to prove that the illegal parker has sinned and they would have to prove that through the court system, unless of course, as the Minister did, I think, intimate in his speech, some other approach could be taken. Therefore I am far from certain exactly what it is that we would be voting for by voting to make wheel clamping either illegal or a criminal offence. It is not as if we have heard earlier this week from the Minister for Transport and Technical Services that parking charges in Jersey, in comparison to other jurisdictions, are not excessive and therefore it is difficult to exactly understand what it is that drives the person to park illegally on private land. I do not believe that enough work has been done to understand that. The other issue that we have is policing. If we remove the ability of the private landlord to wheel clamp, and we have heard that even that ability is perhaps illegal - I would not want to comment on that; greater minds than I can comment on that - who then is going to police? Will it be for the private landlord? How are they going to ensure that people do not park on their land? Who is going to police that? We have heard suggestions of the private landlord moving vehicles to public spaces. I am not certain that that is a suitable alternative either. I would prefer to have a full understanding of what it is that happens in Scotland, as the Minister has suggested, or perhaps what it is that happens in France, before I were to make a decision to say that wheel clamping is not the approach but the remedy through the courts is. I return to my opening thought that perhaps the current situation is a mess. We find out that it appears to be illegal and still taking place but there has to be some suitable remedy and I am far from certain what it is and that leaves me in quite a difficult position when it comes which way I am going to vote. Thank you.

The Bailiff:

If I can just say from the Chair, I was not there earlier but I think you were saying you were not clear of the difference between the amendment and the resolution. My understanding is that the amendment would make wheel clamping a criminal offence in all circumstances. You would never be able to do it and it would be a criminal offence if you did. That is what I understand the proposition to say. Whereas the proposition of Deputy Le Claire suggests that wheel clamping would become a criminal offence but in certain circumstances. So it would be for the law to define when and when not it became a criminal offence. It might be that if you - I am just hypothesising here - only charged £10 or something then it would not be a criminal offence but it would if you charged £100 or something of that. That is my understanding of the difference between the 2 matters the Assembly is debating.

Senator B.E. Shenton:

Sir, I believe the amendment makes vehicle immobilisation a criminal offence, not wheel clamping.

Deputy I.J. Gorst:

I thank you for your clarification, Sir, because that perhaps does help me, and in fact I will be voting against the amendment and I might even be able to find my way to voting and supporting Deputy Le Claire.

11.1.12 Deputy D.J. De Sousa:

I will just be very brief. I was not going to speak on this but after listening to Deputy Gorst I just wish to say and ask for clarification that basically at the moment all we are being asked to do is to

vote for the Minister to bring legislation on the amendment or the proposition, depending on what is chosen today, for the Minister to go away and look at legislation and then bring it back to the House and then we would vote on it again, depending on whether the House would decide to go with it or not. Is that right?

11.1.13 Deputy P.V.F. Le Claire:

I was not going to speak on this amendment but I think it might help, seeing as other Members have strayed into the main debate, to try and address a couple of things about vehicle immobilisation and what the alternatives are. I would just urge Members if they have not already, and I can understand because sometimes we do get a lot of paperwork, if they are looking for the remedies, if they are concerned about the remedies that are available, all they need to do is read the Minister's comments. The Minister's comments do outline his preferred opinion. I am not going to go on; I am going to ask Members to read the Minister's comments because it will probably circumvent a lot of the concern that was raised in a number of areas by the previous speaker and one of the other speakers and then we can decide whether or not the States Assembly wants to outlaw vehicle immobilisation or request the Minister to bring forward legislation that outlaws wheel clamping except for certain circumstances. I would ask Members just to read, if they could, the Minister's comments, because that might be helpful.

11.1.14 Deputy R.G. Le Hérisier:

I thank Deputy Le Claire for those comments. Like a lot of Members, I started off thinking, superficially perhaps at least, this all looked terribly clear, or the way forward did, but clearly we are marching in a sense into the bog and I would agree with the Deputy that I feel Deputy Tadier's ... well, he has not said it but my view is Deputy Tadier's is flawed. I think a blanket sanction against vehicle immobilisation, for example - and perhaps the Attorney General may wish to comment - if someone were to remove the keys from a driver and thereby immobilise their vehicle, which they have to do sometimes if somebody is alleged to be drunk in charge or there is some dangerous or criminal purpose to which that vehicle is being used, will that now be outlawed by the proposal of Deputy Tadier? I would appreciate clarification.

The Attorney General:

I would really just repeat the advice I gave to the Assembly earlier: it would depend what the legislation says and there will be a difference between immobilising a car and, as it were, immobilising a car driver. So I think it will depend what the legislation says.

11.1.15 Senator J.L. Perchard:

I am concerned about the amendment and I will explain why. Deputy Le Hérisier has stolen a part of my thunder: the police may need to immobilise a vehicle from time to time and of course the amendment, if drafted into law, would make that illegal or a criminal offence. Also involuntary mobilisation. Sir, if you would permit me to tell you a story or Members a story. I am a keen supporter of Jersey cricket and cricket scoreboards are operated around the Island by an electronic system where the scorer has a box of gadgets and sends a signal to the scoreboard that automatically receives the signal and changes the score. No cables between the 2. I have a car with a computer dashboard and whenever I park and occasionally I do forget that I have parked too close to the electronic scoreboard system and use my central locking, I come back after the game, hungry, and cannot get into my car because it has become immobilised. When I do manage to get a spare key and enter my car it refuses to start and quite interestingly it says: "Engine immobilised." That is the very digits that come up on the dashboard. So that is involuntary immobilisation of my vehicle. It is immobilised and very frustrating and the first couple of times, until I learnt how to fix it myself, I had to get it towed to a garage, costing many hundreds of pounds. It was immobilised; would it be a criminal offence? Interesting but true. I can fix my own car when it becomes immobilised, but it does. So that and the definition of immobilisation worries me. I certainly will

not support the amendment because it is too vague, it creates too many issues, too many problems, and I would urge Members to do likewise and revert to the substantive proposition.

11.1.16 Connétable J. Gallichan of St. Mary:

I have to say I am sorry I am little confused about where to say this but I think this might be the time. In the main proposition one of the reasons put forward for starting this ball rolling was the fact that there was an element of extortion, perhaps, in demanding money for the release. I was just wondering, the other thing that could happen in a situation of illegal parking, although whether it would be lawful in Jersey I am not sure, is of course to have the vehicle removed to a compound where it is locked in. I wondered whether that constituted immobilising the vehicle also. Also in the context of the main proposition for later, so I do not have to speak twice, whether that would be addressed by legislation as well.

11.1.17 Deputy R.C. Duhamel of St. Saviour:

I think Members are splitting hairs and it looks as if they have not read page 3 of the amendment or 4 or 5 or 6, perhaps. It clearly states that the desire of Deputy Tadier of St. Brelade is to make the practice of wheel clamping illegal unless it is specifically authorised by law. So it means that when the law comes back there will be specific cases under which there will be an ability of persons or companies, or whatever, to detain vehicles.

The Bailiff:

It is the main proposition that says that, not the amendment.

Deputy M. Tadier:

Yes, mine says to make it illegal.

The Bailiff:

The report says that.

Deputy R.C. Duhamel:

The amendment, I am speaking to the amendment. I must have the wrong paper. I am reading from P.119 Amendment 2, the second amendment, and that is what it says on page 3 and I have just read it out. So can you tell me where I am going wrong?

The Bailiff:

Page 3 is: "For the words 'to make the practice of wheel clamping illegal unless specifically authorised by law' substitute the words 'to make vehicle immobilisation a criminal offence'."

Deputy R.C. Duhamel:

Okay. In that case I am totally wrong and I will sit down. **[Laughter]**

11.1.18 Deputy J.A.N. Le Fondré:

I think, as far as I am concerned, the debate splits down to regulation of existing practices or making the whole thing illegal, and I want to be absolutely clear from the start I do not support in any shape or form the actions of rogue wheel clampers; I do not think anybody does. To me it is about ensuring we have got adequate and robust regulation, not about getting rid of them, and basically removing as well the legal anomalies that have been referred to elsewhere. I do have to say I am mixing between the amendment and the proposition, which I think is where we are going at the moment. Some comments have been made about bringing in ticketing or civil penalty notices and, if you like, in my view it is a private method of ticketing. The Minister for Home Affairs in his comments has talked about there being a trial before the Petty Debts Court which would be subject to appeal by the Royal Court, which I have to say fills me with dread. The Minister for Home Affairs is a very nice man but my first comments, when I first read these, were

pretty well unprintable. This is about parking. Look at the States and how the States operates. We have a system of parking fines to bring against people who park on yellow lines illegally, we have a whole system in place to issue tickets and collect them and enforce. The individual private resident, because it is not just necessarily about the private landowner, does not have that capacity. Again, I was using the word transgressor, I am not too sure if it is appropriate English or not, but you are shifting the onus away from the transgressor on to the person who has been transgressed against. I really cannot believe that the Minister seriously considers that justice is properly served by forcing every act of illegal parking on private land to go through the Petty Debts Court. There are 2 things in my view that are in short supply to people: one is always cash and the other one is time, and time is almost more valuable and sort of a finite quantity. I am really concerned about, in the wider context, the additional level of bureaucracy you can be bringing to the system by forcing people to go through the Petty Debts Court every time to enforce a fine. To reiterate - and oddly enough it is 2 accountants coming to the same view independently but we did not discuss this earlier - I have the same view as Deputy Gorst. The Minister with his background has huge experience of the courts and no doubt has huge faith in the judicial system but for me for simple matters like this I would like to keep people as far away from the court process as possible. It is not good use of court time and, to be blunt, I think it becomes unworkable. It may be more convenient for the Minister but it will not be more convenient for the individuals who will be affected by this. It is not about rich landlords, it is about the rights of every householder on the Island, and I can even think of times when I have seen people parking on private land in places that would cause a danger to other people and the number of times I hear: "I will only be 5 minutes, do not worry." If someone has got a parking space, lives in a private avenue with parking in the road or perhaps residential parking, are they not entitled to have access to those spaces, particularly if they have paid for them? That does not mean they are wealthy individuals, necessarily, but equally it can apply to States land, it can apply to land administered Property Holdings and land administered by the Housing Department, land administered perhaps by Harbours and Airports and other departments. It can apply to other social housing estates; it can apply to very many people. Those people have the right to require that they can have control of the areas in which they reside and in which they park. If people park illegally in their area what remedies do they have? They do not want to be tied up in legal wranglings, in my view, and not all of those areas are easy to enclose. So gating an area, for example, could be very difficult. I know somewhere in one of the comments I have seen reference being made to the unwitting motorist and, I am sorry, motorists are generally pretty clear when they are parking illegally. They may not admit it but 9 times out of 10 they know they are doing something wrong and are hoping they are going to get away with it. I am probably as guilty as anybody else of that but if you get caught it is a fair cop. The point is what happens when you get caught and how you are treated and that is regulation to me. One thing I will say, and Deputy Le Claire made the point, and I will say the wording of Deputy Le Claire's proposition, if it was not for the comments of the Minister for Home Affairs, I would probably support because it does not make wheel clamping illegal. There is an option in there, depending how it is interpreted, to bring regulation. In other words, if you do not fall within the regulation you fall outside the thing, but the wordings of the Minister in his comments on page 3 says, in summary: "However, if this proposition [which is the main proposition] is defeated then I will take this an indication that the States wish wheel clamping to continue to be allowed and a new piece of legislation which would also be complicated will be required in order to provide appropriate safeguards." So, in other words, to get regulation in you have to vote against the proposition and in my case I would certainly not be supporting the amendment, for various reasons people have touched upon. If one rejects the amendment and does whatever one wants to do with the amendment but supports the proposition then the Minister will be bringing legislation to go down what I will call the bureaucratic route of Petty Debts and things like that. That is my interpretation of what is being proposed. That is what the comments say. So, therefore, in my view I will urge that I desperately want to see regulation, do not condone these instances that have been cited in some conversations, and sometimes in the comments, about how individuals have been treated by what I would call

rogue wheel clampers. We have got to get that sorted out but I do not want to see the process of wheel clamping removed because I think it provides the simplest remedy for the individuals to protect their rights. So, at the moment, I am going to be rejecting the amendment and voting against the proposition, although I do want to see regulation brought through.

11.1.19 Deputy J.M. Maçon:

I believe that Deputy Le Fondré is absolutely right in what he has just said. I was contacted by constituents regarding this issue and the point I want to raise is that people do use wheel clamping services for perfectly legitimate reasons. The instance that was raised with me was regarding access to health and how the wheel clamping has helped the residents of the area. I think the problem with Deputy Tadier's amendment is that it takes out "unless specifically authorised by law". As Deputy Le Fondré says, it is we would like to see a regulated system whereby those who do provide this service do it in a reasonable and fair way and I think it is a different philosophy. Deputy Tadier is asking us to completely stop wheel clamping or vehicle immobilisation completely across the board and I think that ignores the issue where there is a legitimate reason for wheel clamping within the Island. It does serve a purpose, it does help people, and for that reason I will not be supporting Deputy Tadier's amendment. With regards to Deputy Le Claire's proposition itself, I think it does allow for that regulation to be in place because it has got that clause "unless specifically authorised by law", which is where I think perhaps the Minister for Home Affairs has misinterpreted it and I think, again, Deputy Le Fondré hit the nail on the head.

11.1.20 Deputy J.A. Hilton:

Just very briefly, like previous speakers I will not be able to support the amendment brought by Deputy Tadier. I too have had telephone calls from constituents who quite legitimately use wheel clampers to try and preserve private parking spaces for their tenants. As a town dweller, I too have had my own drive parked in by people who have absolutely no right to park there. So, I do believe that clamping needs to be regulated. I am totally against the idea of wheel clampers being able to demand money with menaces and all the rest of it but I am not convinced that there is an alternative system in place which would allow me to support the amendment.

The Bailiff:

Does any other Member wish to speak? I call upon Deputy Tadier to reply.

11.1.21 Deputy M. Tadier:

Thanks to everyone for speaking. If I had known that it was going to turn into a debate about the main proposition I would have made the arguments for because it would have saved people a lot of time. I think there have been so many red herrings here that every States Member could have had a fish supper tonight, and I will explain what some of those are. First of all, we all seem to be missing the point here. It is quite funny because if everyone had bothered to read the report a lot of these questions would have been answered already. Well done, Members have realised that this proposition with the amendment is to make wheel clamping and vehicle immobilisation illegal, that is quite correct. It is a shame it has taken the best part of an hour to come to that conclusion. That is what I am asking for and there is a very good reason for that because in Jersey at the moment wheel clamping is effectively unlawful already. I am simply asking for what the precedents of the court have been over the last 30 years and especially with our good Minister for Home Affairs over there. The Minister for Home Affairs, during his time as Magistrate, made rulings which are in the document, some came from the former Magistrate and some were from other Magistrates. You had rulings or effectively comments from the court which said wheel clamping is unlawful, it is dubious, and I will be quoting from that. So it is one thing to say we want to regulate wheel clamping but we cannot regulate it because it is unlawful in real terms and we are simply asking for this to be made into law. So that is the first point. I will try and take the points in order. So that is hopefully to get rid of the first myth that we have to regulate. We are not asking for regulation here

at all. The intent is to make wheel clamping, or more generally vehicle immobilisation, illegal. That is perfectly correct. That is what the contention is. I understand it is a contentious issue by all means. I have certainly had one person phone me this week who is concerned about people parking on private land. That is an issue but I will address that shortly. I was asked about the situation in Scotland. In one sense, yes and no, this is what we are being asked to adopt: yes in the sense that Scotland has made wheel clamping illegal. There was a case which was called *Black v Carmichael*, or perhaps it should have been *Black v No Carmichael*, in which the Scottish courts under Scots law held that wheel clamping was theft and was extortion and that is why it was seen to be illegal. So there are legal precedents in other jurisdictions which do back this up. This is not being plucked out of thin air; this does have research behind it and there are precedents to back it up. Senator Ferguson and, I believe, other Members talked about vehicle immobilisation. As a definition I think the Attorney General gave a very good summary there, an explanation. Effectively this is up to the Minister for Home Affairs with his law-drafting team or whoever drafts the law to make the definitions. There will be definitions and interpretations of the law as there are in any laws. This is an in principle decision that the States are being asked to make today and I am simply saying that I have confidence in the Minister for Home Affairs. He is probably the only Minister I do have confidence in. **[Laughter]** Please take that in good jest. He is certainly a Minister that I do have confidence in, I should probably say, and I believe that any law that does come out of the Home Affairs Department under his direction will be a robust law. I would also say that the law would be able to be referred to Scrutiny. It would probably fall to the panel which I am sitting on at the moment and it is something which I certainly would be interested in scrutinising. It would be offered to Scrutiny to look at that to make sure and then to go out to consultation. So what is being asked for here today is to make it illegal but it is to be made illegal with consultation and for a better alternative to be put in its place. We are not here to discuss the alternatives but what we are saying is the situation as it stands is a complete mess. It is effectively unlawful already in Jersey. There are precedents in Australia, in Scotland and in France. They seem to make it happen. They still have private land but, nonetheless, it is deemed to be illegal over there and that is exactly what is being asked for here in Jersey and I make no apologies for that.

The Connétable of St. Saviour:

Would the Member give way for a moment just for a point of clarification? Taking him back to Scotland, I ask the difference between clamping, which I believe is illegal in Scotland, immobilisation, which I am not sure if that is in Scotland.

Deputy M. Tadier:

I will come to that because there was a question about the definition and in Australian legislation ... I can refer Members to it; it is on page 8 of my report. It is not this nebulous definition. We are having silly examples given to us like if we start the car up and it says: "Vehicle immobiliser" therefore am I trespassing against myself because I have immobilised my own car? I mean this is how ridiculous these red herrings are getting. Of course that is not the case. If you turn to page 8, in Australia, the State of Queensland, it does give the conditions here; what it means to be unlawfully interfering with or detaining vehicles. It says: "A person must not, without the owner's consent, wilfully interfere with any mechanism or other part of the equipment," et cetera, et cetera and it just goes down: "It must not detain a vehicle parked or stopped on a main road or anywhere else." So that is there for Members to read through. It is not talking about locking a car park up at night, as I said at the beginning, and stopping someone from leaving and it is not talking about taking someone's keys away. It is the actual wilful tampering of a vehicle. Incidentally we were talking at lunchtime, or just before, with Senator Le Marquand and Deputy Le Claire was there and if I can just give a little anecdote. I am sure the Senator will not mind me talking about it. I believe the Senator, while he was Magistrate, had to give some advice to a lady who unfortunately had been wheel-clamped. I do not think she was necessarily part ... **[Aside]** Is that the one where the

Senator in his previous life had advised the lady that she could go to the Petty Debts Court for tampering?

Senator B.I. Le Marquand:

Perhaps it might assist if I just interject. I did mention that example myself. It was last week.

Deputy M. Tadier:

Yes. So just to re-emphasise and to cement that point, it is considered tampering. Anyone who does wheel-clamp at the moment in Jersey is leaving themselves liable to have a counterclaim put against them for tampering. It is in the law and wheel-clampers know this. That is why they never pursue a case to court. If you ever push a wheel-clamper they will always cough up, release your car and they will not charge you for it. That is because they know that what they are doing at best is morally dubious, at worst it is unlawful and that it will not stand up in court. So, again, we are just asking the States here to back up the body of legal thought which has been around in Jersey; informed legal opinion that is, not States Members who ... a couple of us might be lawyers. I certainly am not although I have been able to research a bit here. I am asking States Members to back up the body of legal advice in Jersey and to make this illegal, then we can go on from there. Do not delay it and let us really put this in place. The next point, I believe the Constable of St. John and Deputy Fox had similar points. They were concerned about the alternatives and about the rights of the landowner. If I refer Members to page 5 and page 6 of the report this is mentioned, about the rights of the landowners. At the bottom of page 5 I do explain: "It is accepted that landowners may take reasonable measures to control parking on their land such as preventing vehicles entering without permission or removing those that are on that land. There are serious doubts, however", I go on to say: "as to the legality of a private landowner or his agents using wheel-clamping to protect those rights, in particular where he makes the measures to prevent cars that are unlawfully parked from leaving the land." Of course, Senator Le Marquand did highlight the irony, which I am glad he did because I was going to do it, about when you clamp a car you are stopping it from leaving altogether. So people have tested this in the past and when they have been clamped they have left their car on the land for another 15 days. They have gone out and hired a car, or they could have, and said: "Right, thank you very much. Now I am going to take you to the Petty Debts Court because you have deprived me of the use of my car even though I was there parked for 10 minutes. It is completely disproportional to put a wheel-clamp on my car, to tamper with it. So there is a bill for 15 days of hire car, thank you very much." They could contest that in court. That is the kind of ridiculous situation we have at the moment if we leave this law as it stands and regulation is not the way to do it. It is simply we need to ban wheel-clamping. We know that wheel-clamping is very flawed. We need to make it illegal and put something better in place. That is fine, we can do that as a States body. At page 6 I also go on to say: "I am not ignoring the landowner's rights to protect their land. It is accepted that landowners have a legitimate right to protect their land from unlawful parking but it is my contention that this should not include the current practice of wheel-clamping for unauthorised cars." Please stop me if I am straying into the main debate but I think that happened a long time ago.

The Bailiff:

No, I think in a matter like this where Members have got to in effect choose between 2 alternatives before them it is perfectly proper to make points about the comparison.

Deputy M. Tadier:

Thank you, Sir.

Deputy R.G. Le Hérissier:

On a point of clarification, the speaker, if he would not mind, made a statement that if a person is in some way incommode or inconvenienced and, for example, loses the use of their vehicle they can

legitimately go to court and get back expenses incurred. I wonder if the Attorney General could advise us on that, whether that is indeed the case?

The Attorney General:

There has been an amount of discussion and a few statements made today about the clamping of a car as being a civil trespass. I have to say that I am not immediately aware of many authorities of the court on the question of civil trespass and I certainly would not wish to say that such an action could not be brought. It certainly could. But whether it would be successful or not is something on which I do not feel able to advise the Assembly at the moment. The ability to get costs back would depend almost certainly on whether or not the action was successful. So in answer to the Deputy's question, the right to bring an action is there. Asserting a civil trespass may be a valid ground of action. It may depend upon the facts which underlie the claim that is being brought and if all that is successful it may result in costs being ordered in favour of the plaintiff and if costs are ordered they may be collected.

Deputy K.C. Lewis:

Just a further point of clarification, the legal position, the issue of the legality of wheel-clamping is not straightforward. It has only been tested once in Jersey under *Gosling v The Attorney General* [1990]. The person who had affected the wheel-clamp was convicted by the Magistrate under the Road Traffic (Jersey) Law 1956 of tampering with a motor vehicle. He appealed to the Royal Court and the Royal Court quashed the conviction on the ground that the appellant had tampered with the motor vehicle when he had put a clamp on it but had done so in a private car park. Therefore, the Road Traffic (Jersey) Law 1956 did not apply. So vehicle tampering does not apply on private property.

Deputy M. Tadier:

Thank you to the Attorney General for his clarification. Of course it would need to be tested in court but the point is it is open to that kind of challenge and that was the suggested of Senator Le Marquand earlier. To come to the last point from Deputy Lewis, there was nonetheless in that case *Gosling v The Attorney General* [1990] ... this is page 7 of the report. It was not in the ruling but it was in the *obiter dictum*, which, for we lay-folk, is the judge's incidental expression of opinion. It is not essential to the decision and it does not establish a precedent but it is nonetheless an informed opinion from somebody who knows what they are talking about. In this case the judge said that: "It was a penalty unilaterally demanded by the company and a pre-requisite to the unclamping of the vehicle. It is a form of self-help. In our view self-help has only ever received limited application in our law, which is, after all, based on the continental system and not English common law." That is a very good point to draw out here because Jersey's legal system is not based on English common law and to suggest that we should be following English common law, as I have said in my conclusion, is not the way forward. If there was ever a case to avoid the same mistakes that have been made in the U.K., in England and in Wales, this is one of those cases and I believe that is also the opinion of the Minister for Home Affairs. It goes on to say after that: "One only has to recall how in Jersey law one cannot, as one can in England, cut down the branches of a neighbour's tree that overhang one's property without recourse to law." I will let Members read the rest for themselves but the court in this *obiter dictum* and the judge was quite clear that he had little time and little sympathy for wheel-clampers and for the actual practice of wheel-clamping. These are not my words. They are the words of Jersey judge. Okay, so I will just try and get back on track. So tampering is an offence, to come on to one of Deputy Lewis' remarks before, and we have already seen the example of that. "Immobilisation" is the word which is used in Scotland. That is why the word "immobilisation" has been chosen here. It has not been plucked out of thin air and there is a precedent for it. If Members will look at the Scottish law which is attached they will see in Scotland they call it vehicle immobilisation. It is good enough for their lawyers so presumably it works quite well over there. There is this issue of we need deterrents to stop people parking on

their land. Well, let us think about this not necessarily in terms of cars or parking in someone's car space but as a general trespassing infraction. Now, I do not see why cars should be treated any differently to any other kind of trespass, whether you go on to someone's land with a bike or motorbike or if you trespass in person. If someone, for example, comes into your house and sits down in your chair and you do not want them there, well first of all, the first thing you should be doing is locking your door. What is evident is that people who administer car parks are often only too happy to have people come and park in their car parks because they know that they have got wheel-clampers who are there to effectively attract cars like a flytrap. So the signage is often insufficient anyway and these places are like flytraps. If you want to stop people parking somewhere just have a big sign which says: "Please do not park here." You have those on garages: "Do not park here day and night," and they generally do deter people. But the point is if somebody comes into your house, sits down in your chair, you do not then get a man-trap and put their leg in the man-trap and say: "Well, I am afraid you are staying here, mate, unless you give me £150, otherwise I am not going to get rid of the man-trap." **[Laughter]** Members may laugh but there are human rights implications for this. Just in the same way you cannot put a man-trap for somebody who comes into your driveway or into your garden, you cannot put glass on a wall; although people do, do they not? That is simply not acceptable. It is exactly the same with wheel-clamping. So what I would say is of course ... well, I was going to say this but I do not think it is valid any more. I was going to say if you have got a problem with wheel-clamping in general and you do not want it to be made illegal then certainly just vote against the main proposition. But the point is Deputy Le Claire, Senator Le Marquand and myself have got together and we have decided that the amendment is better than the original proposition. Now, Members may not agree with that but that is what we have come up with ourselves. So it makes sense to support the amendment and then if you do not want it to get through then to throw it out, which sounds like that is the mood of the House but I hope not because I hope I have convinced some Members that there is a case for complete abolition. I hope I have answered all Members' questions there but just to summarise. We are asking for wheel-clamping to be made illegal. There are legal precedents. The whole body of legal opinion in Jersey says that wheel-clamping is morally dubious. The rulings up until now have shown that it is unlawful. Wheel-clampers themselves have always refused to go to court. They have settled out of court because they know it would not stand up in a court of law. So what we are simply asking for here is to make an in-principle decision to make wheel-clamping illegal; then to allow the Minister for Home Affairs the leeway to come up with a decent and workable law, to bring that back to the States so that we can all agree with the conditions and that is what we are asking for. I certainly have confidence in the Minister for Home Affairs to do that. I have confidence in the relevant Scrutiny Panel, of course I would, to be able to scrutinise it if they wish to. So I do make the amendment and I ask Members simply to support this and to support the body of legal opinion which up until now has said that this is effectively illegal.

The Bailiff:

Very well. The appel is called for in relation to the amendment lodged by Deputy Tadier to P.119. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 15		CONTRE: 29		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Senator B.I. Le Marquand		Senator P.F.C. Ozouf		
Connétable of St. Saviour		Senator B.E. Shenton		
Deputy R.C. Duhamel (S)		Senator J.L. Perchard		
Deputy J.A. Martin (H)		Senator A.J.D. Maclean		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of Grouville		Connétable of St. Helier		
Deputy P.V.F. Le Claire (H)		Connétable of Trinity		
Deputy S. Pitman (H)		Connétable of St. Brelade		
Deputy of St. John		Connétable of St. Martin		

Deputy M. Tadier (B)		Connétable of St. John		
Deputy of St. Mary		Connétable of St. Peter		
Deputy T.M. Pitman (H)		Connétable of St. Lawrence		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
Deputy D. De Sousa (H)		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

12. Wheel Clamping: introduction of legislation (P.119/2009) - Amendment (P.119/2009 Amd.) - resumption

The Bailiff:

Very well. So we return then to the debate upon the main proposition of Deputy Le Claire. Does any Member wish to speak on that?

12.1 The Deputy of St. Peter:

Sir, it seems an awfully long time ago since I caught your eye at the very beginning of this debate. We have heard an awful lot and I think everybody is in agreement that something has to be done with regard to rogue wheel-clamping and I am in support of Deputy Le Claire's proposition. But in making that declaration I want to offer a true incident which occurred about a year ago. I parked my car in the underground car park on the Waterfront and noticed that there was a car parked in a disabled slot with a wheel-clamp on it. I went and had a look. There was a wheelchair in the back and there was a card in the front of the car. I went away. When I came back to my car I found that there was a lady of a certain age, with her son, in tears outside that very car. Apparently what had occurred she had come to Jersey with her son on holiday, having just lost her husband. Her son had brought her over to get over her grieving. They had left their car, believing that it was parked in a disabled position with a disabled card in the car. Apparently what had happened, the disabled card had been put upside down on the front of the car. There was a mobile phone number of clumper who had carried out the task. I went and got hold of the management of the Waterfront and got contact with the wheel-clumper who, after 1.75 hours, came out and released this lady's car at no cost. The initial cost was £75 to have the car released. These people were visitors to our Island. The car was a hire car. The son was in equal distress as his mother was. They were staying at the Norfolk Lodge Hotel. They eventually got back to the hotel and she was in a huge state of distress by that time. I got in contact with the management yet again and suggested it would be a token exercise that they should get in contact with these people, because I took their names, and offer them some recompense. This they did and I phoned the son the following day and he said that the mother was getting better and was not as distressed as she had been. This is an example to me of the very reason why we need to look at this and look at it very carefully and deal with it quickly. We have had a huge prevaricating debate today which indicates to me today that we could be here for another - as has been quoted many times - year before anything is done about this. We must not allow these sort of things to happen again and we need to take action as quickly as possible. Having said that, I take the reservations that have been put within the proposition in that there are

cases where perhaps wheel-clamping is a legitimate way of dealing with parking problems within the Island. But what we have to do is make sure that the type of example I have just given you, which is absolutely real and has not been embellished to suit the argument, must not be allowed to happen.

12.2 The Deputy of St. John:

I will be my usual brief self. The purpose of standing up on this occasion for the main debate is just to get a level playing field because I have a number of letters here from members of the public who have got concerns and one of them is from a church warden of a town church who explains that it is very difficult. The church itself do not mind somebody popping in for 2 or 3 minutes, 10 minutes if they are going to the hospital or something. But it is when people leave their vehicles there for any length of time, it prevents the people who have got a permanent space within their car park from staying there and they have no alternative but to eventually resort to using a wheel-clamper. Likewise from somebody who lives out in the Longueville area, a similar problem. I know that the Minister for Home Affairs will look and bring a balanced report back to the House. As long as the whole thing is balanced I am fully supportive of bringing in some legislation.

12.3 Senator A. Breckon:

I think this has come about because there was evidence of sharp practice; of intimidation and, you know, people sometimes alone at night, you know: "Pay this", and I think there were even issues about people being marched round to cash machine and things like that to pay or whatever it and it was suspicious. There seemed to be men in white vans lurking somewhere and pouncing on people sometimes who had just nipped round the corner and parked somewhere where they should not but it was a bit, I think somebody mentioned, of a sort of trap. I remember where in 2008 in November there was a hustings in St. Helier and it went on a bit and some people when they came out had been clamped in a hotel car park and they wondered whether it was all worthwhile to attend a hustings and then come out and have to go through the rigmarole of getting their vehicles out of this situation. I think the question also that arises is what is a fair penalty for a charge for somebody in this situation? That is the other side because taking somebody else's space and they arrive, they could be paying for that. So there is an inconvenience to people whose space has been taken as well. So there is a balance as well. The other thing there is, I think there is a great deal of uncertainty: "What happens if ...?" I think that has been demonstrated by what Senator Le Marquand said and what other Members have said; what happens and what is the position? I think that is why there is a need for legislation and regulation as a last resort, so that people know the rules and there is a framework for operators to work to and the public know exactly what that is. I think legislation will give clarity because there is a balance between people who do offend, albeit on private land or wherever, and the rights of the owners and the people who are paying for some of that space. I think legislation will do that and will give that balance. That is why I will be supporting this, because it was not clear at all before and I think this will do that and I think it is very effective and hopefully it will happen fairly quickly. If not, perhaps then a code could be issued so that people abide by that code until the legislation comes in place. I think a code could be done. Although it does not have the force of law, if people abide by it until the law comes in then I think that is a step in the right direction as well.

12.4 The Connétable of St. Brelade:

I think it is appropriate that I speak really with my hat on as Parking Controller Administration and D.V.S. (Driver and Vehicle Standards) Administration and also, once again, with the Parish Administration. The errant motorist who is faced with the risk of running against T.T.S. parking control, Parish regulations and, of course, clamping. One wonders, as a casual observation, whether in fact we should try and align these systems. Parish and T.T.S. are nearly there and I am working on it with my fellow Connétables. But I think in practice the general public does expect some sort of uniformity and I think this is where the system seems to have gone astray. We have

these vast amounts being charged for the release of clamps, which is really out of kilter with the charges being imposed by the regulated systems. I think the previous speaker alluded to existing frameworks and rules that we have; can we not utilise the framework that is already there within the mechanisms that have recourse to the court to align the present wheel-clamping procedures? If we could equate the charges in place I think it would be an advantage and universally acceptable. One of the difficulties that has arisen is the use of wheel-clamping by the quasi-public bodies. The public tend to feel that the areas that W.E.B. control are in fact public when, of course, they are not and I think this is what has caused considerable discomfort to many people. The attraction of wheel-clampers, of course, is the instant remedy and there is no doubt that it works. I would not wish to burden the courts with more work at this sort of scale. I think they are already overburdened and by virtue of this fact any result which will emanate from the court is bound to be, dare I say it, long-winded and slow and will not have the sufficient reactivity that is required. I think we have the dichotomy effectively of either condoning illegal or inappropriate behaviour in the poor parking versus the illegal or inappropriate way of enforcing it. So a balance has to be struck and I would urge the Minister for Home Affairs to consider how we might equate the systems to make themselves universally acceptable to the general public.

Deputy J.A.N. Le Fondré:

I would like to seek a point of, I think, advice or clarification from yourself but I would like to reserve my right to speak later, Sir, and the point is the proposition ... Sir, I am not sure if it is from yourself or from the Minister for Home Affairs. The proposition says: "To bring forward for approval legislation to the practice of wheel-clamping illegal unless specifically authorised by law." You, I think gave an indication, Sir, that your interpretation of that might be that you could, say, make fines of £20 or £20 legal but £100 or £150 illegal. The difficulty I have got is that in conjunction with the comments of the Minister for Home Affairs, which is that ... because to me that would allow support of the proposition if one favoured requesting the Minister for Home Affairs to bring in regulation. However, the comments of the Minister for Home Affairs in his summary, to me, imply that the proposition needs to be voted against in order for him to go down the regulation route. I am finding the 2 quite difficult to marry up because I would quite happily support the proposition if it is to bring regulation in but if the Minister for Home Affairs is going to interpret that as to go down the route of the Petty Debts then I would want to go against the proposition. I need some clarification, Sir, from either yourself or the Minister.

The Bailiff:

Obviously the Minister will speak. So far as one can as the Chair I think it is proper to clarify as far as possible any proposition before this Assembly. What it says is that the Minister must bring forward for approval legislation, so he has got to introduce some legislation if this is passed, to make the practice of wheel clamping illegal, so in other words, rather as Deputy Tadier said, to make it an offence, unless specifically authorised by law. In other words, by that statute. So in other words the statute could carve out from the illegality such types of wheel clamping as the Minister and then the Assembly thought fit. That is how I understand it.

Deputy P.V.F. Le Claire:

Of course that is absolutely what was intended and also any legislation can have an amendment tabled to it.

The Bailiff:

Does that help, Deputy?

Deputy J.A.N. Le Fondré:

I think so, Sir, but I reserve my right to speak and I will wait until I hear from the Minister as well, I think.

12.5 Senator B.I. Le Marquand:

Unfortunately this debate is now not going down the lines that I had hoped it would go down, which was nice and clean cut as to whether the Assembly wanted a controlled modified wheel clamping system on the one hand or whether it wanted a simple penalty type route with possibly some criminality on the other hand. We seem to be getting into sort of middle ground fudge where I will not be at all sure what it is that I am being asked to do because if Deputy Le Claire's proposition is interpreted in any other way other than to intend to ban the wheel clamping, which I believe was its original intention, then I am going to be in some difficulties. The idea of the Connétable of St. Brelade talking to harmonise the systems is a wonderful idea but in fact it overlooks severe difficulties. During the period when I was Magistrate there were those who wanted to decriminalise parking and turn that into a civil route, and I had to point out - as did the Viscount or Deputy Viscount of the day - that that would create a huge civil burden of collecting debts. So, in fact, it is ironical that there were those who wanted to go the other way. The difficulty is that if we sought to go down a route of criminalising trespass by parking a vehicle in a private space the penalties would then not go to the person against whom the trespass went, but would go to the public purse, and there would be severe difficulties with that because we do not have traffic wardens operating at night-time, et cetera, et cetera. So I fear that we are heading for some sort of muddle here because people may end up voting for different reasons. This, of course, is Deputy Le Claire's proposition but I hope that he will be robust enough to maintain his initial position, which is that what he is seeking is that we vote in favour of banning wheel clamping altogether and criminalising it, which I believe was his intention. Because if then the majority does not go down that route then I have a clear steer in favour of Deputy Le Fondré's approach. I want to make one further comment before I sit down again which is a comment in relation to those like Deputy Le Fondré who are frightened by the concept of the use of the Petty Debts Court. Well, I am not talking about a system of civil penalties which would lead to every case having to go to the Petty Debts Court. I am talking about a system in which a person would issue a notice saying: "You have trespassed on private land, it is my intention to sue you for X pounds unless you pay this to me by such and such a date, if not I will sue you and there will extra costs" et cetera. That is not, in principle, any different to a utility company giving out an invoice for services which have been gained. No one says: "We should not allow utility companies to send out bills because this is going to overload the Petty Debts Court." The position is no different to that. So I am not talking about a system where every matter has to go to the Petty Debts Court but a system where only if people did not pay when there was a liability that that would be the eventual final default position. There are agencies willing to do this kind of work in the same way as there are wheel clamping agencies. Agencies who would issue notices, who would subsequently issue letters and, if necessary, go to court to collect the money. So there is not this huge burden of work that is going to assume upon the individual person who would employ an agency in place of employing a wheel clumper to do similar things.

Deputy R.G. Le Hérissier:

I wonder, on a point of clarification, the Minister says there is no difference between a utility company giving a bill to somebody and a wheel clumper. How does a private person find out the name and address of the person to whom they wish to send that bill? Apparently the companies can do that but how does a private person do it?

Senator B.I. Le Marquand:

The position, as I understand, is that if a person has a genuine interest they can make contact with the D.V.S. (Driver and Vehicle Standards) in order to obtain details of the registered owner. That is how the system operates. You see what I would ask Members to understand is that alongside wheel clamping there were also coming before the Petty Debts people who were issuing penalty notices. That is why I am very familiar with that system because that is what was happening alongside it. They also have the possibility, as I mention in my comments, of some degree of

control being gained in relation to this because if you had people who did not operate the penalty notice system in a fair and reasonable way, you in fact could get to a situation where the authorities could quite legitimately say: "Well, we are not going to let you have access for the registration information because you are not complying with the code of practice." So I expand a little more on the possibilities here but I do not think that Members should so quickly write off the possible effectiveness of a civil penalty collection system.

Deputy P.V.F. Le Claire:

It may be helpful - because it was a rather seductive speech by Deputy Le Fondré, who I thank very, very much for his contribution - for us to interpret the comments of the Minister for Home Affairs as the way to vote against my proposition to get something. Members bring propositions that are approved or not approved by this Assembly and it is the wording of the proposition that matters. I certainly am robustly saying: "Let us make wheel clamping illegal unless in certain circumstances it is prescribed by law" and those were particularly to do with police and perhaps Housing in some circumstances. But I am not advocating in my proposition ...

The Bailiff:

Deputy, I am sorry, you have gone too far now, you will have your chance in reply. Deputy Maçon.

12.6 Deputy J.M. Maçon:

I think perhaps a way forward, reading the House, was perhaps the proposition that Deputy Le Claire should have brought forward was something along the lines of to ask the Minister for Home Affairs to bring forward legislation in order to regulate wheel clamping practices, because I think the Assembly realises that wheel clamping does serve a legitimate purpose within the Island.

Deputy P.V.F. Le Claire:

On a point of order, or a point of information, what I might bring and what I might not bring is determined by what I will bring. I am bringing a position to make wheel clamping illegal and I will argue that point in my response, not what I should have brought.

The Bailiff:

Deputy, I am sorry, you must allow Deputy Maçon to make his point.

Deputy J.M. Maçon:

The Deputy is perfectly entitled to do so. The Deputy is quite right to point out he is asking us to make the practice of wheel clamping illegal but, as I have already stated, I think the House accepts that there is a legitimate purpose for the practice to happen within the Island, what the House does not want is for people to rip off normal people who might have just made a small mistake and they do not want people being marched to A.T.M.s (Automatic Teller Machines) in order to pay these fines. Therefore, I will agree with Deputy Le Fondré on this issue and will not vote for this proposition.

12.7 Deputy K.C. Lewis:

This has come up quite a few times over the last few years. I did, in fact, bring this up last year in a series of questions, namely the Talman sites in the centre of St. Helier was the prime suspect where quite a few people were clamped. I did at the time have a meeting with the managing agent who agreed to place signs at windscreen height and not halfway up the pole in the dark, which did alleviate some of the problems. This was also taken up by the *Jersey Evening Post* in the Fair Play section and the then Minister for Home Affairs did in fact issue a Green Paper, Wheel Clamping Green Paper of July 2008. There was not much that came from that but the campaign continued. I, of course, heard lots of horror stories of young ladies being made to sort of climb into this old van and being taken to A.T.M.s and people walking home in the rain, and it truly was disgraceful. With

regard to D.V.S. as the Assistant Minister responsible for D.V.S., I can state that registration details are not handed out to anyone unless they can prove a legitimate reason for having it. For instance, if I was in a car park and I clipped somebody's car and they took my registration, the insurance company concerned would have a legitimate reason for finding that out. I have one question for the Minister for Home Affairs: the Minister, I believe, did state: "I have already publicly expressed the view that the practice of wheel clamping is unlawful" if in the opinion of the Minister for Home Affairs it is unlawful, does that mean that everyone who has had a fine in recent time will be entitled to a refund?

12.8 The Deputy of St. Mary:

We are making a meal of this. I have been listening to this even though I have not been sitting here and it does seem that ... I am not quite sure what the problem is. I can see where people are coming from. There are 2 things that the States needs to do surely. We need to, and we have a duty to do it. We have a duty to ban wheel clamping and we have a duty to put in place an effective and rapid substitute. Why do we need to ban it? Because there is plenty of evidence that the present situation is unsustainable. We have heard several speakers refer to appalling situations where wheel clamping is abused and it does cause injustice and distress so it has to go. I cannot think why we are dithering about that aspect of this proposition. Wheel clamping has seen its day in Jersey, and I have got a note here to myself: "It is not the Jersey way." It just does not fit the way that Jersey should be and I think the case for that has been made by others. But on the other hand we need to introduce an effective and rapid substitute and we have heard from several speakers and people who have had letters from constituents and people who from their own experience have said that they need a remedy, they need a way of dealing with someone who is parking on their land and they need to do something about it. So surely we go ahead with this proposition, we ask the Minister to make the practice of wheel clamping illegal, unless specifically authorised by law, that includes the situation which the Minister might wish to consider that there are no situations in which it is authorised by law. That is an option semantically, perfectly possible within the terms of the proposition and then the Minister has to produce, in short order - as many people have said, it has to be as rapid as we can possibly do this because there is a problem here - a solution which meets the situation and the Minister has suggested in his comments the Guernsey solution, which seems imminently reasonable. Now, people have said: "Oh, this is going to overload the Petty Debts Court" but as the Minister for Home Affairs has pointed out, not necessarily so. There has to be a way of making this work. I trust the Minister for Home Affairs to make it work and I hope that Members will go with this and put this to bed.

12.9 Deputy J.A.N. Le Fondré:

I think a couple of comments I would like to pick up on. One is Deputy Le Claire ... and this anomaly, the problem I have between the wording of the proposition and the wording of the comments. To me, unfortunately, the way I vote is also determined by what the likely outcome of the impact of that vote is going to be. I believe from listening to the Minister for Home Affairs he has said he wants a clear steer because otherwise I would quite happily vote for the proposition because that was the clear route of going down regulation. But the proposition is to make the practice of wheel clamping illegal. The Minister for Home Affairs said he wants a clear steer on this matter. In conjunction with that, and the summary remarks in the Minister's comments which basically says if it is defeated he will take it as an indication of wishing to bring in regulation. I think that is still the steer the Minister requires. I have seen a couple of nods from that direction. So, in other words, if the Assembly wishes to go down the regulation route from the Minister's point of view he would very much welcome a clear steer by rejecting this proposition. That does not mean the status quo remains, that means it gives him a steer as to which direction to go. I think the comment I would say is from what I can see is that the courts can only enforce the law that we passed. So if there are anomalies in that law then the correct route is to get those anomalies sorted out, the courts cannot sort of make up ... I assume the courts cannot make up things as they go

along. My criticism of the system that the Minister has put forward is that I believe, or all I could really hear, is it does generate additional paperwork and it does generate putting more onus on the individual. That, I think, is my concern in terms of creating another level of bureaucracy in the wider context. So on that basis there I think the steer from my point of view to the Minister is I am going to vote against the proposition. I support entirely, I think, the principles behind Deputy Le Claire of regulating and sorting out the problems of wheel clamping but I could not support withdrawing it completely.

12.10 Deputy A.E. Jeune:

As I understand it demanding money with menaces and extortion is illegal and a criminal offence. It seems to me at the moment, what I have heard this afternoon, is we are talking a lot about the rights of erroneous or illicit parkers. In his summing up I would like the Deputy to explain where he sees the rights of the landowner, for example, in situations as described by Deputy Hilton. Thank you.

12.11 Deputy M. Tadier:

I am just amazed at the shenanigans that have been going on in here today. We have once again seemed to have made ourselves a laughing stock. I do not know why we simply did not ... if Members do not want wheel clamping the logical thing to do would have been to vote for my amendment and then to completely kick it out and that would send a clear message to the Minister for Home Affairs that we do not want wheel clamping to be made illegal. That would be clear and I think that would hopefully answer Deputy Le Fondré's point because ...

The Bailiff:

Deputy, I am sorry, we are back on the main proposition.

Deputy M. Tadier:

I understand but I am responding to the previous speaker.

The Bailiff:

There is no point, you are on the main proposition now.

Deputy M. Tadier:

That is right, Sir, and I am responding now to Deputy Le Fondré who also has been speaking on the main proposition in which he misinterpreted, I believe, Deputy Le Claire's intention. He made it very clear that his proposition was to make it illegal with the caveat, I believe - which I do not agree with and why I brought an amendment - which would allow some flexibility for discrete circumstances such as the access to property or for the fire services, et cetera, et cetera. So I think we have made too much of a meal of this. To answer Deputy Lewis' point, although it is not my place to do so necessarily, I would imagine that anybody who has been clamped in the recent past can and should, I would suggest ... any member of the public who has been wheel clamped, do go to the Petty Debts Court and try and get your money back. If you get wheel clamped in the next week or in the next month, leave your car there, go and hire a car, tell the wheel clampers you are not going to pay the debt, take them to the Petty Debts Court and the court will rule in your favour I am quite sure. That is certainly what I would do. I am tempted to go and leave my car ... borrow my dad's car, leave it in a car park and do that myself, **[Laughter]** just to take the precedent to the court, to the Petty Debts Court, get a ruling and if it needs to the wheel clampers can take it to the Royal Court because this seems to be the only way of getting a clear ruling, because we certainly cannot do it ourselves. Initially I was in 2 minds as to how to vote on this one because I obviously an amendment believing that it was the right thing to do but I will support this proposition because I believe in the principle that we are all trying to work to the same end. Both Deputy Le Claire and the Minister of Home Affairs are of the opinion that it should be made illegal and it is quite simple, if you want to make wheel clamping ... let it continue, that is fine, vote against this. It is a very

clear choice and that would send a clear message. But we have been messing around too much today, there was no reason that the initial amendment should not have been accepted and that we could have voted accordingly.

The Bailiff:

Very well, I call upon Deputy Le Claire to reply.

12.12 Deputy P.V.F. Le Claire:

I would like to say very briefly I am going to be quick. The Deputy of St. Peter gave what I thought was one of the best speeches I have heard him make. The Deputy of St. John raised concerns, as other people have done, about the letters they have received from church wardens, and having operated parking control systems in Jersey and abroad it is very simple, if you have a permit facility then you have a permit to park in an area that allows you to issue more permits than areas. In a church area, for example, that can be managed so that the permitted area has access for many vehicles. Therefore you do not have spaces sitting empty that could be used by churchgoers. So they could keep the revenue, keep issuing the permits, keep the funds for the church and increase attendance in the church. Because at the moment a lot of churches are using the parking spaces as revenue raising devices rather than opportunities for those who wish to come and worship. Dedicated parking spaces are different inasmuch as they are assigned dedicated parking spaces to individuals and those should be controlled with barriers or entry systems. Senator Breckon ... they are not wholly for parking. Senator Breckon spoke about intimidation at night and how codes can be issued. They certainly can be issued and the Deputy of St. Peter spoke about action that is required immediately. So I asked the Minister for Economic Development to take action immediately and issue guidance to people that are licensed in these businesses today, and issue codes of practice. They are widely circulated and known about, the advice is published on the internet through the Citizen's Advice Bureau about how wheel clamping can occur, how it should occur, why it should occur, why it should not occur, where the signs should be, what the signs should say, what the penalties should say, what the people should wear, anger management, et cetera, et cetera. Those sorts of things can be done immediately by the Minister for Economic Development if wheel clamping is going to stay in place. I am saying that wheel clamping is an abhorrence and it should not be allowed. There are Members here that have spoken that did not declare interests in housing trusts, et cetera, that are probably employing people; clamping is a method of raising revenue and it is widely known in the U.K. that it is a cash cow and it is a disgraceful cash cow. Deputy Power said to me: "How would you feel if you came out and somebody was blocking your way out of your property and you wanted to get to the hospital quickly?" I said: "Yes, it would be a lot better if he was clamped and could not move." **[Laughter]** "Please move your car." "Oh see you have got to go to hospital, yes. Trouble is I have just spent an hour and half on the phone pleading for the guys to come and move my car so you can go to hospital." It is ridiculous. What you do is you get yourself joined up as an individual property owner with a bona fide company that is licensed through the British Parking Association. There are parking companies that are licensed through those associations. They do have to meet strict criteria, they do have to regulate themselves but, more importantly and most importantly, there is a right to an appeal. There is a right to an appeal and how many times have we said we would not introduce something or let something happen in Jersey unless there was an absolute right to an appeal? Human rights compliance and all the rest of it. You are sitting there at night, in the dark, maybe you are a lady or something and you have got somebody has mugged you for £130, £140, £150. It is absolutely wrong. There are ways of controlling parking spaces and there are methods of controlling parking spaces that not only generates revenue and guarantee proper use of parking spaces, but also penalise the abusers, and you can issue tickets. I am not asking for Members to vote against this to send a clear message to the Minister for Home Affairs. I want Members' support and I want it in the *J.E.P.* which Members support wheel clamping and which Members do not. Because I do not support wheel clamping unless in the extreme circumstances a

policeman comes along, notices that there is a car blocking an emergency exit, decides there and then to call the tow truck, tow truck is on its way, cannot tow for a couple of hours: “Right, we are going to clamp it and make sure it is towed so that the vehicle owners is penalised and the vehicle is towed” and the penalty is placed upon the individual that has conducted the obstruction that Deputy Hilton is talking about. The lobbying that has gone on in Members ... they should be ashamed of themselves, this is about the ordinary people in the street. I am not giving way, I am finishing my speech. It is about the ordinary people in the street and which Members vote for wheel clamping and which Members vote against it.

Deputy J.A. Hilton:

Just a point of clarification, Deputy Le Claire said that the police could move a vehicle or tow a vehicle away of private land, but it is not my understanding that they can.

Deputy P.V.F. Le Claire:

I did not say private land. I said if a vehicle is obstructing an emergency exit. That is the words I used and if people ... the Constable of Trinity is saying I am wrong, if he cares to look over *Hansard*, which is now a readily available thing for every person in the Island to see which way we vote and which way we speak.

Deputy M. Tadier:

On a point of order, it is to address one of the ... Deputy Le Claire raised the issue of the conflict of interest, can we have a ruling from the Chair whether any Members do need to declare an interest if they are members of a housing trust or any interests that they may have.

The Bailiff:

It is a matter for Members, I think. I cannot talk in the hypothetical, Deputy.

Deputy P.V.F. Le Claire:

I ask for the appel, please.

The Bailiff:

The appel is called for in relation to the proposition of Deputy Le Claire, projet 119. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 7		ABSTAIN: 0
Senator T.A. Le Sueur		Connétable of St. John		
Senator P.F.C. Ozouf		Deputy J.B. Fox (H)		
Senator B.E. Shenton		Deputy J.A.N. Le Fondré (L)		
Senator J.L. Perchard		Deputy A.E. Jeune (B)		
Senator A. Breckon		Deputy E.J. Noel (L)		
Senator A.J.D. Maclean		Deputy A.K.F. Green (H)		
Senator B.I. Le Marquand		Deputy J.M. Maçon (S)		
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				

Deputy G.P. Southern (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D. De Sousa (H)				

The Bailiff:

So we will adjourn now until tomorrow morning when we will open with the next item of business, which is the no confidence matter. Very well, we stand adjourned.

ADJOURNMENT