

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 18th APRIL 2017

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 Tribute to a former Member of the States – the late Harry Hallewell Baudains**

#### **The Bailiff:**

Perhaps I can inform Members that Deputy Harry Baudains unfortunately died at the weekend. He joined the States of Jersey as the Deputy of St. Clement in 1986 and, as the Connétable would have us know, was Deputy of God's own Parish until he retired in 2002. He was a retired farmer and took a keen interest in protecting the countryside. He was twice appointed as Vice-President of the then Island Development Committee, and in 1998 was elected as President of the Agriculture and Fisheries Committee. He served as Vice-President on the Housing Committee from 1999 and was a member of the first Privileges and Procedures Committee. I came across him first when I was Attorney General as he was then a member of the Legislation Committee. For all of us who served with him we would remember him as a true gentleman. He provided balanced and thoughtful contributions to a wide array of the committees on which he served, and he had a great sense of humour. He was quiet and unassuming; when he spoke in debates his input was always measured. As many would say, he was a lovely man, God rest his soul. Can I ask Members to stand in the usual way? May he rest in peace. On to happier things, I am very pleased on your behalf to welcome His Excellency, the Lieutenant Governor. **[Approbation]**

### **1.2 Appointment as Dean of Jersey- Reverend Mike Keirle**

#### **The Bailiff:**

I am also pleased to announce that the Reverend Mike Keirle has been appointed as the next Dean of Jersey. He currently serves as a Vice-Dean in Guernsey and Rector of St. Martin's Church on that Island, where he has been for the last 14 years. He comes to us, we hope, in September although he might be arriving for an early foray to find out more about us in July. His experience has been in Christ Church Orpington in the Diocese of Rochester, and then to the link Diocese of Harare in Zimbabwe where he was Rector in St. Paul's Marlborough for 3 years. On his return he served as Rector of Keston Parish Church and the overseas link officer in the Diocese of Rochester before moving to the Channel Islands in 2003. I think the date set aside for his swearing in will be 7th September, if Members would like to note their diaries.

#### **The Bailiff:**

We now come to the Consolidated Order Paper. The last item to mention under A is the Regulation Investigatory Powers Report of the Commissioner which has been lodged, I draw that to the attention of Members.

[9:45]

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 DEPUTY G.J. TRUSCOTT OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE DELIVERY OF COMMUNITY AND PRIMARY CARE SERVICES ONCE THE NEW HOSPITAL HAS BEEN CONSTRUCTED: [1(203)]**

#### **Question**

Will the Minister list the services that will need to be transferred to the community and primary care sectors to allow the new Hospital to function effectively within its proposed capacity?

Furthermore, given the anticipated increase over the next 20 years in the number of people aged over 65, will the Minister explain how he can be confident that the proposed expansion of community and primary care facilities will be delivered on time and will be sufficient to meet any extra demand; and can he provide any indication of the annual future cost of providing these services?

### **Answer**

The Acute Service Strategy is a key aspect of P.82/2012 'A New Way Forward for Health and Social Care'. It is clear that hospital services will be delivered on-Island where it is safe to do so. This requires the hospital to be optimally staffed, in order to provide a range of emergency and elective services. As part of the health and social care transformation work (P.82), the services that are delivered from within the hospital building are being redesigned as part of the planning for the future hospital, to ensure the hospital is the right size and to further improve pathways.

There is, and will always be, a difference between the service provided in the hospital and the services provided in a person's own home. The service changes across health and social care relate to pathways, and aim to ensure people can remain in their own homes for as long as possible – which is what Islanders told us they wanted in the P.82 consultation.. This helps to ensure the hospital focuses on the services that should be delivered in hospital and requires an increase in some community and primary care services, as it will be achieved through:

- Admission avoidance – doing all we can so that patients don't need to come to hospital in the first place
- Admission prevention – when Islanders do need to come to hospital, making early decisions and providing treatments in ways that reduce the numbers needing to be admitted
- Early discharge – ensuring that when patients have been admitted to hospital, their care is as safe and clinically effective as possible so that they can return home or to care outside hospital safely at the earliest opportunity

Admission avoidance includes initiatives such as the Care Hub, GPs accessing step-up beds rather than hospital, working with residential and nursing homes to manage fluctuations in their residents' health without sending them to hospital, improving outputs from the falls clinic and memory clinic, rolling out the Gold Standards Framework, managing long-term conditions in the home i.e. Community Respiratory team etc. Most of these services are delivered in Community and Primary Care settings.

Admission prevention includes an Ambulatory Emergency Care model, extended nursing roles in the Emergency Department, Consultant level assessment in the Emergency Assessment Unit, 'hot clinics', telephone advice for GPs and community specialist nurses, and the Rapid Response and Reablement Team and step-up beds. Most of these are services provided within the Hospital (other than Rapid Response and Reablement and step-up care).

Early discharge/transfer initiatives include implementation of the Gold Standards Framework, Rapid Response and Reablement Team, improved access to diagnostics, improved social worker provision, improved acute rehabilitation at Westmount, enhanced recovery programmes, increased day case surgery rates, introduction of new treatments and techniques etc. Some of these services, such as step-down care, are provided by Community and /or Primary Care providers.

The proposed expansion of community and primary care services is described in the Outline Business Case. The priority investments were identified with a range of stakeholders, based on the identified gaps in service provision and international best practice in making an impact on reducing hospital demand. The Future Hospital project is refreshing its demand and capacity modelling; this will be used to inform the refresh of the Out of Hospital priorities and to target investment into services which will be able to meet the increasing demands into the future.

The ongoing planning and implementation is project managed by the Deputy Director of System Redesign and Delivery, supported by a Project Officer. The programme is overseen by a cross-system Implementation Group. The programme remains under review, with priorities being considered regularly.

In Phase 1 (2013 – 15), £3.0m has been invested recurrently in Out of Hospital services. In MTFP 2 (2016 and 2017), the additional investment totals £0.7m recurrently. Recurrent funding of £2.1m has been indicated for 2018 and 2019; this is subject to annual approval by the Treasury Minister. Funding for 2020 onwards will be identified in due course.

The KPMG projections indicated that the older adult population was set to increase by 35% between 2010 and 2020, 75% by 2020 and 95% by 2030. This, along with the need to ensure the future hospital is the appropriate size, means that investment in Community and Primary Care services must continue; both the services being provided and the ways in which the services are organised must remain under review in order to ensure the services achieve their aims of helping people remain healthy in their own homes for as long as possible.

**2.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FINDINGS OF ‘REVIEW OF PERSONAL TAX (STAGE 1) – DATA ANALYSIS’ (R.30/2017) IN RESPECT OF THE EFFECT OF G.S.T. ON PEOPLE ON DIFFERENT PARTS OF THE INCOME SCALE: [1(204)]**

**Question**

Following the publication of R.30/2017, ‘Review of Personal Tax (Stage 1) – Data Analysis’, does the data contained in Figure 5.3 (p. 37) show that the impact of GST is regressive, having a greater impact on those on low incomes than it does on higher earners; will he apologise, on his own and his predecessors' behalf, to the public and Members for repeated statements that the effect of GST is not regressive; and if not, why not?

How is his argument that tax paid by the lowest earners has been reduced over the past decade borne out by the data in figures 6.2 to 6.8 in that report, which appear to show that when all taxes and contributions are included, the lowest earners in each household illustrated are subject to a higher effective rate of tax in 2015 than in 2006?

Does the combination of GST and the caps on social security and the Long-Term Care charge result in regressive effective rates of tax for those on higher earnings?

**Answer**

The Review of Personal Tax was commissioned by the Minister and overseen by a political oversight group made up of Ministers and other States Members.

The analysis in the Review is not inconsistent with previous analysis of the distributional impact of GST. For example, the 2009 Fiscal Strategy Review Green Paper stated that “*while a certain proportion of every family’s expenditure is made up of GST it has more impact on lower-income households*”. In recognition of this, Ministers increased the components of Income Support subject to GST by 3% when GST was introduced and increased them further when GST rose from 3% to 5%. In addition, tax exemption thresholds were increased and a Food Costs Bonus was introduced to benefit those who were not eligible for Income Support and who did not pay income tax.

Taxes on consumption are accepted to be regressive: at 5% Jersey’s GST is mildly regressive compared, for example, to VAT rates in the European Union which often exceed 20%. Nevertheless, paragraph 35 of the Review’s Work Stream 3 (policy considerations) paper notes that the “*Literature suggests that corporate and personal income tax have a strong negative impact on growth while consumption taxes...are found to be less harmful.....*” The introduction of GST was a necessary part of our responses to make Jersey’s corporate tax system internationally compliant and competitive; and to retain the many economic benefits which the financial-services industry brings to the Island.

Figure 2.32 demonstrates that for the range of households considered those on lower incomes paid less income tax in 2015 than they would have done if the changes to income tax had not taken place in the period since 2006. Figures 6.2 to 6.8 take account of the impact of the changes to GST, Social-Security Contributions and the LTC Contribution over the same period.

Broadly speaking, the combination of GST and the caps on social security and long-term care contributions does mean that, at higher incomes, the effective tax rate starts to fall slightly but the system overall remains broadly progressive as those on higher incomes still pay a higher effective rate than those on lower incomes.

All of the fiscal measures covered by this review were adopted by the States Assembly because the Assembly considered that they were in the best interests of all of the people of Jersey. Nobody in this Assembly needs to apologise for securing our people’s jobs and financial wellbeing through a period of severe economic upheaval worldwide.

### **2.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FINDINGS OF ‘REVIEW OF PERSONAL TAX (STAGE 1) – DATA ANALYSIS’ (R.30.2017) IN RESPECT OF POST-TAX INCOME FOR MIDDLE EARNERS AND THE RAISING OF REQUIRED AMOUNTS OF REVENUE: [1(205)]**

#### **Question**

With reference to figure 6.9 of R.30/2017, ‘Review of Personal Tax (Stage 1) – Data Analysis’, what has been the scale of increase in post-tax income since 2006 for the majority of middle-earning couples, other than those couples with a child at university whose annual tax bill is reduced to assist with higher education costs?

With reference to paragraph 31 of work stream 3 in R.30/2017, what measures does the Minister have under consideration for “*raising the required amount of revenue to fund the provision of public services in the Jurisdiction*” in the light of the ongoing structural deficit and other than continued austerity, and in particular, how much revenue, if any, does he expect the measures in work stream 4, “*Tax Compliance Framework*”, to raise?

## Answer

The Review of Personal Tax was commissioned by the Minister and overseen by a political oversight group made up of Ministers and other States Members.

With reference to the Review of Personal Tax, illustrative households 3 and 4 broadly represent working couples without children in higher education. The review was not tasked with establishing changes in income levels - rather the impact of fiscal measures introduced by the States Assembly.

As the Chief Economist explained during the Minister's presentation of the Review to States Members on 24th April, there is no single definition of "middle earner".

The Statistics Unit advises that an empirical definition of middle-earning households may be derived from the income distributions of the 2014/15 Household Spending and Income Survey. The Unit suggests that the middle three quintiles of such an income distribution represent an appropriate definition of middle earners in Jersey.

For the purposes of this question, from the perspective of the post-tax income of "middle earning couples", the relevant income distributions from the survey are those of *unequivilised household income before housing costs* of working age couples without children and of couples with at least one dependent child aged under 16 years. The ranges of post-tax income of "middle-earning couples" in 2014/15 were:

Working age couple, no dependent children:		£31,000 to £71,000
Couple with at least one dependent child aged under 16 years:		£33,000 to £84,000

The Statistics Unit does not hold survey information of sufficient granularity to enable calculation of the change in the above income ranges since 2006, in either nominal or real terms.

The Minister outlined the principal revenue-raising measures he has under consideration during his presentation (Slides 5, 67 & 68) of the Review to States Members on 24th April – as well as in his last Budget speech.

Briefly, the principal measures the Minister is consulting on for Budget 2018 are the case for a so-called "Tesco Tax"; and the case for extending the range of finance-sector companies taxed at rates other than the Standard Rate of zero per cent.

Insufficient data exists to estimate the revenue benefit arising from improved compliance with Jersey's tax law arising from the possible range of measures upon which the Taxes Office is currently consulting. As was also discussed during the presentation to States Members on 24 April, the Taxes Office aims to undertake "tax gap" analysis work over the coming two years which will assist with such estimations in future.

**2.4 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE INVOLVEMENT OF MEMBERS OF THE PLANNING COMMITTEE IN APPLICATIONS CONCERNING THE PARISH OR DISTRICT THEY REPRESENT: [1(206)]**

**Question**

Would the Minister explain whether States Members on the Planning Committee have been known not to take part in determining applications concerning the Parish or district they represent and, if so, how often this occurs and what formal protocol, if any, has been agreed in respect of this practice?

**Answer**

Members will be aware that Article 9A of the Planning and Building Law, 2002 (as amended) permits the Planning Committee to determine its own procedures.

The Members of the Planning Committee have decided not to take part in any applications concerning the Parish or district they represent. This arrangement, which was also followed by the predecessor Committees, has been formalised into the Planning Committee members Code of Conduct of April 2015, which reads as follows:

*“7. With the exception of any Senator sitting on the Committee, where an item is within the electoral district that a Committee Member represents then that Member should withdraw from discussion of that item making it clear that they will not be taking part in the decision making process. Any such Member would remain entitled to make representations in connection with that item as an elected representative of the district.”*

The Department does not record the frequency in which this protocol applies.

**2.5 THE DEPUTY OF ST. OUVEN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE USE OF EVIDENCE PRODUCED BY ROADSIDE CAMERAS: [1(207)]**

**Question**

Is it her understanding that evidence produced by roadside cameras is admissible in Parish Hall enquiries and prosecutions in Jersey without further corroborative evidence? If not, does the Minister consider such evidence should be admissible and what steps, if any, is she taking to that end?

**Answer**

Matters under the Road Traffic (Jersey) Law 1956, including for speeding offences, are the primary legislative responsibility of the Minister for Infrastructure. The sole legislative responsibility of the Minister for Home Affairs under this Law is to approve devices for measuring breath alcohol levels.

With the above said, it is presently the case that Jersey has no statutory provisions which specifically provide for evidence from fixed roadside cameras to be admissible in evidence in criminal proceedings. By way of comparison, in England and Wales, the Road Traffic Offenders

Act 1988 specifically provides for such evidence to be used in criminal proceedings provided the device is prescribed and approved by the relevant Secretary of State. Evidence from properly approved speed and traffic light cameras is admissible in evidence in the UK in its own right and does not require corroboration.

It would therefore likely be necessary to seek to amend the Road Traffic (Jersey) Law 1956 if it were thought appropriate to use such devices in Jersey. This responsibility would fall to the Minister for Infrastructure, after appropriate consultation, including with the Department for Community and Constitutional Affairs, the States of Jersey Police and the Parishes.

The use of fixed speed cameras was considered at a programme of road safety workshops held in 2015 involving the Ministers for Home Affairs and Infrastructure, Connétables, States and Honorary Police. With regard to traffic legislation, the workshop identified the introduction of penalty points with graduated licences and lower drink drive levels as the highest priorities. This is reflected in the Jersey Road Safety Action Plan 2017-2019 (<http://www.statesassembly.gov.je/AssemblyReports/2016/R.132-2016.pdf>). The Minister for Infrastructure is therefore progressing these matters. The workshop did not support the introduction of fixed speed cameras and no steps are currently being taken to pursue their implementation.

It should be noted that a fixed speed camera system similar to that of the UK would involve significant infrastructure costs in addition to the required law amendments. Although fixed speed cameras are proven to lower road injury rates in areas where there has been a history of speed related injury accidents, there are few locations in Jersey where the rate of speed related injuries would reach the level typically required to justify the introduction of speed cameras in the UK.

## **2.7 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING RELATIVE LOW INCOME IN JERSEY: [1(208)]**

### **Question**

With reference to the answers given by the Assistant Chief Minister to oral questions about relative low income at the sitting on 28th March 2017, does the Chief Minister stand by the claim made in Written Question 1(160) that relative low income is reducing in Jersey?

What assessment has the Chief Minister made of the effect of cuts to support for pensioners, single parents and those claiming Short or Long Term Incapacity Allowance on the number of such people entering relative low income?

### **Answer**

Until we have another income distribution survey, we cannot be definitive about the impact of the complex interacting factors that influence and effect income distribution. The last survey was conducted in 2014/15, and we are working to bring forward the next survey.

It is the case that the number of individuals living in households in relative low income before housing costs was 16% in 2002; 13% in 2009/10; and 13% in 2014/15. However, headline rates before housing costs should not detract from the fact that, after housing costs in particular, the position deteriorated between 2009/10 and 2014/15 as our economy fared less well. In particular,

employment earnings fell after the financial crisis; and low interest rates reduced mortgage costs for some while rents rose for others.

Our economy is now improving: Average earnings have risen by more than inflation for the last four years; unemployment was most recently reported as having fallen further and remains at a six year low; and economic growth took place of 5% in 2014 and a further 2.2% in 2015, more than double the forecast.

As to those at the lower end of the income distribution, benefit budgets we proposed by the Council of Ministers and approved by the Assembly, and as far as possible, changes were designed to support moves towards financial independence, to target benefits more carefully, and to minimise the impact on individual households. The Minister for Social Security has answered a similar question (208, 18th April, 2017) on this topic.

Indeed, the number of working age households in receipt of income support with no other income has reduced from 60% in 2011 to 49% in 2015; with this improvement mirrored in the number of children living in working age households in which no parent works, which reduced from 60% to 49% over the same period.

As to pensioners, the pension is directly linked to the level of earnings, so improvements in the economy and earnings does benefit pensioners, and most pensioners receiving income support at the end of 2015 have not been effected by the changes to the disregard rules.

In all this, while relative income is important, so is absolute income: In Jersey, median incomes are 50% higher than the United Kingdom, and while costs may be higher too, this is more than compensated by higher incomes.

This is not to say that there are not pressures and costs which bear down on incomes, or that Ministers do not wish to reduce relative low income, or improve standards of living.

## **2.7 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF CHANGES TO INCOME SUPPORT IN LEVELS OF RELATIVE LOW INCOME: [1(209)]**

### **Question**

Following the implementation of the cuts to Income Support paid out to claimants who either receive a pension or Short-Term or Long-Term Incapacity Allowance (as a result in the changes to the disregard rules), plus the phased abolition of the Single Parent component of Income Support, what work, if any, has the Department undertaken to assess what proportion of those claimants are officially living in relative low income, and how have these cuts affected those figures?

If such a piece of work has not been done, why not?

### **Answer**

To clarify the context of the question, the States agreed a number of changes to the Income Support system as part of the overall MTFP.



These changes held the benefit budget more or less constant over the 4 years of the MTFP, releasing a budget of £10 million to be invested in the priority areas of health and education. As far as possible, these benefit changes were designed to support moves towards financial independence, target benefits more carefully, and minimise the impact on individual households. Investments made in health and education include new services specifically aimed at low income and vulnerable groups, such as the introduction of a Jersey Pupil Premium and enhanced maternal services for at risk families.

The wording of the question suggests that a range of Income Support claimants have seen cuts in the income disregards that they are entitled to. This is not accurate.

- Most pensioners receiving Income Support as at 31/12/2015 were not affected by the change in the disregard rules for pensioners and continue to receive their previous disregard allowances
- A minority of pensioners saw an increase in the amount disregarded
- Short Term Incapacity: there have been no disregard changes affecting STIA recipients.

The Department monitors relative low income in the context of the Income Distribution Survey (IDS) produced by the Statistics Unit. The most recent IDS was published in late 2015, reporting on income data from 2014 and 2015. A detailed explanation of relative low income was included in the response to the Scrutiny Review of Low Income published last year and extracts from that response are provided as an appendix to this answer.

The Department maintains detailed statistics on Income Support households and information is published each year in the Annual Report. However, as relative low income can only be measured in the context of a full income distribution survey, these annual Income Support statistics cannot be used on their own to provide official statistics on relative low income. Annual statistics do provide detailed information on the level of earnings, overall household income in Income Support households and the number of households partially and fully reliant on Income Support as well as broader indicators such as RPI and AEI.

The Department is committed to encouraging moves towards financial independence and continues to support income support claimants into work. Recent initiatives have improved employment support to parents of children starting nursery and to adults with long term health conditions. In 2017, a new project will start to explore additional services in other areas that could support claimants towards financial independence.

## **Appendix: Extract from scrutiny response**

### ***The measurement of income***

#### ***Income distribution and 'buying power'***

*The remit of the Review makes extensive reference to the Income Distribution Survey and the measurement of relative low income in Jersey. The income distribution survey published in 2015 by the Statistics Unit provides an income distribution across all Jersey households.*

*In order to make comparisons, a process called equivalisation is used to standardise the size of the households included in the survey. From this, an average (median) household income can be*

calculated, based on a household of two adults. This average income includes all income sources including wages, pensions, and unearned income. The cost of income and property based taxes is then deducted to give the headline figure. The survey allows for incomes to be measured before and after housing costs are taken into account. These are standard techniques used in many countries, including the UK.

- Before housing costs are removed, the median household income in Jersey is £680 per week. This figure is 50% above the same figure for the UK, which is £453 per week.
- Average housing costs are affected by mortgage interest rates, the cost of rented accommodation and the proportion of households that own their homes outright, are paying a mortgage, or are paying rent.
- After housing costs are taken into account, median household income is £560 per week. The median income is 45% above the same figure for the UK, which is £386 per week.

This confirms that average incomes are higher in Jersey than the UK, but it is also true that costs are often higher. An analysis undertaken by the Statistics Unit (Jersey-UK Relative Consumer Price Levels for Goods and Services)<sup>1</sup> in 2013 looked at all areas of household expenditure and compared costs across the two jurisdictions.

Overall, prices in Jersey were 20% higher. Although these surveys relate to different years, it is clear that the higher costs identified in Jersey are more than compensated for by the higher level of average household income. In summary, the median income in Jersey has more 'buying power' than the median income in the UK.

### **Relative low income**

The measurement of relative low income sits within this framework of overall income distributions. The measure used by the Statistics Unit is the internationally recognised standard of 60% of the household median income<sup>2</sup>.

### **Relative low income**

The measurement of relative low income sits within this framework of overall income distributions. The measure used by the Statistics Unit is the internationally recognised standard of 60% of the household median income<sup>3</sup>.

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<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20JsyUKConsumerPriceLevels2013%2020130306%20SU.pdf>

<sup>2</sup> It should be noted that conceptually RLI relates to potential susceptibility not only to relative economic hardship ("poverty") but also to social exclusion within a given jurisdiction. It is also important to consider the depth (intensity) of RLI, which is an important complementary measure, relating to the shape of the distribution below the RLI threshold. The depth of RLI can be very different between jurisdictions (with different tax-benefit systems) and lead to important additional interpretations of the relative positions.

<sup>3</sup> It should be noted that conceptually RLI relates to potential susceptibility not only to relative economic hardship ("poverty") but also to social exclusion within a given jurisdiction. It is also important to consider the depth (intensity) of RLI, which is an

To recap the numbers provided by the survey, the relative low income thresholds for a couple with no children are:

<i>Having 20% uplift prices to</i>	<i>Weekly income</i>	<i>Jersey</i>	<i>UK</i>	<i>applied a to UK reflect</i>
	<i>BHC</i>	<i>£410</i>	<i>£272</i>	
	<i>AHC</i>	<i>£340</i>	<i>£232</i>	

<i>Weekly income at</i>	<i>UK</i>	<i>UK uplifted to</i>	<i>Jersey</i>
<i>Relative low income threshold</i>		<i>Jersey prices</i>	
<i>BHC</i>	<i>£272</i>	<i>£326</i>	<i>£410</i>

*Jersey costs, this table confirms that the buying power of a household at the RLI threshold in Jersey is significantly higher than the UK equivalent<sup>4</sup>.*

*The number of households lying above and below the relative low income threshold provides useful information about the overall income distribution within a jurisdiction. However, on its own, it does not provide information on the level of actual poverty within a country. Whereas it is useful to track these statistics and they can be used in some areas to support the development of various areas of government policy, they should not be used on their own to determine benefit policy.*

**2.8 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RAISING OF THE LONG-TERM CARE CHARGE RATE: [1(210)]**

**Question**

What timetable does the Minister foresee for raising the Long-Term Care charge rate to 3% by 2044, as was envisaged in P.99/2013 ‘Long-Term Care Scheme’?

**Answer**

The Long-Term Care (LTC) contribution rate is 1% (as of 01/01/16) and there is currently no intention to increase this before the end of 2018, in line with a commitment given by the previous Minister for Social Security.

important complementary measure, relating to the shape of the distribution below the RLI threshold. The depth of RLI can be very different between jurisdictions (with different tax-benefit systems) and lead to important additional interpretations of the relative positions.

<sup>4</sup> This is known as Purchasing Power Parity (PPP). The PPP is a simple measure of relative cost of living (COL), and is averaged across all private households. The relative COL between jurisdictions for particular types of household (e.g. pensioners, low income) may, in principle, be quite different to the overall average implied by the PPP.

Without any other changes to the scheme, the LTC contribution rate will need to increase steadily over the next two decades to ensure that the LTC Fund can sustain the increase in benefit expenditure due to an ageing demographic.

However, P.99/2013 also outlined a variety of other policy levers that could be altered to make the scheme more or less generous, which could in turn have an effect on the LTC contribution rate.

An internal review is currently in progress to determine the timing of the next increase to the LTC contribution rate and I will advise Members once this is complete.

## **2.9 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING DISCUSSIONS WITH GUERNSEY AND ALDERNEY ABOUT ‘ISLAND-HOPPING’: [1(211)]**

### **Question**

What discussions, if any, has the Minister had with his counterparts in Guernsey and Alderney, including their tourism bodies (Visit Guernsey and Visit Alderney) to discuss joint opportunities for attracting tourists from Europe and the U.K. to ‘Island hop’ across our Islands?

### **Answer**

I discuss a range of tourism matters, including our air and sea links, during the course of regular meetings with my political counterparts in the Channel Islands. Specific destination marketing opportunities are, however, considered and actioned by Visit Jersey in accordance with its [Destination Plan for Jersey](#) and successive [business plans](#), which I review and approve on an annual basis.

At an operational level Visit Jersey are in regular contact with their counterparts across the Channel Islands. Significant activity includes –

- jointly developing a C.I. website <http://www.visitchannelislands.com/>
- the roll-out this year of a Channel Islands Heritage Festival- “Heroes, Myths and Legends” (8th April to 10th May)
- collaboration with Visit Guernsey to support direct triangular summer air routes from Germany, Austria and Holland.
- collaboration at important trade exhibitions (e.g. at ITB Berlin and WTB London, Visit Jersey jointly present under the Channel Islands banner).

In March, the CEO of Visit Jersey met the Marketing & Tourism Officer at Visit Alderney two weeks ago. They emphasised the importance of inter-Island connectivity (was informed about the possibility of Alderney based airline introducing a scheduled service between Alderney and Jersey).

There are currently no direct air or sea routes between Alderney and Jersey, though we do have the periodic sailings from Sark.

A Memorandum of Understanding has been drafted between Visit Jersey and Visit Guernsey and is with Guernsey for comment. I anticipate this being finalised soon.

**2.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) LEGISLATION: [1(212)]**

**Question**

What plans, if any, does the Minister have to introduce TUPE (Transfer of Undertakings (Protection of Employment)) legislation in Jersey?

**Answer**

The Minister has no plans at this time to introduce TUPE-type legislation in Jersey.

**2.11 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE E-GOV BUDGET: [1(213)]**

**Question**

Could the Chief Minister provide a full breakdown of the budget that has been agreed and provided to the eGov team since its creation including what the funds have been spent on based on outcomes and objectives during which time periods?

**Answer**

**Budget and expenditure breakdown**

	Budget Approved	Trf from Exemplar to Phase 1	Total budget	Total expenditure to 28/02/2017
	£'000	£'000	£'000	£'000
Exemplar Projects	2,260	(364)	1,896	1,896
eGov Business Case	7,653	364	8,017	6,042
<b>Total budget approved</b>	<b>9,913</b>	<b>0</b>	<b>9,913</b>	<b>7,938</b>

<b>Further Breakdown of expenditure</b>				£'000
Exemplar Projects				1,896
eGov Team				1,317
Digital Design Authority				1,482
Foundation projects				1,080
Foreground original business case				875
Foreground additional				269
Additional projects with political approval				479
Additional projects with board approval				540
<b>Total</b>				<b>7,938</b>

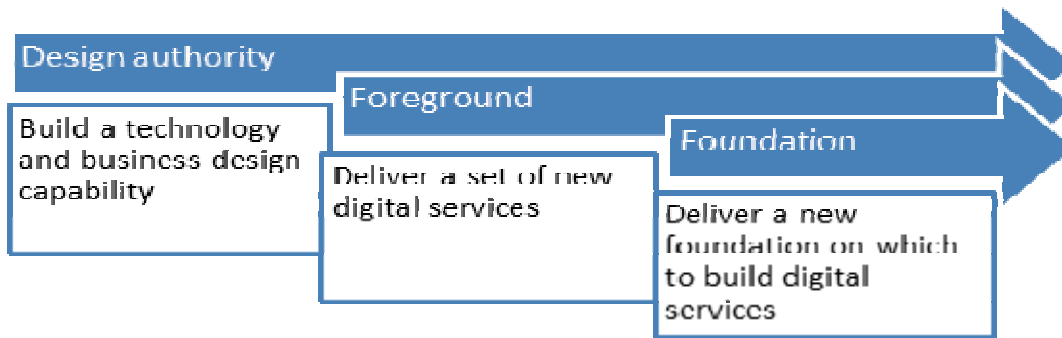
### eGov Programme Deliverables

<b>Delivery</b>	<b>Detail</b>
Foundation components – design/build, buy  - for use by the SoJ and wider (parishes and other third party organisations)	Digital ID  Customer Portal  Integration layer  Enterprise data (people/data)  Web payments
Foundation components – initial integration and functional proof	All foundation components integrated with <i>Line of Business</i> system(s) with example service(s) delivered using this eGov services platform.
Tell us once	Establishment of a series of TUO services delivered through the eGov services platform.
New services (foreground)	A series of new online services
Enterprise architecture	SoJ design and governance for systems, security and data

Foundation components – aka eGov services platform

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The vision and objectives set out in the original business case remain the same, while the method of delivering the programme changed. The revised method focussed on an approach which comprised three main areas of delivery:



**The sequence of delivery is important.**

The **Design Authority** helps move the States away from planning as individual departments to planning as a single organisation. It does this by designing new common standards and principles for systems, cyber security and data. It influences how the foundation is built.

The **Foreground** projects provide all departments with experience in redesigning services and delivering them using new technology. They provide value to customers by delivering new services during the life of the programme and they provide confidence that the programme is making progress.

The **Foundation** projects create the tools and technology that will enable the States to build new online services. As such it is a significant enabler to the digital transformation of the States of Jersey.

**2.12 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE ROLE AND BUDGET OF THE INFORMATION SERVICES DEPARTMENT: [1(214)]**

**Question**

Could the Chief Minister provide a breakdown of the budget provided to the Information Services Department, specify that Department’s role within the States of Jersey and state how its work correlates with that of the eGov team?

**Answer**

Information Services (IS) is responsible for delivering and supporting information technology across the States of Jersey. It is part of the Chief Minister’s department and is based at Jubilee Wharf. IS has 93 staff and covers all States departments except schools, parishes and the police.

IS manages 400 servers in 50 racks across 2 data centres and 700 network switches. It supports 6,000 users, 100+ sites and 700+ applications.

The work of IS is subdivided into operations, business enablement, portfolio management, information management and security and digital delivery. The teams support operational capabilities and technology driven change. The teams also advise departments on a variety of initiatives.

The annual revenue budget is £11m, broken down as follows:

<b>Business Unit</b>	<b>Original Budget 2017</b>	<b>Original Budget 2018</b>	<b>Original Budget 2019</b>
<b>Total F4F150 - IT Operations</b>	<b>3,331,400.00</b>	<b>3,335,400.00</b>	<b>3,392,400.00</b>
<b>Total F4G170 - ISD - Staffing</b>	<b>5,939,500.00</b>	<b>5,939,500.00</b>	<b>5,499,500.00</b>
<b>Total F4G180 - ISD - Training &amp; Development</b>	<b>49,300.00</b>	<b>49,300.00</b>	<b>49,300.00</b>
<b>Total F4G190 - ISD - General</b>	<b>30,400.00</b>	<b>30,400.00</b>	<b>30,400.00</b>
<b>Total F4L200 - Business Enablement - General</b>	<b>73,000.00</b>	<b>73,000.00</b>	<b>73,000.00</b>
<b>Total F4L600 - Taxes Office</b>	<b>892,200.00</b>	<b>892,200.00</b>	<b>892,200.00</b>
<b>Total F4R200 - ISD Projects</b>	<b>29,900.00</b>	<b>29,900.00</b>	<b>29,900.00</b>
<b>Total F4R201 - Geospatial Info</b>	<b>-84,500.00</b>	<b>-84,500.00</b>	<b>-84,500.00</b>
<b>Total F4R210 - Information Security</b>	<b>38,200.00</b>	<b>38,200.00</b>	<b>38,200.00</b>
<b>Total F4R220 - Info Management</b>	<b>15,000.00</b>	<b>15,000.00</b>	<b>15,000.00</b>



<b>Total F4R320 - Digital Delivery</b>	<b>321,900.00</b>	<b>321,900.00</b>	<b>321,900.00</b>
<b>Total F4S070 - Applications Support</b>	<b>384,200.00</b>	<b>384,200.00</b>	<b>384,200.00</b>
<b>Total - Information Services</b>	<b>11,020,500.00</b>	<b>11,024,500.00</b>	<b>10,641,500.00</b>

IS is providing expertise and resource for the eGov programme. Once the eGov foundation is delivered IS will support it, promote its use and implement services online.

IS is currently restructuring to improve its support as the States transforms to a digital organisation. More technology projects are being introduced, IS is implementing the changes needed and supporting an increasing level of technology.

## **2.13 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE COST OF PLANNING PERMITS AND THE IMPACT OF CHANGES TO THE TIME LIMITS FOR SUCH PERMITS: [1(215)]**

### **Question**

Following the Minister's decision to reduce the time limit of planning permits from 5 to 3 years, could the Minister justify the costs that apply to planning permits, state whether there will be a reduction in these costs with the change in time limit and explain what impact this change is likely to have on supply in the local market?

### **Answer**

The assessment and determination of planning applications are funded, almost exclusively, through the receipt of fees accompanying those applications. This is a user-pays service available to Islanders where the funding model has been approved by this Assembly and administered by successive Ministers.

I do not intend to reduce planning application fees as a result of my decision to change the length of time available for the commencement of work. Nor do I see any need. Islanders will still receive the same assessment service and the resultant uplift in value of the property (following an approval) will not change as a result of this decision.

This is part of a package of measures I have introduced since becoming Minister, aimed at encouraging development to take place to boost the economy. Members will already be aware of the reductions in red tape I have brought forward, by increasing the allowances to property owners for work which can be carried out without planning permission. My intention is to stimulate the development industry, not fetter it.

**2.14 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING LIST TIMES FOR PROCEDURES AT THE HOSPITAL: [1(217)]**

**Question**

Would the Minister provide an update on waiting list times for procedures in the Hospital and advise what impact, if any, the new hospital build is expected to have on waiting lists for patients?

**Answer**

The April 1<sup>st</sup> 2017 position for waiting times for procedures in the hospital is:

<b>Specialty</b>	<b>Average wait in weeks for a procedure April 17</b>
Ears Nose and Throat (ENT)	8
Gastroenterology	13
General Surgery	8
Gynaecology	6
Ophthalmology	11
Oral Surgery	7
Orthopaedics	14*
Pain	8
Urology	5

\*The Orthopaedic team has worked hard to reduce the number facing long waits for surgery. There are now only 39 patients waiting over 90 days, compared to over 250 two years ago. Once these long waits have been eliminated, the average wait will decrease.

The length of time a patient may wait does vary by specialty and varies each week within specialties. The variation is driven by:

Number of available consultants

Number of referrals received

Number of patients being added to the procedure list

Bank Holidays

Time of the year

Number of patient cancellations

The new hospital will provide an environment that will facilitate the smooth flow of patients through Departments and provide additional capacity in terms of equipment, beds and theatres. Therefore:

- more patients will be able to be treated as day cases – making the surgical process more efficient
- increased capacity in diagnostics will speed up tests
- new layouts and treatment areas will offer opportunities for rapid assessment and treatment ie ambulatory emergency care and interventional radiology
- there will be sufficient capacity to appoint new staff as demand dictates and investment allows
- the environment will better meet the needs of more vulnerable patients, for example, those with dementia. This will shorten their time spent in the hospital, releasing capacity for increased throughput.

These initiatives need to be considered alongside the anticipated increases in demand generated by the ageing population.

**2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE QUALITY AND SAFETY OF CARE DELIVERED BY HOME CARE AGENCIES: [1(218)]**

**Question**

What assessment has the Minister undertaken, as a commissioner of home care services, into the use of zero-hours contracts, the absence of payment for travel time and the use of split shifts, on the quality and safety of the care delivered by home care agencies for which he has responsibility; and if none, will he consult on this matter with those responsible for assessment of need in his adult social work department?

**Answer**

My Department does not commission home care provision; clients who receive funding from HSSD or the Long-Term Care Scheme can choose to have their home care provided by one of the Approved Providers.

All Approved Providers are subject to a robust and rigorous application process to ensure that they meet the required standards of care and quality assurance. Thereafter, they are subject to an annual inspection. As part of this process, employers and employees are subject to surveys and any employee can raise a concern which would instigate a visit. These visits may be pre-notified or the Quality Assurance Officer may choose to visit without notice.

Issues such as contracts of employment, working patterns and travel time are matters for the individual home care agencies, provided that they comply with the law (in particular employment law). As part of the annual inspections, the Quality Assurance Officer checks that staff receive the minimum wage and that terms and conditions of employment are legal.

**2.16 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE LEVELS OF INCOME SUPPORT FOR PARTICULAR CLAIMANTS IN 2017 COMPARED WITH THE LEVELS IN 2009: [1(219)]**

**Question**

Is it the Minister's assessment that a single adult on the average Long-Term Incapacity Allowance benefit for disability, and unable or not required to seek work, and claiming Income Support is some £22 per week worse off in real terms compared to 2009?

What equivalent figure does she have for the real terms position for a pensioner claiming Income Support and in receipt of a full States pension, and if none, why not?

**Answer**

The most recent annual Departmental report gives detailed information on a wide range of benefits areas.

On page 35, Figure 14 indicates that a rate of 20% is the most commonly awarded rate for Long-Term Incapacity Allowance (LTIA). The accompanying text confirms that the average (mean) award is 36% and that this average has not changed significantly over the last few years.

LTIA is an in work benefit and there are no limits placed on any recipient regardless of % award (including those at 100%) who are able to work in doing so with no restriction on their earnings. An individual with an LTIA award of up to 40% who is claiming Income Support is not normally exempt from job seeking requirements and would be expected to seek work. Exceptions are made for individual cases but jobseekers with mild to moderate long-term health conditions are now fully supported through both general and specialist advisers in the Back to Work teams. As such, it is not possible to answer the question as posed. However, the following details provide relevant information on this topic.

In December 2009, an Income Support claimant would have received a 10% allowance against earned income. Today, that figure stands at 23%.

- In cash terms, an Income Support claimant with wages of £250 a week in 2009 would have been £25 a week better off than a similar claimant who was unemployed and a jobseeker.
- Today an Income Support claimant with wages of £250 a week is £57.50 a week better off than a similar claimant who is unemployed and a jobseeker.

There will be some Income Support claimants with more serious long-term health condition who are exempt from job seeking. These claimants are likely to be receiving higher than average levels of LTIA payments, and may be receiving additional support through the Income Support

system through the three types of impairment component – personal care, mobility and clinical cost.

For a single pensioner receiving Income Support at the end of 2009 an allowance of £32.69 was allowed against pension income. By the end of 2016, that pensioner would be entitled to an allowance of at least £55.23 per week, an increase of £22.54 per week since 2009.

A comparison of the same pensioner receiving Income Support at the end of 2009 and the end of 2016 is provided below.

	<b>December 2009 weekly amounts £</b>	<b>December 2016 weekly amounts £</b>
Pension income (full rate Jersey OAP)	178.01	204.19
Deduct pension disregard	-32.69	-55.23
<b>Pension income included in Income Support calculation</b>	<b>145.32</b>	<b>148.96</b>
Income Support		
Adult component	92.12	92.12
Household component	48.58	51.31
Rent component	152.53	194.46
<b>Total of all components</b>	<b>293.23</b>	<b>337.89</b>
Deduct net pension income	-145.32	-148.96
<b>Total Income Support</b>	<b>147.91</b>	<b>188.93</b>
<b>Total household income (pension + Income Support)</b>	<b>325.92</b>	<b>393.12</b>
% change in household income 2009 -2016		+20.6%
RPI % change 2009 - 2016		+16.4%

**2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CONSULTATION WITH THE MANAGEMENT OF JT REGARDING THE DECISION TO IMPOSE ADDITIONAL CHARGES: [1(220)]**

**Question**

What discussions has the Minister, as the shareholder representative, had with the management or management board of Jersey Telecom following that company's decision to impose an additional charge on those customers unwilling or unable to pay bills through e-payment or Bacs?

**Answer**

The Minister for Treasury and Resources has delegated to the Assistant Minister for Treasury and Resources, Connetable John Refault, responsibility for shareholder matters.

Since being notified by JT on 13th January 2017 that additional monthly charges for billing were to be introduced, the Assistant Minister has maintained contact with JT in a number of ways:-

- Regular updates from JT – this has ranged from, for example, discussions held by JT in January with Age Concern, through to the provision of the detailed Briefing Note which was provided to all States Members. In addition JT have provided updates on the take up rates for the move to e-billing and direct debit.
- Quarterly shareholder meeting – the Assistant Minister took the opportunity to discuss this issue with JT at the scheduled meeting on 8th February 2017. This included the rationale behind the charges, CICRA's view and steps being taken to ensure that vulnerable customers and those who were not on-line, were appropriately dealt with.
- Letters/emails from customers – a number of these have been received by the Assistant Minister setting out opposition to, and concerns about, the changes. The Assistant Minister, through officers, has liaised with JT to raise these individual concerns, provide the appropriate responses and to ensure that JT have engaged directly with those individuals.
- States questions – in responding to State questions there has been contact with JT to ensure correct and up to date information has been provided in the responses.

**2.17 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INTRODUCTION OF MAXIMUM WORK TIME LEGISLATION: [1(222)]**

**Question**

Are there any plans to introduce maximum work time legislation, including minimum break/rest periods between shifts? If not, why not?

## **Answer**

The Employment (Jersey) Law 2003 provides that employees must have a 24-hour rest break each week. Alternatively, the rest break can be averaged over a two-week period, if the employer and employee both agree. The intention was to provide an appropriate framework of employment protection in relation to rest from work, but without the complexities that exist under the Working Time Directive.

Every employer in Jersey has a general duty under the Health and Safety at Work (Jersey) Law 1989 to look after the welfare of their employees. When considering appropriate breaks for employees, JACS advises employers to act reasonably bearing in mind health and safety legislation, safe working practices and industry specific legislation or guidance.

The Minister has no plans at this time to introduce additional legislation for rest breaks between shifts. If a decision is taken in the future to extend the provisions relating to working time and rest breaks, the Minister will first ask the Employment Forum to consult.

The Minister has given a commitment to the States that in the period 2017 to 2018 she will prioritise legislation to protect against discrimination on grounds of disability and to extend the family friendly employment rights.

## **2.19 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING INCOME DISTRIBUTION AND INCOME INEQUALITY: [1(223)]**

### **Question**

Would the Chief Minister clarify what was meant when his Assistant Minister (Senator Routier) stated during oral questions in the sitting on 28th March 2017, "*I think we all in the Assembly want to ensure that the income distribution is better than what it currently is*"? Is the Chief Minister committed to seeing income inequality reduce? If not, why not? What improvements does the Chief Minister wish to see in income distribution?

### **Answer**

Ministers wish to see reduced relative low income.

The Council of Ministers have worked hard to reduce unemployment and to grow our economy, and want the benefits to be shared across our Island.

This is why it is pleasing that unemployment was again reported recently as remaining at a six year low; that less people are solely reliant on benefits; that earnings are rising above inflation, including the minimum wage; and that changes to our tax system are making it more progressive as recently shown in the report on personal taxes. This remains important.

As to benefit budgets, they have been approved by the Assembly, and as far as possible, were designed to support moves towards financial independence, to target benefits more carefully and to minimise the impact on individual households.

**2.20 DEPUTY R. LABEY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ENGAGEMENT OF PORTLAND COMMUNICATIONS IN RELATION TO MEDIA TRAINING IN PREPARATION FOR THE PUBLICATION OF THE INDEPENDENT JERSEY CARE INQUIRY'S REPORT: [1(224)]**

**Question**

Will the Chief Minister advise if the services of Portland Communications have been engaged by the States of Jersey to provide media training to Ministers and/or others in preparation for the publication of the Independent Jersey Care Inquiry's report, or for any other reason, and, if so:

- (a) which Ministers or other personnel are receiving this training;
- (b) if the cost of the programme including fees, flights and accommodation are to be met by the tax payer, how much will this amount to; and
- (c) what is the brief Portland Communications are working to and what exactly is the firm charged with delivering for the government?

**Answer**

Portland Communications were first engaged as a result of an open competitive tendering process initiated in 2011 by the Bailiwicks of Jersey and Guernsey for the provision of combined strategic support to the Islands, which at the time was mainly in relation to UK matters.

During 2012 and 2013, Portland Communications provided advice on UK Party conferences, Global transparency initiatives, FATCA and enhanced engagement with a number of key European countries. Since the offices in London, Brussels and Caen have become more fully established, in partnership with the Bailiwick of Guernsey, those offices have been able to take on these functions and Portland Communications is now engaged only to provide additional strategic advice, as needed, on matters where there is strong national or international interest.

Most recently, this has included the provision of advice on how best to engage with the anticipated national and international interest in the report to be published this year by the Independent Jersey Care Inquiry. The aim is to improve upon the past handling of such matters by the Island and being fully open and informative in the public response.

This strategic advice includes matters relating to anticipated national and international media interest and has been provided to officers and relevant Ministers (the Chief Minister, Deputy Chief Minister/Minister for Health and Social Services, Minister for Education and Minister for Home Affairs), usually during telephone calls. In 2017 this has also involved the relevant Ministers visiting the offices of Portland Communications in London as convenient (usually when in London for other personal or official business).

Portland Communications has received £33,500 from the Department for Community and Constitutional Affairs for the provision of this strategic advice and support, with the aim of enhancing the provision of public information, including to the national and international media, following the release of the report by the Independent Jersey Care Inquiry.



**2.21 DEPUTY R. LABEY OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE DECISION TO LIMIT THE PERIOD IN WHICH APPROVED DEVELOPMENT SHOULD BEGIN: [1(225)]**

**Question**

Would the Minister share any evidenced research used before making Ministerial Decision MD-PE-2017-0031 to limit the period in which an approved development shall begin from 5 years to 3 including, specifically, any information which suggests such a limit outweighs considerations of market conditions; and what weight if any did he accord to the argument that the limit could be counterproductive in disincentivising those for whom a 5-year window is more realistic and attractive?

**Answer**

The concept of reducing the period of commencement on planning permissions from five years down to three is not particularly new. The 2011 Island Plan contained the following statement of intent:

*“To avoid the likelihood of developers sitting on unimplemented permissions, conditions will be used to limit the validity of consents for residential development, the extent of which will be set in supplementary planning guidance, but which will be initially set at three years and reviewed thereafter over the Plan period”.*

That Island Plan, with its statement of intent, was formally adopted in June 2011 following a comprehensive debate in this House.

In terms of evidenced research of the land-banking issue, my officers have reviewed several thousand planning permissions granted over the last few years. Taking just 2015 as an example, planning permissions were granted for a total of 79 new homes. There were also 770 new homes in the course of construction during the year. However, the telling fact is that planning permissions were renewed for a total of 417 new homes within 2015. These were the permissions granted in 2010 / 2011 – sometimes as far back as the 1990’s where works had not commenced and where the owner or developer wanted to hang onto the site, with its planning permission intact.

2015 was a typical year in terms of planning permissions and the cumulative effect, year after year, of issuing and renewing five-year permissions does little to stimulate the economy, nor does it promote efforts in regenerating St. Helier and, most importantly, does nothing to help house our growing population.

Market conditions do, of course, play a major part in influencing when a development commences. However, I fail to see how sitting on unimplemented planning permissions for years, sometimes up to 20 years, benefits anybody, except the landowner. Other jurisdictions have also brought in measures to reduce the extent of land-banking; with England, Scotland, Wales and Guernsey all embodying a three-year time limit within their respective Planning Laws.

In introducing the reduced time limit on 3rd April this year, my aim was to stimulate the construction industry, bring more certainty in terms of carrying through planning permissions into results on the ground and, to help provide much needed homes for the Island.

**2.22 SENATOR S.C. FERGUSON OF THE MINISTER FOR INFRASTRUCTURE REGARDING SERVICES OUTSOURCED FROM HIS DEPARTMENT: [1(226)]**

**Question**

For each section or service within his Department which has been cut, could the Minister specify the name of the section or service and the annual cost prior to outsourcing and for the outsourced service?

Could he confirm that the specification for the outsourced service is identical to the specification required before outsourcing?

**Answer**

The Department for Infrastructure (DfI) has undertaken, and is continuing to undertake, a wide ranging programme of service reviews across the whole of its portfolio in line with Lean principles. Services have been redesigned, improved, out-sourced, transferred to other Departments, ceased or in some cases taken back in-house. In many instances, the standards of service have been at least maintained, if not improved, although the opportunity has been taken to review service standards and reduce if deemed appropriate.

The majority of the impacts have been seen in the following areas, which have been subject of the first tranche of service reviews (which commenced in 2015, so the figures below are based on the original service cost in 2014 compared to the average cost over the 5-year contract duration of the new provision – as contracts “bed in” minor changes to specifications and costs may be made should it prove necessary, however, these changes are expected to be insignificant):

	2014 cost	2016-2021 averaged
Cleaning Services - DfI	£1,096,299	£380,582
Cleaning Services - Others	£462,391	£271,118
	<b>£1,558,690</b>	<b>£651,700</b>
Parks and Gardens - DfI	£571,368	£455,759
Parks and Gardens - Others	£331,922	£250,684
	<b>£903,290</b>	<b>£706,443</b>
	<b>£2,461,980</b>	<b>£1,358,142</b>

Cleaning Services – where service specifications were amended, e.g. frequency of cleaning some areas during winter months, the costs of outsourcing were compared to the revised cost of delivering a similar service internally. In no instance was a service out-sourced where it could be delivered more cost effectively in-house.

Parks and Gardens – service specifications for DfI areas have been in general maintained, although some services such as park keeper duties have been reviewed and remodelled. Where contracts with other departments have been ceased, DfI has worked with those departments to develop tender processes and service specifications that are comparable to the DfI specification and process, although the final decision on service levels, pricing and selected contractor is with the client department. 2 sections have been rationalised and staff and equipment transferred to client departments, namely playing field maintenance to EDTSC and countryside rangers to DoE.

Contracts have been entered into with a selection of private sector providers, who were included in a “responsible employer” tender process. In addition, services have also been transferred to client

departments in some instances where the closer relationship with their clients could provide service benefits. Where appropriate, the Parish of St. Helier has also undertaken contracts under a SLA with the department, working to similar specifications as the former provision.

No other area of the Department has been outsourced as a result of savings required in the MTFP 2016-2019, however, contractors regularly undertake work on behalf of the Department to meet service needs and priorities.

**2.23 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF THE DEPARTMENT'S POLICIES ON HOUSEHOLDS RELIANT UPON INCOME SUPPORT: [1(184)]**

This question was inadvertently not distributed by the States Greffe to the Minister for Social Security in time for a response to be provided for the meeting on 28th March 2017. The question was therefore carried over to the meeting of 18th April 2017 and an answer provided.

**Question**

Will the Minister advise whether she has information available to her showing that the reduction in value of Income Support components in real terms since 2009 was £43.79 for a couple with one child and £75.39 for a lone parent?

If so, will the Minister explain why those figures were not provided in response to Oral Question 1(163) from Deputy M. Tadier of St. Brelade on 14th March 2017, given that such figures would be very close to the estimates of £45 and £75 initially provided in the question; and will she confirm whether the support offered to low-income households through Income Support components (adult, child and household) has therefore seen a real-terms reductions of the order outlined above as a result of the decisions of her Department?

Will the Minister also provide the source of the figures she cited on 14th March 2017 that the average total income for lone parents has risen by £75 a week and for a couple with children by £123 a week, given that figures available in the Minister's annual reports comparing 2015 with 2012 suggest smaller increases have occurred?

**Answer**

The subject of this written question was covered in the response to oral question 200, answered on 28 March 2017. A report was circulated to all States Members at that meeting and the full report is reproduced below.

As set out in that report, the overall impact of the level of components and income incentives shows increases in the average total household income available to a couple with children and to a lone parent between 2011 and 2015.

The report indicates an increase in real terms of £30, and £73 in cash terms for couple households. The cash increase quoted during the oral answer on 14 March was given as £123. That figure was subject to an error in calculation at that time and the error is regretted. The accurate figure was included in the report circulated on 28 March. For lone parents, there was an increase in real terms of £42, and £75 in cash terms.

## Report circulated to States Members 28 March 2017

### by Minister for Social Security

At today's meeting (28th March 2017), the Minister for Social Security agreed to produce information as requested in oral question 200.

Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security–

Will the Minister produce for members the figures relating to real-term cuts in Income Support components that demonstrated a reduction in disposable household incomes and which she made available to Deputy Tadier at the end of her response to his Oral Question 1(163) on 14th March 2017?

The overall Income Support budget is approved by States Members as part of the Medium Term Financial Plan (MTFP). The current MTFP has been set to maintain benefit spending at approximately the 2015 level throughout the MTFP. In 2019, this will allow an additional £10 million to be allocated to the priority areas of health and education in line with the strategic priorities of the States. To achieve this level of spending, some Income Support components have been held at their 2015 rate over the last two years and the additional component provided to lone parents is being phased out. The changes to tax funded benefits have been aimed at improving the targeting of the benefit system, promoting moves towards financial independence, and minimising the impact on individual households.

Over the last few years the success of Income Support and the associated emphasis on providing a wide range of Back to Work services has resulted in real increases in the income available to Income Support households. This success can be seen by comparing the 2011 and 2015 published figures on average total household income.

Total average weekly household income for Income Support households	Dec-11	Dec-15
<b>Example 1</b>		
Average for all couples with children	£673	£746
Difference between 2015 and 2011		+£73
Uprate 2011 to 2015 RPI	£716	£746
Difference in real value		+£30
<b>Example 2</b>		
Lone Parent + 1 child	£510	£585
Difference between 2015 and 2011		+£75
Uprate 2011 to 2015 RPI	£ 543	£585

Difference in real value		+£42
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These published figures take account of all aspects of Income Support, including personal components, housing, childcare and medical components and the disregards that are applied to incentivise different types of income.

Deputy Tadier asked an oral question on 14th March 2017 which quoted the following figures:

Will the Minister confirm that, as a result of her Department's policies since 2009, a family of three (a couple with one child) on Income Support is £45 per week (1) worse off in real terms today than they were in 2009; and that the equivalent figure for a single-parent household is between £55 (2) and £75 (3)?

The figures made available to Deputy Tadier following the question session took the form of a table that provided the calculation behind Deputy Tadier's figures. A slightly expanded and revised form of that table is provided below.

IS components	Dec-09	Dec-16
Adult	£92.12	£92.12
Child	£62.09	£63.98
Household	£47.11	£51.31
Lone parent	£40.39	£20.23 / £0
<b>Example 1</b>		
Couple +1 child	£293.44	£299.53
Difference between 2016 and 2009		+£6.09
Uprate 2009 to 2016 RPI	£ 341.56	£299.53
Difference in real value (1)		-£42.03
<b>Example 2A (Lone parent in 2016 still receives LP component)</b>		
Lone Parent + 1 child	£241.71	£227.64
Difference between 2016 and 2009		-£14.07
Uprate 2009 to 2016 RPI	£ 281.35	£227.64
Difference in real value (2)		-£53.71
<b>Example 2B (Lone parent in 2016 is</b>		

<b>new claimant)</b>		
Lone Parent + 1 child	£241.71	£207.41
Difference between 2016 and 2009		-£34.30
Uprate 2009 to 2016 RPI	£ 281.35	£207.41
Difference in real value (3)		-£73.94

(1) Deputy Tadier's figure of £45 is identified as £42.03

(2) Deputy Tadier's figure of £55 is identified as £53.71

(3) Deputy Tadier's figure of £75 is identified as £73.94

The table is based on an RPI uplift of 16.4% between December 2009 and December 2016.

As noted above, this table cannot be used in isolation as it does not include all Income Support components and it does not take any account of the other income of the household which is subject to income disregards.

### 3. Oral Questions

#### 3.1 Deputy M. Tadier of St. Brelade of the Minister for Treasury and Resources regarding measures under consideration to raise the revenue required to fund the provision of public services: [1(244)]

What measures, if any, does the Minister have under consideration for raising the required amount of revenue to fund the provision of public services in the light of the ongoing structural deficit and continued austerity? In particular, how much revenue, if any does he expect to raise via the measures covered by the work stream of that report entitled *Tax Compliance Framework*?

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

Briefly, the principal measures I am consulting on for Budget 2018 are the case for a so-called Tesco tax and the case for extending the range of finance sector companies taxed at rates other than the standard rate of 0 per cent. In addition, the Taxes Office is consulting now on a new scheme of civil financial penalties to tackle various sorts of defaults and wrongdoing. These are aimed at improving levels of compliance with the filing of returns, correct declaration of income, payment of tax, and so on. The objective is not to raise extra money from fines, rather to get the right amount of tax at the right time. This is a potentially bigger prize.

#### 3.1.1 Deputy M. Tadier:

Does the Minister think that he will be able to meet his targets, i.e. savings of £70 million, by 2020?

#### Senator A.J.H. Maclean:

I have no reason to believe that the targets set are not achievable.

#### 3.1.2 Senator S.C. Ferguson:

Is the Minister yet in a position to give an estimate of the tax he expects to collect from these 2 sources?

**Senator A.J.H. Maclean:**

No, I would not like to speculate on estimates. We have seen some in a recent time with Guernsey, who introduced a Tesco tax, and indeed the Isle of Man. But at this stage I would not wish to speculate in a public forum as to how much might be raised through that particular measure. With regard to compliance matters, currently Treasury raises around about £6 million or £7 million from compliance activity on an annualised basis, if that gives some indication to Members of the importance of that and the reason that we want to tighten up and improve it yet further.

**3.1.3 Deputy G.P. Southern of St. Helier:**

Surely the Minister must have target figures for his proposals. Is it not the case that the sums raised are unlikely to be very significant? Is he not just fiddling around the edges of tax policy and does he not need a fundamental reform?

**Senator A.J.H. Maclean:**

I can tell the Deputy that I do have indications of the potential amount that could be raised. What I have said earlier is I do not wish to speculate in a public forum as to what that might be at this time until further work has been done. At that particular point it would be quite appropriate that I give an estimate to Members, but I do not wish to give one when I am not sufficiently satisfied with the robustness of the numbers that are available at the moment.

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

Would the Minister agree that the question is deficient and inaccurate because it says “continued austerity”? Would the Minister not agree with me that austerity means economic conditions created by Government which require reductions in public expenditure, and that is not what the Minister is doing?

**Senator A.J.H. Maclean:**

Yes.

**3.1.5 Deputy M.R. Higgins of St. Helier:**

Can the Minister advise us when these reviews will be finished and when these taxes are likely to be brought in? How long after the next election?

**Senator A.J.H. Maclean:**

I can indeed, and in fact it was put in the public domain so the Deputy may well have unfortunately missed that. With regard to the measures that I am referring to and have referred to this morning, the intention is to complete the work during the course of this year so that it can be brought within the ambit of the budget at the end of this year, Budget 2018.

**3.1.6 Deputy S.Y. Mézec of St. Helier:**

The first time that I heard Senator Maclean talk about getting more businesses paying corporation tax was when he stood on the election platform in 2008, and here we are almost 9 years later with no progress. Could he inform the Assembly why we should have confidence that this time they will finally achieve something when it seems like they have not been able to up until this point?

**Senator A.J.H. Maclean:**

I do not know quite what the Deputy feels has not been achieved. I think Jersey is in a very strong position in terms of its public finances. We have made significant progress in the last few years and indeed I will be making announcements soon about the outturns from 2018 which are a much improved position to previous years, and indeed we are moving towards broadly balanced budgets already, 2 years ahead of target. So I do not think it is doom and gloom, I think Jersey is in a very

positive position because of the way in which public finance has been managed, not just in recent years but for many years and indeed many decades.

**Deputy M. Tadier:**

I do not have a final supplementary but we will be watching with interest.

**3.2 Deputy K.C. Lewis of St. Saviour of the Chief Minister regarding approaches to the Royal National Lifeboat Institution head office in the U.K. in relation to the standing-down of the St. Helier Lifeboat Crew: [1(228)]**

Will the Chief Minister be approaching the R.N.L.I. (Royal National Lifeboat Institution) head office in the United Kingdom regarding the recent standing-down of the entire St. Helier lifeboat crew?

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

It is a source of great regret for our whole Island that the relationship between the R.N.L.I. and the St. Helier lifeboat crew has reached this stage. I do hope that Members will join me in showing appreciation of the contribution the Jersey crew has made to the safety at sea. **[Approbation]** The coxswain of the St. Helier lifeboat crew was stood down by the R.N.L.I. as a result of an internal disciplinary process. This led to some of the crew handing in their pagers and their spokesman announcing that the whole crew had stood down. I have spoken with the R.N.L.I.'s Director of Community Lifesaving and Fundraising twice during the last week and I have also arranged for the Chief Minister today to talk with a senior executive of the R.N.L.I.

**3.2.1 Deputy K.C. Lewis:**

We are all aware that the entire crew has stood down. They are indeed volunteers and the volunteers are not paid because they are worthless, they are not paid because they are priceless. This may well be an internal dispute but bullying in the workplace should not be tolerated in any area. Does the Assistant Chief Minister not agree?

**Senator P.F. Routier:**

With regard to the specific disciplinary action I cannot comment about what is involved in that particular issue because I do not know what has been claimed and counterclaimed, but I do know what is in the public domain, that there has been issues suggested of bullying and of course that is not an appropriate thing to be happening in any organisation.

**3.2.2 Deputy R. Labey of St. Helier:**

Could the Assistant Minister confirm that the current difficulties arise out of the Jersey Ports authority contacting the R.N.L.I. headquarters in the U.K. (United Kingdom) in the first place to make a complaint against the local R.N.L.I.? Is he aware and can he confirm that the catalyst for our current difficulties were a successful mission completed by the R.N.L.I. but marred by an intervention at the harbour gates by the Jersey Ports Authority tug who offered to take over the towing-in of this stricken French vessel, at which point the master of that vessel said: "I would rather stay with the R.N.L.I. because it will save me £1,500." R.N.L.I., I believe, did tow the boat in. If that is the case, does the Assistant Minister condone that sort of behaviour on the part of the Jersey Ports which some might say is akin to piracy.

**The Bailiff:**

There are 3 questions there, Assistant Chief Minister.

**Senator P.F. Routier:**



Yes, 3 questions, and I cannot confirm any of what the Deputy has said with regard to those circumstances. But what I do know is there are so many half-truths and rumours going around this whole issue which is clouding the issue about the relationship between the R.N.L.I. and the crew and the Ports of Jersey. That relationship is not good. There is no denying the fact, and I think it is recognised by all parties that there is a need to ensure that they do work together and understand each other's positions a lot better. As I say, with regard to those specific incidents, I cannot comment on those at all.

**The Bailiff:**

Very well. Can I say to Members that Deputy Lewis's question is a very narrow question about approaching the head office; Senator Ferguson's question is a much wider question so I propose to close down quite shortly this particular question and we will come on to those in Senator Ferguson's question and supplementaries then. Final supplementary, Deputy Kevin Lewis.

**3.2.3 Deputy K.C. Lewis:**

To change the locks on the lifeboat station was downright insulting. I've no idea why they did it. Throughout the country lifeboat crews are held in very high esteem, none more so than an Island community such as ours. With all due respect to the visiting crew, if I am going through the Minquiers at certain tides I would certainly want a local coxswain on board with me. Does the Assistant Chief Minister intend to take this further, especially as it may well be an internal problem but the fact that the Ports of Jersey are involved does make it our problem too? Does the Assistant Chief Minister not agree?

**Senator P.F. Routier:**

The process which is being carried out currently which is part of the Volunteer's Code of Conduct which is being followed at the present time, it is vitally important that we let that continue and once that is settled we will have to take a complete fresh look to see what needs to be done. Certainly if there is a need to ensure that the relationship between the R.N.L.I., as I said previously, and the Ports of Jersey and the Coastguard and the Fire Service and all the people who are involved in our safety at sea, need to have a session with a mediator or sit down in a room and discuss these things, I would wholeheartedly support that action.

**3.3 Connétable C.H. Taylor of St. John of the Minister for Health and Social Services regarding work undertaken behind the granite hospital building between 3rd and 7th April 2017: [1(234)]**

Will the Minister inform the Assembly what work was being carried behind the granite hospital building between Monday, 3rd April and Friday, 7th April 2017? Will he explain the purpose for which the work was necessary and what the budgeted cost was?

**Senator A.K.F. Green (The Minister for Health and Social Services):**

I welcome the question from the Constable as it gives me the opportunity to share with the Assembly the good news, the work the Constable mentioned is preparation work for the new M.R.I. (Magnetic Resonance Imaging) scanner which is planned to be operational by the end of this year. Due to ageing infrastructure, drainage issues were encountered and had to be overcome. These drains were underneath where the new scanner is going. The budget for this work was £25,000.

**3.3.1 The Connétable of St. John:**

I was called to the hospital by a patient who was concerned about the noise that this work was creating and I took a decibel meter there and in Rayner Ward recorded a noise level of 84 decibels. Remembering that the Royal Court found against Reg's Skips, who never produced a noise above

50 decibels, for being a nuisance, would the Minister accept that 84 decibels in a ward is unacceptable?

**Senator A.K.F. Green:**

What I will accept is that you cannot make an omelette without breaking the eggs. We hit very severe concrete, really thick concrete, and the only way that concrete could be removed was with a rock breaker. But that proves the wisdom of not wanting to renovate this hospital because that sort of problem you would find everywhere as you work your way through. It saves the patients 12 years of that sort of noise.

**3.3.2 Deputy G.P. Southern:**

Rather than saving the degree of noise it appears to me that what we are doing is preparing a schedule for more and more noise as we convert the hospital into a decent, new, modern hospital.

**The Bailiff:**

Is that a question?

**Deputy G.P. Southern:**

Does he not agree?

**Senator A.K.F. Green:**

No.

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

The Minister and his team have consistently stated that noise mitigation measures for building works will be in place. How do readings of 84 decibels on what is effectively a minor piece of work, relatively, give us any confidence that the noise mitigation measures for the new hospital will be acceptable to patients who have experienced that level of noise and vibration for days, if not weeks on end; and also for staff who will potentially have to endure that for years?

[10:00]

**Senator A.K.F. Green:**

As I said in a previous answer to a question, it proves the wisdom of not renovating this hospital because of those sort of problems. The noise in the new construction, most of which can be anticipated, mitigated and even prevented, for example instead of piling I believe you drill to create piles, it is a lot quieter. The problem in this area, it was a very small area, a few square metres surrounded by walls on all sides and the only way you could break up the concrete, I suppose you could have put dynamite in, but the only logical way of breaking up the concrete was with a rock breaker. But it proves the wisdom, that sort of problem would be found throughout the hospital if we were to try and renovate it.

**3.3.4 The Connétable of St. John:**

Following the complaint from the patients I travelled around the hospital and even in Plémont Ward, in the furthest possible place from the disturbance, the noise was unacceptable and the patients I spoke to were complaining. Will the Minister apologise to those patients who were in the hospital during that week and undertake to ensure that such noises do not occur in the future?

**Senator A.K.F. Green:**

Dealing with the last bit of the question first. We can do all we can to mitigate noise but we cannot prevent it. Of course I apologise to patients but it was a short-lived period of time to enable us to put a fantastic new facility in for Islanders.

**Senator S.C. Ferguson:**

I put the question in for the Chief Minister because the Chief Minister has apparently been involved with the R.N.L.I. on hiring matters previously and would it not be more appropriate for him to be dealing with these questions?

**The Bailiff:**

I was not aware that you had specifically asked the Chief Minister to answer this question.

**Senator S.C. Ferguson:**

When I put a question in for the Chief Minister, with the greatest respect, I expect the Chief Minister to answer it.

**The Bailiff:**

The custom is that Ministers can request an Assistant Minister to answer for them, unless the Chief Minister wants to answer this question I was going to direct it to Senator Routier.

**Senator S.C. Ferguson:**

Presumably then, before we get into questions, we need to alter Standing Orders to require Ministers to say before they ...

**The Bailiff:**

Senator, that is something to take up with the Chairman of the Privileges and Procedures Committee.

**3.4 Senator S.C. Ferguson of the Chief Minister regarding the progress made in addressing the standing-down of the St. Helier lifeboat crew: [1(237)]**

I will, Sir. I was just putting him on notice. Will the Chief Minister - also the Assistant Chief Minister - update the Assembly on any progress he has made with regard to addressing the recent standing down of the St. Helier lifeboat crew?

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

I am sorry I do not feel as if the Senator will appreciate my answer but I have been asked to do this piece of work and I will continue to do so as long as I am being asked to do it. Last week was certainly a very busy week. But during that time I spoke with the R.N.L.I.'s Director of Community Lifesaving and Fundraising twice; once on the Tuesday morning and then again on the Thursday morning. At both of those times I can assure the Assembly that the trustees of the R.N.L.I. are fully aware of the support that this Island community, including ourselves, have for the Jersey local crew, and the crew that we want to have on board our vessel. As I said, I spoke to the Director after the trustees had met and I was assured that they are fully aware of what the situation is in Jersey and with the support of our local community and the local crew, and they will be taking all of that into consideration when they come to making any decisions for the future. I spent the week, as I say, meeting a lot of people: the Fire Chief, the Coastguard, the Harbourmaster, officers from the Economic Development and Tourism, and the Chief Minister's Departments, also visiting R.N.L.I. representatives who are in Jersey. I spoke with them. There is a process, which is going through, which we need to ensure is concluded and then we can decide what can happen in the future.

**3.4.1 Senator S.C. Ferguson:**

I am surprised that the Minister has not been in touch, for example, with Mr. Stuart Popham, the Chairman of the trustees, but given the fact that the Ports Authority are inextricably mixed up with

this, will the Council of Ministers, the Chief Minister, confirm that they will require a full independent investigation of their involvement?

**Senator P.F. Routier:**

With regard to ensuring that Mr. Popham, who is aware of what is happening, certainly I can assure the Senator that he certainly is aware. I have not spoken to him directly but I have spoken to people to ensure that the message has got through to him and the rest of the trustees. With regard to the Ports of Jersey's involvement, we will obviously have to ensure that the Ports of Jersey and the Coastguard and everybody that is involved with the Safety at Sea, does ensure for going forward that we have an appropriate mechanism in place and if it requires us to have a review that is something that we will certainly do.

**Senator S.C. Ferguson:**

I am sorry, he has not answered my question. I asked for an independent investigation of the Port's involvement in this whole sorry episode.

**The Bailiff:**

The answer was: "If it required a review then that is something we will certainly do", that is what I heard.

**3.4.2 Deputy G.P. Southern:**

Does the Assistant Minister not consider that a holding answer, which is that the Chief Minister will deal with this issue when he returns to the Island, was totally insufficient at the time? To express total support for the lifeboat men and the return to work shows that the Assistant Minister did not know what he was talking about, does he not agree?

**Senator P.F. Routier:**

At no time did I suggest that we were waiting for the Chief Minister to come back to the Island. That is a false premise of the question.

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

It follows really on from Deputy Southern. I was going to ask the Chief Minister - with the Assistant Minister being the conduit - would the Assistant Minister agree that the Government's stance appeared to change after the Assistant Minister met with the R.N.L.I. Director and it may be more appropriate for the Assistant Minister to hold fire until that meeting had taken place?

**Senator P.F. Routier:**

There has not been a change of emphasis at all. From the Sunday meeting with the crew outside the lifeboat station I did say that I received a letter. In that letter there was a request for support in having an inquiry. That is something I still think is quite possible to happen, but we must wait until the disciplinary action is concluded. Then everybody will see whether it is an appropriate thing to have that inquiry. But certainly we must ensure that an enquiry is concluded before we make another decision.

**3.4.4 The Connétable of St. Martin:**

I am only going from the reported comments made to the media, but the Assistant Minister is reported to have said that he had the full support of everyone in Jersey, including the States. We had no knowledge of the facts behind the case at that time.

**Senator P.F. Routier:**

There hangs a little difficulty we have with regard to believing what is in the media. Unfortunately there has been a frenzy of social media comments. There has been a frenzy of comments by people in emails to myself and to other people and to also have the *Jersey Evening Post* carrying out a story which unfortunately was fake news. I have to say I was very pleased that ... not pleased, but I accepted the personal apology which the Editor wrote to me. Also the matter of ... there was a published comment in the newspaper putting right what was suggested in the previous day's front page. So unfortunately there is a frenzy of comments going around. We really need to let this settle down and for the review to take its course of action and then we can decide what, if anything, we need to do going forward. There are so many inappropriate things being said and we need to be wary; some of it is correct and some of it is not.

#### **3.4.5 Deputy S.Y. Mézec:**

When I spoke to a spokesperson from the volunteers just before the Easter weekend I was told that at that point there had not yet been an offer for a face-to-face meeting between representatives of the volunteers and representatives from the R.N.L.I. Could the Assistant Minister confirm whether or not that is still the case and if it is still the case that there has not even been an offer for a face-to-face meeting, would he agree that it would be important for these people to get round a table so that they can have an adult discussion about things and work out where their common ground is and a plan for moving forward? Would he say that the Government would be prepared to help facilitate this meeting because we are all very concerned about the situation; want a resolution as quickly as possible, but we also want the concerns of our volunteers to be taken into account in this process?

#### **Senator P.F. Routier:**

There is a meeting of the volunteers and myself and the Chief Minister happening later on today. But that is just from the volunteers' side of it. Obviously I have, as I said, during last week met with other people from the Harbour Office and the Fire Chief and everybody else. So there has been an inordinate amount of work being carried out during the last week and today, with the Chief Minister back in the Island, we are meeting with representatives of the crew.

#### **The Bailiff:**

I think the question, Assistant Chief Minister, was whether or not you would be moving to a mediation of some sort between the R.N.L.I. and the crew? That was what the question was.

#### **Senator P.F. Routier:**

As I said in an earlier answer, to a previous question, that is a route that I really would like to happen. I believe something should have happened with regard to mediation probably about 18 months, 2 years ago when things were starting to ... relationships were not good and it has got to the situation now which is totally unacceptable for our Island and I would recommend mediation as soon as we possibly can.

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

My question has been partially answered. Regarding the meeting later today, will it just be the Chief Minister, the Assistant Chief Minister and the crews that have stood down and no one else? Will Ports be involved or any other body?

#### **Senator P.F. Routier:**

It will be the Chief Minister, myself, and possibly another Minister. It will be representatives of the crew only today.

#### **3.4.7 Deputy M. Tadier:**

The Assistant Minister has spoken about a process and a possible review. Can he give any clarity as to what he thinks is his preferred option and what will this review entail and when will it take place?

**Senator P.F. Routier:**

I am afraid I cannot give any indication of how that would happen. There are so many different mechanisms that can be used. There can be straightforward mediation, getting someone to sit round the table and discuss things. There are other more formal investigative type of things that I would prefer; straightforward mediation with the assistance of a mediator.

**3.4.8 Deputy M. Tadier:**

I think we all want the same result, which is to get our much valued volunteer crew back in action and to see a good working relationship restored and the crew and coxswain vindicated, but does the Assistant Minister accept that actually because a lot of the processes that the R.N.L.I. will be going through and, in particular, the disciplinary essentially their own internal processes which may not necessarily even be published, that the Government of Jersey should stick to initially doing a review of what does fall under their remit, i.e. the behaviour of Ports of Jersey. Whether any of the behaviour that they took part in, in any way, contributed or led to the current crisis of the local crew.

**Senator P.F. Routier:**

If there is certainly something which indicates that is required no doubt that will happen.

**Senator P.F. Ozouf:**

May I make a point of order? In a previous question there was what I heard an expletive or a word heard on record and I also heard the previous questioner clearly audibly blasphemed in terms of a comment when the Assistant Chief Minister was speaking. Could you please rule as to whether or not such conduct, which I certainly heard in terms of the latter, and which was on record, is acceptable in this Assembly?

**The Bailiff:**

If I had heard it, Senator, I would make a ruling on it but I did not hear it.

[10:15]

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

Is it acceptable, Sir?

**The Bailiff:**

I have no idea, I did not hear it.

**The Bailiff:**

We have questions from Deputy Andrew Lewis and Deputy Labey and then a final supplementary.

**3.4.9 Deputy A.D. Lewis of St. Helier:**

I wonder if the Assistant Chief Minister could confirm: my understanding is that the only paid member of the lifeboat crew is the engineer. Does the crew ... are they subject to the normal employment laws or do they have their own codes of conduct within the organisation? Another matter, which has been brought to my attention by a number of interested parties, is leisure boaters are quite concerned about emergency cover. Can the Minister assure us that there is some kind of supplementary cover in place either by the Coastguard or the Fire Service for leisure boaters as we go into what is peak season of boating?

**Senator P.F. Routier:**

With regards to the first part of the question about the volunteers' code of conduct, the Deputy is quite right. There is a paid mechanic which would be ... he is still there and is still employed and that is still the case. With regard to all the volunteers, they follow and sign up to a volunteers' code of conduct and this is what the process is going through now. It is a process with regard to a failing within the volunteers' code of conduct. With regard to reassuring people with regard to leisure boating, when I met with the Fire Chief and the Coastguard I was given an assurance that with the existing assets, as they call them, available within our Island, they were confident that they would be able to cover any callout. Obviously there is a view that is held that it has got to be local people on the all-weather lifeboats.

**The Bailiff:**

Senator, be quick in your answers please.

**Senator P.F. Routier:**

I was given assurance that there would be cover for any occurrence that happened.

**3.4.10 Deputy R. Labey:**

Following his admission in an answer to my question that there is discord between the local R.N.L.I. and the Jersey Ports, who is going to mediate this discord? Is this not a clear case where finally a Minister needs to call the board in, get to the bottom of this and if necessary read them the riot act?

**Senator P.F. Routier:**

There is no doubt that this episode has focused people's minds, including the board of trustees of the R.N.L.I. and also the Ports of Jersey and the Harbourmaster. There is a recognition from everybody involved that things need to improve. To suggest that a Minister should call them together, there is a fine line to be struck there because we are ... although we have our desire to ensure that we have safety at sea and we have to ensure that the Ports of Jersey are, from our side, acting in an appropriate manner, the R.N.L.I. itself and the relationship they have with their crew is a matter for themselves.

**3.4.11 Senator S.C. Ferguson:**

When the Chief Minister and the Assistant Chief Minister meet with the volunteers will one of the questions be: is the R.N.L.I. complying with the code of conduct? Perhaps would they like to consider whether this is a matter that needs the influence of the Chief Minister and the Lieutenant Governor to effect a solution?

**The Bailiff:**

Whose code of conduct?

**Senator S.C. Ferguson:**

To ensure that the R.N.L.I. are also complying ...

**The Bailiff:**

With their own code of conduct?

**Senator S.C. Ferguson:**

... with their own code of conduct.

**Senator P.F. Routier:**

The R.N.L.I. have their code of conduct which they must be left to decide if that is an appropriate ... if they are carrying it out effectively. Certainly it is not appropriate for us to think about discussing things. As we know, Standing Orders does not permit us to discuss things about the Lieutenant Governor and I think that is appropriate. We should not be mentioning that. But certainly the Chief Minister and I will have that discussion and ask the question with the volunteers when we meet them today.

### **3.5 Deputy M.R. Higgins of the Attorney General regarding the Human Rights compliance of procedures in the Magistrate's Court: [1(242)]**

Will Her Majesty's Attorney General advise whether there are any aspects of the procedure in the Magistrate's Court which gives him concern as not being compliant with the Human Rights (Jersey) Law 2000?

#### **Mr. M.H. Temple, QC, The Solicitor General (Rapporteur):**

I have no reason to think that the procedure in the Magistrate's Court is not compliant with the Human Rights (Jersey) Law 2000. The trial process is fair. The defendants have a right to legal representation. If they do not speak English the court will arrange an interpreter. If they plead not guilty the case is presented by a legal adviser employed by the Law Officers' Department. The magistrates are legally qualified. The interests of victims and witnesses are taken into account at all stages of the court process and defendants, if agreed at the outcome of the hearing the Magistrate's Court, have a right of appeal to the Royal Court against both conviction and sentence.

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

Can the Solicitor General advise Members when a human rights audit of the Magistrate's Court took place and if so, by whom and when?

#### **The Solicitor General:**

The only one I am aware of is a report that was prepared by a Mr. Cooper in 2007. He is a U.K. barrister. It was considered by the States Assembly but I am not aware of a further human rights audit since that date. The Deputy asked a very general question. It might have been helpful if he raised that question with me specifically so I could have looked at that in advance.

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

I apologise to the Solicitor General if he feels that I was not being helpful. I was not trying to trip him up in any way. However, he has raised Jonathan Cooper Q.C.'s (Queen's Counsel) report, some of which came to the States. In fact it was rather messy. But he came to the conclusion that the Magistrate's Court was not human rights compliant. Can the Solicitor General tell us whether any changes as a result of Jonathan Cooper's report have come forward and if we could have reassurance that it is human rights compatible?

#### **The Solicitor General:**

I am grateful to the Deputy for that clarification. It is right to record that the Attorney General of the day did not agree with Mr. Cooper's report in respect of human rights deficiencies. I think Mr. Cooper's principal concern was in relation to the magistrate acting as what is known as *juge d'instruction* in the Magistrate's Court whereby the magistrate would ask questions of a defendant himself. I am happy to report that all not guilty pleas in the Magistrate's Court are dealt with by a legal adviser and there is no reason for a magistrate to act as *juge d'instruction*. Of course the magistrate may ask questions of his own accord, as happens in any court. Mr. Cooper raised a further question in relation to the role of Centeniers in relation to listing cases. I am not entirely clear of what the nature of that concern was but Centeniers essentially ... the court decides which



cases are called and the Centeniers may carry out an administrative process when calling those cases. So I repeat I do not have concerns in relation to human rights, in relation to procedures in the Magistrate's Court.

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

I believe Mr. Cooper also expressed concern of the dual role of the Centenier being a policeman and prosecutor and that still remains the same, is it not the case?

### **The Solicitor General:**

As I previously said, that where there is a not guilty plea by a defendant in the Magistrate's Court that case is always dealt with by a legal adviser that is employed by the Law Officer's Department. Centeniers will still present some cases which are guilty pleas but they are not acting as a policeman in those cases because there has already been a guilty plea.

### **3.6 Deputy R.J. Renouf of St. Ouen of the Chief Minister regarding the prospect of bringing forward the next Jersey Income Distribution Survey: [1(230)]**

What steps, if any, does the Chief Minister intend to bring forward the next Jersey Income Distribution Survey?

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

I have asked officers to examine this issue and they are doing so with the Chief Statistician. Once those discussions are concluded I will report back to Members with any changed timetable.

### **3.6.1 The Deputy of St. Ouen:**

Does the Chief Minister accept that a new Income Distribution Survey will provide valuable evidence of the impact of measures introduced in the current M.T.F.P. (Medium Term Financial Plan) and planning should take place now because a new Assembly should not second-guess that impact before embarking on significant policy changes next year in a new M.T.F.P. So as this matter needs to be planned soon and funding put in place, and the survey undertaken, and the results obtained, can the Chief Minister give the Assembly an assurance that he is working to that end?

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

The Deputy is right. If the Income Distribution Survey is to change from its current cycle extra money will need to be provided. But as he knows in his very helpful email response to Deputy Southern, there are a number of matters that will affect the outcome of such a survey. Not only policy matters that might have been taken by this Assembly in the distribution of income support but, let us remember, there have been some really positive effects there. How we have dealt with unemployment, the reduced number of people unemployed, the improvement in the economy over 2014 and 2015, the improvement in earnings over income over the last 4 years, all of these matters roll into what effect that survey result might show.

### **3.6.2 Deputy M. Tadier:**

Does the Chief Minister think that it is important that we have an Income Distribution Survey that reports back before the next election so that the public of the Island can scrutinise the current government when it made promises about reducing relative poverty in Jersey and reducing income inequality to see how and whether this current government has lived up to its promises?

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

I know that the Members opposite like to parry across the Assembly but let us remember that individuals living in households in relative low income before housing costs in 2002 were 16 per cent, in 2009/2010 were 13 per cent, and in 2014/2015 were 13 per cent. That position worsens considerably after housing costs because we know that during the recession the effects on housing costs, as the last Income Distribution Survey showed, because of the low interest rate environment worsened those after housing costs. But we are interested not only in relative low income but also in absolute income in getting people into work, in putting money into education, because that is ultimately what will take people out of relative low income; getting them into a job, putting money into education. Let us not forget that the number of working age households in receipt of income support with no other income has reduced from 60 per cent in 2011 to 49 per cent in 2015. The number of children living in working age households in which no parent works has reduced from 60 per cent to 49 per cent over that same period. All of these are important statistics and will feed into what a future Income Distribution Survey might say. This Government's policies are working as much as ...

**The Bailiff:**

Ninety seconds, Chief Minister.

**Senator I.J. Gorst:**

... some Members would like to say they are not.

**3.6.3 Deputy M. Tadier:**

The Chief Minister can try and blind people with statistics if he wishes to but my constituents who know that they are worse off compared to what they were last year, 2 years ago, or 3 years ago, do not need his statistics to tell him that they are in a worse-off position. Can the Minister reiterate that, as with previous comments of his fellow Ministers, he is committed to reducing income inequality so that the gap between the lowest earners and highest earners in our society should be reduced?

**Senator I.J. Gorst:**

It is an important measurement but it is an important measurement among many other measurements. As I have just said, it is not just about relative low income. It is about absolute income. It is about getting people into work. It is about them earning so that they can support themselves. It is about putting money into education, the Jersey Pupil Premium, so that those people from low income households have got the greatest support financially in our schools to improve themselves into the future. It is not one-dimensional.

[10:30]

It seems to me at the start of his question that he seemed to be suggesting that he himself did not want an Income Distribution Survey because whatever the statistics said he was telling us something differently. There are a broad number of measures which are really ...

**Deputy G.P. Southern:**

Can you control that man?

**Senator I.J. Gorst:**

... important and ...

**The Bailiff:**

I thought you had finished, Chief Minister, I must say.

**Senator I.J. Gorst:**

Sir, I could keep going on this.

**The Bailiff:**

I am slightly worried about that. It should be 90 seconds, as you well know.

**3.6.4 Deputy G.P. Southern:**

The Chief Minister can play footloose and fancy free with the stats all he likes but will he refrain ... will he commit to refraining from making comments about the progress on relative low income or otherwise until he has - whatever the timescale - a fresh set of data on which to back up any claims that he has made about relative low income?

**Senator I.J. Gorst:**

I wonder if that was the offer of a political truce. I would be prepared to not make political statements about relative low income despite the fact that earnings have been greater than inflation, despite the fact that more people with income support ... reducing the number of people with income support are now having other incomes, despite the fact that there are fewer children in lower income households than there were at the start of this government, if he will refrain from suggesting that other policies that have taken place are reducing or are increasing relative low income. This is a political legislative debating chamber. He would like to narrow these issues. I am saying quite simply that there are a broad number of issues that would be dealt with in an Income Distribution Survey into the future which was the basis of the Deputy's initial question.

**3.6.5 Deputy G.P. Southern:**

I will try again. Will the Chief Minister refrain from making comments about relative low income until he has some facts to back up his statements? Yes or no.

**Senator I.J. Gorst:**

If you look at the Income Distribution Survey between 2002 and 2009 and you look at the underlying economic conditions you see there that that situation improved because the economy improved, because earnings were greater than inflation. We have had 4 years where earnings are greater than inflation. We have had 4 years where we have now started to see unemployment reduced. The makeup of households on income support changed. That is a result of good government policy. We are putting millions of pounds into the Jersey Pupil Premium. It is those underlying economic issues which give rise to the results of the Income Distribution Survey. So I will keep talking about those improved economic conditions, as I think Members of this Assembly and members of the public would expect.

**Deputy G.P. Southern:**

So that is a no.

**The Bailiff:**

It was a no, I think, Deputy. It took some time getting there but it was a no.

**3.6.6 The Deputy of St. Ouen:**

Would the Chief Minister agree that despite his protestations one of the features of today's society is that a group of people living at the lower end of the income distribution may be in work but in fact are suffering in-work poverty. In-work poverty is something that has grown, not just in Jersey but certainly exists in Jersey, and is a feature of today's society and we are creating a society of low wages where people at the bottom end are not able to support themselves. When will the Minister be able to give us an answer as to exactly when this new survey will be forthcoming?

**Senator I.J. Gorst:**

I accept that communicating statistics is quite difficult. We are just getting to the argument of discussion that we have had. But these are real people who are feeling the effects of the economic recession, as the Deputy is just suggesting, our policies are working into getting people into work. That is absolutely right because from a job then you can move up the ladder, you can become more self-sufficient. That has got to be the right policy. I do not apologise for a policy that gets people into work. Then we move on to another whole area of questions about the type of work that people are in, the remuneration of that work, and we have to face up to the fact that there are some sectors in our community that are not paying what we in this Assembly would like those employers to be paying because their margins are squeezed. We need to work with those employers to ensure that they can pay greater wages to this group of people that he is suggesting. I refer right back to my opening answer and say that I do not yet have a revised timescale for that survey. We would need to find the money, as he correctly pointed out, but I will refer back when we do have a revised timescale.

**The Bailiff:**

We come to question 7 which Deputy Mézec will ask of the Minister for Infrastructure.

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

May I raise a matter of order over this question? Simply to ask you why it is not considered *sub judice*?

**The Bailiff:**

I do not regard it as *sub judice*, Connétable because the question is not about the case directly, it is about whether or not the Minister will delay the implementation of the waste disposal charge.

**The Connétable of St. Helier:**

Thank you, Sir. Can I raise a second question on a matter of order? It comes in 3 parts. Were you not Her Majesty's Attorney General when a previous Her Majesty's Solicitor General gave advice to the States on the matter of the Bellozanne Covenant and declared that it was intact? Secondly, are you not, Sir, the President of the Royal Court that has recently ruled in favour of the Minister for D.f.I. (Department for Infrastructure) who is currently answering questions? Thirdly, the present Her Majesty's Solicitor General recently described the Parish of St. Helier in open court as disgraceful for seeking to uphold promises made by the States to the Parish in 1952 and reinforced in subsequent legal advice? So based on those 3 matters my question, Sir, is how can Crown Officers fairly advise on points of law or indeed preside over this matter in the States today?

**The Bailiff:**

I see no difficulty in it at all, but if it causes such sensitivity, Connétable, I will withdraw and ask the Greffier to look after this particular question.

**3.7 Deputy S.Y. Mézec of the Minister for Infrastructure regarding the prospect of delaying the implementation of the waste disposal charge in order to engage with the business community: [1(241)]**

Given the decision of the Parish Assembly in St. Helier to appeal the Royal Court's decision that the Bellozanne Covenant was spent and extinguished to the Privy Council, will the Minister consider taking this as an opportunity to delay the implementation of the waste disposal charge and to engage with the business community to address any concerns they may have about the charge?

**Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):**

As Deputy Mézec's question is in 2 parts I will answer no to the first part and we are already undertaking a robust programme of stakeholder engagement, including the business community, to the second part.

### **3.7.1 Deputy S.Y. Mézec:**

I would like to hear the Minister elaborate on the second part of that answer. Members will have received representations from the business community who have put forward concerns on several issues to do with the waste disposal charge, to do with how figures have changed seemingly at the last minute, and their concerns about how the amount to be paid in waste disposal charge can be fairly calculated and I, as a States Member, do not feel like I have had adequate answers to the questions that have been put on this subject, and I would be grateful if the Minister would be prepared to elaborate on how they are engaging with the business community and addressing the concerns that they have on this.

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

I believe that Deputy Mézec attended our last States Members workshop during which it was mentioned that we have already been in contact with the business community and are continuing to engage with the business community and we have plans to try and help them minimise their costs through waste reduction. This is an ongoing process. We are not going to simply stop liaising and talking with the business community when the States come to debate this later on this summer, we are going to carry on talking to them and working with them so they can minimise their costs, so they can reduce their waste, right up until when, and even after, those waste charges come through if they are subsequently agreed by this Assembly.

### **The Solicitor General:**

It was simply I am obliged to make 2 comments in response to the points that have been made by the Constable of St. Helier in his questions to the President. Firstly, it is not appropriate for the Constable to be referring to previous advice from Law Officers. The Constable knows that. That point has been made to his lawyers in correspondence and the reason for that simply is that if Law Officers' advice was continually publicised we would simply not be able to do our jobs. We would not be able to operate because clients would not be able to come to us and make a clean breast of their legal problems because otherwise they will simply have all their confidential matters disclosed in public, which would just not be appropriate. Secondly, the Law Officers' previous legal advice did change and the Constable also knows that. In relation to the description of my comment in court, which was made in submissions to the Court of Appeal, that is simply not an accurate account of my comments made in the Court of Appeal during the course of a case. Again, it is not appropriate for the Constable to be referring to matters that were raised in court in this Assembly, in a specific case.

### **3.7.2 Deputy J.A. Martin of St. Helier:**

As the answer to the first part was a simple "no" could the Minister explain his Plan B, if the Parish of St. Helier is successful in the Privy Council, can he explain what that is to the Assembly please?

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

I and my department have been tasked by this Assembly to bring forward non-household user pays charges or taxes - I use those words interchangeably; in this instance charges and taxes are the same thing. We have been tasked by this Assembly in 2018 to bring forward proposals in detail that will raise in excess of £3 million, in 2019 in excess of £11 million. I do not have the ability to delay the implementation of those charges. That would be the States decision this summer and I am doing what this Assembly has asked me to do.

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

The Minister has not answered. I have asked him what his backup plan or Plan B is, if the Privy Council finds in favour that the covenant is to be upheld. It is about raising charges. Will he have to raise more? What happens? Because it will take a lot of waste charges out of his ability. It is a simple question. The Minister understands. Can he please answer?

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

I am not going to comment on the legal case but if we find ourselves in that situation then we will still be bringing forward waste charges for non-household bodies. The detail of what those charges will then look like will have to be determined because we have been tasked with raising over £3 million in 2018 and over £11 million in 2019 and going forward. We have to raise that income as a user pays charge or tax - call it what you will - and that is what we have been tasked to do and that is what I am going to do with my department with the will of this House.

### **3.7.3 Deputy D. Johnson of St. Mary:**

In the context of the Environment, Housing and Infrastructure Scrutiny Panel conducting a review of the proposed waste charges, and to which the Minister will by now have received the proposed terms of reference, is he able yet to advise if the intention is to lodge the proposition as to both liquid and solid waste charges simultaneously or does he intend to lodge that relating to liquid waste in advance of that relating to solid waste?

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

I thank that question from the Deputy of St. Mary who is also the chairman of my Scrutiny Panel. We have until the 24th by the panel to give a response to their terms of reference. We are working on it this week, so we will have that. I can assure the chairman that we will have that response by the 24th. With regard to whether or not we will be bringing forward this in 2 parts or one part, I am still waiting for legal advice on that to see whether or not it is possible to bring it forward as one item, which we hope to do.

### **3.7.4 Deputy M. Tadier:**

I know the Minister is a strong supporter of the Parish system and as such he will know that the Parish of St. Helier constitutes a third of the Island's population but also probably a majority of the Island's businesses. They of course did ask their Parish Assembly to pursue this appeal to the Privy Council. Given the fact that does represent a change, so the Minister feels that he has been tasked by some of this Assembly - I hasten to add - to introduce these new complex and no doubt regressive charges, but we can disagree perhaps on some of those points, does he not think that circumstances have changed sufficiently in order to have some kind of hiatus to see whether there is a better method to be done?

[10:45]

Also to find out what his likely chances are and costs are of success or failure with the Privy Council appeal.

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

I am not going to comment on the latter part of that question. What I will say, and repeat again, my department and I have been tasked by this Assembly to bring forward non-household user pays charges or taxes - as I said it is the same thing - by 2018. That is exactly what we are doing. The decision by the Parish of St. Helier has no impact on that decision. It was a States decision and we are going to bring forward detailed proposals for this Assembly to consider in the summer months.

### **3.7.5 Deputy M. Tadier:**

Does the Minister not accept that it is reasonable to presume that a Member of this Assembly may be a Member indeed who voted for and wants the principle of these charges to come through would still nonetheless feel much better knowing what the outcome of that appeal was before the Minister took the plans forward in his name? Because essentially it does change things and it seems reasonable at least to ask States Members whether or not they wish a hiatus in these new proposals?

**Deputy E.J. Noel:**

As I have already explained, the timetable is not my timetable. It is a timetable that is set by this Assembly. It was set by this Assembly last September in the M.T.F.P. and we are working to that timetable.

**3.7.6 Connétable J.E. Le Maistre of Grouville:**

The Minister has explained that he has got to raise a fixed sum of money with these charges and he says the businesses will be able to mitigate against the charges by reducing their waste. Of course if everybody reduces their waste the charge per tonne is going to go up and businesses will still be paying an awful lot of money.

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

Was there a question?

**The Connétable of Grouville:**

Does the Minister agree?

**Deputy E.J. Noel:**

I agree that businesses will be paying in 2018 just over £3 million in user pays charges and just over £11 million in 2019.

**3.7.7 Deputy S.Y. Mézec:**

No final supplementary. I just thank the Minister for his answer and for admitting that this is a tax. I will be intrigued to know what will happen to our borrowing limits under the Public Finance Law.

**Deputy E.J. Noel:**

Can I just reply to that? I have never said it is not a tax. Some Members have called this a stealth tax. There is nothing stealth about it. This is a user pays charge or tax and I am happy in this instance with that definition.

**3.8 Deputy G.P. Southern of the Minister for Health and Social Services regarding measures under consideration to ensure that existing standards of home care would be maintained and improved: [1(235)]**

What measures, if any, does the Minister have under consideration to ensure that existing standards of home care are maintained and improved through the engagement of highly-trained, experienced and well-motivated staff?

**Senator A.K.F. Green (The Minister for Health and Social Services):**

Alongside the introduction of the long-term care scheme in July 2014 my department developed the approved provider framework, which is intended to ensure and maintain high standards of home care services on the Island. All approved providers are subject to a robust and rigorous application process to ensure they meet the required standards of care and quality assurance and thereafter they are subject to an annual inspection.

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

The approved provider guidelines contain no reference, as I understand it, to the inappropriate use of zero-hours' contracts, the use of flexible time between 7.00 a.m. and 11.00 p.m. and the payment of contact time only and not travelling time when travelling is intrinsic to the job. Does he not consider that these measures should also fall under the approved provider framework test?

**Senator A.K.F. Green:**

These matters fall under the protection of the Jersey Employment Law 2003.

**3.8.2 Deputy M. Tadier:**

I am sure I am not alone in having constituents come to me who work for Family Nursing and Home Care saying: "I have got this new contract which I am being asked to sign by a given date and I do not know what to do because it makes me worse off financially and it means I have to work possibly longer hours under worse conditions for less money and I do not know what I am going to do to look after my young daughter. I do not know whether I am going to have the money or be provided with the nursery hours, *et cetera*, to look after her." Does the Minister accept and will he join with my colleagues at Reform Jersey by saying it is an absolute disgrace when people are expected to be able to have to drive, for example, between clients and told that: "No, sorry, that is not work, you are going to have to pay for that yourself." That these people who are doing a fundamentally excellent and valuable job for our society, if anything should be treated better and he should not be presiding or trying to wash his hands of this when he should have an active duty of care to make sure that these people are employed with best practice terms and conditions?

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

Was there a question?

**Deputy M. Tadier:**

Yes, does he agree with me and my colleagues at Reform Jersey about everything I have just said?

**Senator A.K.F. Green:**

In short, no, I do not. Employment matters are a matter for the employing organisation. That said, they must comply with good practice and the current law. You have to look at sometimes the whole package, not just a part of the package.

**3.8.3 Deputy M. Tadier:**

Will the Minister then talk about what he sees is good practice? He says there is a requirement, not just to follow the law but there is a requirement to have good working practices. Is it a good working practice to say to an employee who starts a job, let us say, at 9.00 a.m., then has to drive, let us say, in Les Quennevais, and has to drive to St. Martin for the next client; is it reasonable to say to that person: "That does not constitute work"? That those 2 or 2½ hours a day, let us say those 11 to 13 hours a week, you are not going to get paid for those. Is that a reasonable thing that we would expect from these valuable workers? I hope we can all agree that they are much valued workers but they will not be valued financially in the same way; is that acceptable?

**Senator A.K.F. Green:**

The only thing I can agree with the Deputy on is that these workers are much valued and they do an excellent job in the community. But you cannot take one part of a terms and conditions of employment, which should not be being discussed in this Assembly anyway, in isolation to another. It is the whole package that needs to be looked at. I am not going to be drawn into it.

**3.8.4 Deputy J.A. Martin:**



It is a very wide question and it is the whole package that concerns me. The Minister states in a written question to Deputy Truscott that the size of the hospital and the care going forward is admission avoidance, admission prevention and early discharge. Is the Minister absolutely confident we have got this right at the moment let alone going forward with the increase of over-65s? We do need to maintain and improve the highly trained care to keep these people and the 3 aims of P.82/2012 - '*A new way forward.*' I would like the assurance of the Minister he thinks he has got it right at the moment and it will get better as we go forward.

**Senator A.K.F. Green:**

Yes, I am absolutely convinced we have got it right. It is essential we do this to improve facilities in the community, which informs the size of the new hospital. That is why we are fully funding district nursing; fully funding health listing; fully funding rapid response, a new service relatively so; fully funding reablement; fully funding Children's Services, including sustained home visiting. That is about investing in the community.

**3.8.5 Deputy T.A. Vallois of St. John:**

Can I ask: does the Minister have any concerns over the management of Family Nursing and Home Care and if so, what ability does he have through the service level agreement that is currently in place to hold them to account?

**Senator A.K.F. Green:**

I currently do not have any concerns over the management at Family Nursing and Home Care. If I were concerned then my officers, currently through the regulation part of the department, would be speaking to them.

**3.8.6 The Deputy of St. Ouen:**

Does the Minister not agree that a failure to pay staff for travel time leads to employees carrying out additional hours in order to earn the same income that they did before? This demotivates staff and affects the levels and quality of care carried out? Why does the Minister persist in saying that a failure to pay staff for travel time is none of his business?

**Senator A.K.F. Green:**

Because it is exactly that. It is a matter for the employer and the package that they offer staff.

**3.8.7 Deputy S.Y. Mézec:**

The U.K. is currently experiencing a crisis in care with hundreds of care professionals leaving the job every day and this is attributed to the fact that there have been government cutbacks up there and the terms and conditions and pay of those care workers has got so poor that they see their prospects of a good life in another profession as being much higher. Is the Minister genuinely not worried about that becoming the case here where these workers are put on poor terms and conditions, where they are overworked, where their lives are disrupted because of the changes to their terms and conditions, and it will get to a point where this job is simply seen as not worth doing and anybody with a decent level of professionalism would prefer to go somewhere else. Is he genuinely saying that that is not his business as Minister for Health and Social Services to be concerned about the impact on the profession that his policies are clearly having?

**Senator A.K.F. Green:**

What I am saying, that we must be in a different situation in Jersey compared to the U.K. because we now have 20 approved providers in the Island.

**3.8.8 Deputy G.P. Southern:**

The Minister refers to best practice. Is it not the case that each of those fully-funded services have completely different terms and conditions for their workers than do home care workers? Is that not the case? Does he think best practice should be extended from those fully-funded services he often mentions to the full home care service and the home care assistants who are delivering the high quality that they are now?

**Senator A.K.F. Green:**

I do not know how many more times I have to say employment matters are a matter for the employer and how they divvy-up the skills within their department, within their organisation, is a matter for them, not a matter for me.

**3.9 Deputy L.M.C. Doublet of St. Saviour of the Chairman of Privileges and Procedures Committee regarding the commemoration of the centenary of the legislation enabling women to vote in Jersey: [1(239)]**

Will the Committee make plans to commemorate the centenary of the legislation enabling women to vote in Jersey, which was adopted in 1919?

**Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):**

The committee is extremely keen to promote public awareness of the Island's political history and I am certainly happy to add the suggestion to the committee's agenda for consideration. I also invite the Deputy to share with us any ideas she might have for such a commemoration.

**3.9.1 Deputy L.M.C. Doublet:**

That was going to be my next question. How can Members and also interested members of the public get involved in perhaps organising ideas for the celebration?

**The Connétable of St. Clement:**

As I say, my door is always open. My email address is in the telephone book. My telephone number is in the telephone book. My address is in the telephone book. So anyone who has any ideas who wishes to make suggestions to the committee only too happy to receive them in any way whatsoever.

**The Bailiff:**

I cannot believe there are any further supplementaries.

**Deputy M.R. Higgins:**

I did have a question I would like to ask.

**The Bailiff:**

Very well. Deputy Higgins.

**3.9.2 Deputy M.R. Higgins:**

Obviously I welcome the fact that we are going to celebrate women's rights and women's votes, but surely we should also be marking Reform Day, which the States Assembly passed a proposition that we should celebrate it. Will the chairman of the committee also bring forward proposals to celebrate Reform Day?

**The Connétable of St. Clement:**

We have a number of planned exhibitions, more concrete planning like the 130th anniversary of the opening of this building, which the exhibition will be starting in June and go on an Island-wide

tour. Certainly the 250th anniversary of the uprising, which led to many significant changes, was also part of our work plan for 2019.

**3.10 The Connétable of Grouville of the Minister for Economic Development, Tourism, Sport and Culture regarding work undertaken by his Department on assessing the impact of the proposed liquid waste and solid waste charges on businesses: [1(233)]**

Has the Minister's Department done any work to assess the impact that the proposed liquid and solid waste charges will have on businesses, in particular the tourism and agricultural industries; and, if not, why not?

**Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):**

A proposition concerning liquid waste charges will be ready for lodging following the current period of consultation. To that end I am advised that the Department for Infrastructure has commissioned work to establish the economic impact of the proposed liquid and solid waste charges and that a distributional analysis is being completed by the Economics Unit. My understanding and expectation therefore is that the accompanying report will include a full economic impact assessment showing the impact on businesses across all sectors of the economy. In the meantime, I and several of my officers, have met with representatives of the Jersey Chamber of Commerce and the Jersey Hospitality Association and many individual business owners to receive feedback on the proposals and on the industry briefings being given by the Department for Infrastructure within the last month.

[11:00]

**3.10.1 The Connétable of Grouville:**

Is the Minister confident that we will have the information in front of us that will tell us what effect this will have on businesses when we come to discuss these charges in the near future?

**Senator L.J. Farnham:**

I am confident and I am confident because in my opinion, and the opinion of businesses, the proposition really cannot be debated properly without that information it is going to be a crucial part of the debate. Members will need to know and understand the impact on the economy of such a charge and the Minister for Infrastructure recognises that, which is why he has instructed the work to be carried out. I think the timetable might be a little tight but we shall wait and see.

**3.10.2 Deputy M. Tadier:**

Does the Minister support the principle of solid waste charges for liquid and solid waste that are being put forward by his fellow Minister?

**Senator L.J. Farnham:**

Yes, I do support the principle. The Assembly supported the principle, which is why we are where we are now. But I am also, as my record states, going to work hard... I do represent a business in commerce, together with my Assistant Minister, so I am going to work hard in partnership with the Minister for Infrastructure to ensure that we have all the information necessary for the States to make a proper decision when the proposition is lodged and to make sure the charge is as fair, equitable and realistic as possible.

**3.10.3 Deputy M. Tadier:**

I am glad that the Minister put his support for this proposition on record. I cannot remember and I should have asked whether he was present for that particular vote when it came through. But it is

good to know that, irrespective of that, his colleague has his support. Does the Minister share my concern, given the previous answer and given the fact that the Minister has said that at least in part one of the reasons for bringing this policy forward is to effect behavioural change that will improve environmental outcomes? But it is particularly concerning when he says: “Well, irrespective of whether or not people change their behaviour and consume or produce less waste, I still want to collect exactly the same amount of money, one way or the other.” Does that not underlie the fact that this is not a policy to reduce people’s waste because if that were the case surely there would be a financial incentive for them to reduce their waste and this is not the case? Does the Minister share my concerns with that, especially in the context of how this might affect businesses in the Island?

**Senator L.J. Farnham:**

I am concerned about the impact this charge will have on businesses. I think every Member should be concerned and should consider it very carefully. I think in some instances it will affect the behaviour, some businesses will think twice about the resources they use and will make reductions. But I am particularly concerned about industries in the hospitality and the agricultural sectors who have no choice. They have no choice but to use a liquid resource and many of them are utilising very best practices now. They simply will not be able to reduce their charges significantly when the charge comes into play. Also, I am minded to think about, as we have just been talking about it, health providers and care homes, our other very large users of liquid waste products, so they are going to be hit particularly hard, which is why we must have this economic impact study before the States make a decision.

**3.10.4 The Connétable of Grouville:**

Does the Minister not think it should be his department taking the lead on this? His job, it seems to me, is to look after businesses and rather than the person who is trying to generate the money doing the report, it really should be his department and he should be proactive in providing us with the information we will need when we come to make the final decision.

**Senator L.J. Farnham:**

The fact of the matter is that it is the Department for Infrastructure that is leading on this, so that it would just be a duplication of work if my department was to do the same thing. Having said that, if the impact assessment on the liquid waste charge is deemed to be insufficient then I do retain the right to do some extra work on that and I will do that working in partnership with my fellow Ministers.

**3.11 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding the appointment of the new Chief Executive of the States: [1(227)]**

Will the Chief Minister provide an update on the appointment of the new Chief Executive of the States?

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

At our last meeting Members approved a proposal allowing the Appointments Commission to play an active role in the appointment of the next Chief Executive. This proposal also allowed for the appointment of an independent commissioner to formally oversee that process. We are now, therefore, proceeding with the recruitment of the next C.E. (Chief Executive) and we will start an open competitive formal selection process by the end of this month.

**3.11.1 Deputy J.M. Maçon:**

Within the recruitment documents, can the Chief Minister confirm that a key requirement will be experience in implementing electronic services?

**Senator I.J. Gorst:**

I do not have the recruitment document in front of me but I know that that element plays a part in that document.

**3.11.2 Deputy J.M. Maçon:**

Is there a key requirement within that document?

**Senator I.J. Gorst:**

As I said, I do not have that document with me, so I can certainly review it when I get back to the office after the States sitting and confirm to the Member.

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

Will the Chief Minister confirm whether the new Chief Executive will be working alongside the current Chief Executive for a period of time before the current Chief Executive is due to leave?

**Senator I.J. Gorst:**

It is expected that there will not be a perfect symmetry of timings but we will have to deal with that issue, should that arise, once we have the person that is to be recruited and we know when their start date is to be.

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

Can I ask whether the Chief Minister will also be appointing a Deputy Chief Executive to assist in the role?

**Senator I.J. Gorst:**

It would seem to me that any new person coming into the role would wish to consider recruiting either a deputy or a Chief Operations Officer to support that work.

**3.11.5 Deputy M. Tadier:**

Will the Chief Minister give us an assurance that lessons will have been learned from the past? I know that it is a matter of strong public interest and one still remembers the fact that a previous Chief Executive left, shall we say, delicately under mysterious circumstances and was given a golden handshake of a considerable amount and that this is not seen to be acceptable, I do not think, from a public point of view nor from our own points of view. Can he give us an assurance that, for example, the Chief Executive will not be involved in drafting his own terms and conditions or indeed in deciding what happens and what the pay-offs will be, if and when he or she has to leave - because it might be a she, of course - and whether or not there will be an exit interview, those kind of things? Of course, we do not like to think about ...

**The Bailiff:**

Can you keep your question crisp, please?

**Deputy M. Tadier:**

Yes, Sir. I was just going to say we do not like to talk about a divorce with a marriage but, of course, we still have to plan ahead for eventualities.

**The Bailiff:**

Chief Minister, the question was whether or not the Chief Executive will be concerned in writing his own contract.

**Senator I.J. Gorst:**

Sir, there were many more questions than that but anyway ...

**The Bailiff:**

I think that was the question.

**Senator I.J. Gorst:**

The reason that we made the changes that we did and the States Employment Board brought forward the changes was to ensure that the recruitment process was wholly in line with the Appointments Commission's policy. There is no intention for the incoming Chief Executive to write their own terms and conditions. The outgoing Chief Executive that the Deputy referred to in his question, that payment was part of that individual's contract, as I have made clear. No such contract now exists nor will they exist into the future.

**3.11.6 Deputy M.R. Higgins:**

I just want to clarify what the Chief Minister has just said. Is he saying that any future contract for the Chief Executive will not have severance arrangements that will include pay-offs for various items such as Ministers falling out with them and making their life impossible and so on?

**Senator I.J. Gorst:**

The Deputy will know, referring back to the previous Comptroller and Auditor General's report on this matter, the statements that I have made in public in this regard and they align with the statement that I have just made. Of course, all employment contracts deal with dismissals around the length of time, misconduct issues that might ultimately lead to dismissals but I have no intention ... the States Employment Board has no intention to write into any contract for an incoming Chief Executive - there is a technical term for it which just escapes me - along similar terms that the previous Chief Executive had.

**3.11.7 Deputy J.M. Maçon:**

Will the Chief Minister inform the Assembly when it is anticipated that this recruitment period will be over?

**Senator I.J. Gorst:**

I am happy to do so.

**3.12 Deputy C.F. Labey of Grouville of the Minister for Treasury and Resources regarding the implementation of additional charges by commercial renewable energy producers: [1(231)]**

Will the Minister, as shareholder representative, advise whether Jersey Electricity is looking to implement an additional charge to commercial renewable energy producers from November 2017? If so, will he request an explanation of the justification for this measure?

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

Sir, if I may, I have asked my Assistant Minister to take this question, as he has responsibility for this area.

**Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):**

First of all, I must apologise through the Chair to the Greffier for not asking his permission before circulating the note which has just gone round to Members this morning. I have done that in order to apprise Members. As they will note it was dated 10th November 2016 and was circulated to the media advertising the changes that were going to be put in place or that are going to be put in place on 1st November this year. I will not read out any more of the detail in there, other than I would ask Members to look at paragraph 3, where we talk about the charges that will only be going to commercial customers. If we look further down at the bottom paragraph on the front page: “Domestic customers with embedded generation will not incur the standby charges.”

**3.12.1 The Deputy of Grouville:**

Yes, this letter was put on our desks about 30 seconds ago, so forgive me if I have to ad lib a bit. This is standby charges; I am talking about a commercial charge for renewables. My question is: is it appropriate for a private company that is unregulated with a monopoly on electricity that posted a post-tax profit of £11,642,000 in 2016 to be instigating a charge on the commercial renewable energy producers, thus making it uneconomical or unviable for anyone, other than Jersey Electricity, to produce renewable energy?

**The Connétable of St. Peter:**

Yes, it is entirely appropriate. Well, J.E.C. (Jersey Electricity Company) is not wholly owned by the States. We own, I think, around about 60 per cent with 80 per cent of the voting rights. But the requirement is they are listed on the Stock Exchange to make profit, as any businesses do do, so, therefore, yes, it is appropriate. However, there are many businesses currently in Jersey, data centres, hospitals, airports that all run their own standby supplies, irrespective of J.E.C. Equally, this morning out of curiosity I went online and I can purchase for £1,200 a 6 kWh generator which would be more than enough to satisfy a small business. If a small business wanting to not incur the power renewables, did not want to incur the up to £2,000 standby charges, they could simply buy their own standby generator and I am sure many of them have already done that. No, I cannot agree, it is not appropriate. We expect these companies to make profits and return those profits to us as dividends and, in doing so, keep their prices down as far as possible to consumers.

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

Does the Assistant Minister not consider that it is entirely inappropriate that this company should be heading in a direction opposite to that of its Government when it seeks to achieve social, economic and, indeed, environmental benefit by the use of alternative methods of generation of electricity?

**The Connétable of St. Peter:**

I think one needs to really look at what the J.E.C. does and if Members were to look at their annual report you will see the amount of work they already do in the economic and environmental areas.

[11:15]

One particular one in which I have been involved in is the planting of elm trees in Jersey, wholly sponsored by the J.E.C., to help improve the environment. They are also doing as much as they possibly can to encourage more and more people to use electric vehicles, Jersey Post and, I think, Jersey Telecom have a few already, to help to improve the situation here, the environmental situation here in Jersey.

**3.12.3 Deputy G.P. Southern:**

Surely it is our policy that we should be encouraging the use and the generation of small-scale electricity on the Island by small units, is it not?

**The Connétable of St. Peter:**

As I said previously, domestic customers who wish to put up a small wind turbine or photovoltaic cells on their doors will not be charged a standby charge at all.

**3.12.4 Deputy M. Tadier:**

I think it is related but does the Minister find it strange that the Government, of which he is a part, does not have any targets for sustainable or renewable energy? There is clearly going to be some kind of interaction between an absence of policy or certainly an absence of any measurable policy and what we essentially allow Jersey Electricity to do in this regard.

**The Connétable of St. Peter:**

I do not think initially that we allow them to do anything. They are a freestanding company working in a commercial environment and it is up to them to do that. With regard to the policy, the ongoing policy of the government, different elements of that are coming up. Certainly, the Minister for Environment is very keen on improving wherever he possibly can and has been in discussions of his own as well, I believe, or so I am advised. Equally, the Minister for Infrastructure is also working towards more sustainable targets regarding waste disposal and waste recycling.

**3.12.5 Deputy K.C. Lewis:**

My apologies, I have not had the chance to study the document in detail. Would the Assistant Minister confirm that this will have no bearing whatsoever on the tariffs and electricity produced by the Energy from Waste plant?

**The Connétable of St. Peter:**

No, I cannot, the reason being I am not aware of the contractual details that are currently in place between the Minister for Infrastructure and the J.E.C. in this regard.

**3.12.6 The Deputy of Grouville:**

Does the Minister think that Jersey should continue to import over 90 per cent of its electricity from the Continent and be at risk from fluctuating currency prices and exposure to Brexit or does he believe that J.E.C. ought to be part and at the forefront of producing renewable energy?

**The Connétable of St. Peter:**

In short, the answer is yes to all parts of the Deputy's question.

**3.13 Deputy M.R. Higgins of the Minister for External Relations regarding his involvement in the work being undertaken with the local synod on whether Jersey should be part of the diocese of either Winchester or Dover: [1(243)]**

Will the Minister advise what official duties, if any, he has in relation to the work being undertaken with the local synod on whether Jersey should be part of the diocese of either Winchester or Dover? If he has such duties, will he further advise whether the Assembly will have a role in that decision, in particular via any approval of changes in canon law?

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

The Chief Minister is responsible for constitutional matters within the Executive branch of Government and so would be expected to lead on any such considerations for the Channel Islands. It would also be for the Chief Minister to lodge for consideration by the Assembly any proposed changes to the canons of the Church of England in Jersey, as was the case when the canons were decided upon and approved by the Assembly in January 2011. As Minister for External Relations, I would only become involved in my ministerial capacity if such matters affected the consul's



common policy on external relations presented to the Assembly in July 2015, which includes, for example, the principle that we should, and I quote: “Protect Jersey’s unique constitution” and that we should, and I quote: “Maintain positive relations with the Bailiwick of Guernsey co-ordinating on matters of mutual interest.”

**3.14 The Deputy of Grouville of the Minister for Home Affairs regarding the use of guest houses as halfway houses for ex-offenders: [1(232)]**

Will the Minister advise whether a redundant guest house in Gorey village has been set up as a halfway house for ex-offenders and, if so, whether any information was passed to the Parish authorities or whether they were made aware of this use of the property? Will she explain how it is determined to be appropriate that such a facility may be placed in the middle of a residential area?

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

I am not aware that a redundant guest house in Gorey village has been set up as a halfway house for ex-offenders. Members may recall that in March last year I answered a similar question from Deputy Labey of St. Helier regarding arrangements between government agencies and guest houses for accommodation of ex-offenders. I confirmed then that there are no formal arrangements in place and the position has not changed. It might be the case that some ex-offenders have secured temporary accommodation in guest houses in Gorey but there are no formal arrangements.

**3.14.1 The Deputy of Grouville:**

While I appreciate it may sometimes be challenging to find and integrate ex-offenders, can it be responsible to place them without support - and I think this is key, without any support - in a village where a young family has already been victim to some of their crimes?

**The Deputy of St. Peter:**

I would not have any knowledge of the specific nature of such a case. However, I would like to take the opportunity to remind the Assembly that former offenders are simply that, former offenders who have served time for sentence. In a small island it is difficult for people to find accommodation that is suitable and those who are free. Admittedly, there are special arrangements in place for sex offenders where their supervision will be a priority. But others are at liberty to make their own arrangements and find accommodation that they feel appropriate and suitable.

**3.14.2 The Connétable of Grouville:**

Is the Minister saying that she is unaware that this hotel was going to be used for these purposes? Does the Probation Service not tell her what they are likely to be doing? Because, as the Deputy of Grouville said, there has been an incident and it is alleged that it is the cause of this halfway house and certainly my Honorary Police and I had no knowledge that it was going to be used as a halfway house until after the event.

**The Deputy of St. Peter:**

As I stated in my first and original answer, there are no formal arrangements between Home Affairs and former offenders finding accommodation.

**3.14.3 Deputy M. Tadier:**

The answer may have been partly given already but just to clarify, first of all, can I say that presumably it is a balancing act to balance the competing factors of rehabilitation, data protection and the wider safety of the community, which is hopefully something the Minister for Home Affairs will try to do? But can she clarify whether it is normal practice in such a case to inform the Parish authorities when properties are being used? Presumably, there is an underlying point here

which maybe has not been aired yet, especially when it comes to child safety and certain types of offenders that may be being housed, that may pose an ongoing risk, even after their sentence is finished.

**The Deputy of St. Peter:**

As I mentioned earlier, there are arrangements in place for sex offenders to ensure public safety but I reiterate that there are no formal arrangements for other offenders. They are at liberty to find accommodation that they deem to be suitable for them.

**3.14.4 Deputy M. Tadier:**

A follow up: does the Minister think that perhaps there should be formal arrangements, that there should be a set procedure so that when people are released, first of all, for their own benefit they know what they can expect and where they can expect to be housed? But that an appropriate level of information can be given, if and when needed, to perhaps local authorities and relevant stakeholders in that community.

**The Deputy of St. Peter:**

I am little bit surprised by the Deputy's tack here because one would expect that he would understand and champion almost the cause of those people who have served their time, to go out into the community and become members of that community once more and to leave behind the shackles of their time served.

**Deputy M. Tadier:**

A point of order, I did ask a question there. The question was not answered and obviously this is part of politics you can argue. But, essentially, the Minister asked me a question and did not give an answer to the question I asked. Notwithstanding the fact that what she said about me not championing those people, of course we all want to see them rehabilitated, that goes without saying but I think there is a legitimate answer that needs to be given to this question that has not been answered yet, which perhaps maybe needs to be followed up in the supplementary.

**The Deputy of St. Peter:**

I think my answer was implied in the comment that I passed. I think it is quite clear what I am trying to say, which is that there are no formal arrangements and it is a matter of public liberty that it remains thus.

**3.14.5 The Deputy of Grouville:**

As I pointed out, I think there is a fine balancing act here and it is challenging. However, if ex-offenders are put into a community that it clearly, as this case proved because they went out and offended again and this time a young family was victim to the crimes, can we have the Minister's assurances that the Parish authorities will be made aware of the situation and so will Probation, so they can support the individuals in these circumstances in the communities?

**The Deputy of St. Peter:**

I understand the Deputy's concerns for her parishioners, absolutely and one always hopes that the public can be safe in their own homes. The work of Home Affairs is solely focused on ensuring public safety as best we can in our small community. We do that generally very successfully but we cannot always rule out risk within our communities. The responsibility for Probation Service does not fall within the responsibilities of the Minister for Home Affairs and so I cannot comment on those issues. I reiterate once again that there are no formal arrangements for my office to inform a Parish authority in relation to the housing of former offenders.

**3.15 Deputy M. Tadier of the Minister for Education regarding the prospect of including a sixth form in the new Les Quennevais School: [1(238)]**

What consideration, if any, has been given to including a sixth form in the new Les Quennevais School and, if none, why has this not been considered?

**Deputy R.G. Bryans of St. Helier (The Minister for Education):**

It was considered at the very early stages of the project but was discontinued on the grounds that it would not be economical to create another sixth-form provider. We already have 5 schools offering A Levels, plus Highlands for other Level 3 and some classes are already very small.

**3.15.1 Deputy M. Tadier:**

While I would agree that under the current population and that we do have 5 schools, it has to be taken into account that 4 of those schools providing A Levels are fee-paying schools. That means there is only one sole sixth form in the Island, not including Highlands, which is slightly different, that provides a fully State school education at sixth form. Does the Minister think that, given the fact that there is now a pause with the plans for the new school, that it would be worth consulting with the public and also perhaps Members on whether or not in the future there is likely to be an increased demand on sixth form services, partly because there is a move to reduce subsidies for fee-paying schools, which is already in train, that middle-Jersey is being increasingly squeezed and may not have the funds in future to pursue fee-paying education and the simple fact that the population is due to increase?

**The Bailiff:**

Deputy, it is a question. Please, your questions have gone on and on today.

**Deputy M. Tadier:**

Yes, thank you, Sir, but you just stopped me when I was making my final point, Sir, so ...

**The Bailiff:**

It is not a point, you are making a question.

**Deputy M. Tadier:**

Thank you, Sir. That is the context of the question and that is the question, those 3 reasons.

[11:30]

**Deputy R.G. Bryans:**

Yes, I mean in consideration of what happens in the future, obviously it will be taken to the heads, as it was previously or it has been recently. As I say, at that point in time it was not met with due consideration; it was thought that we had capacity. Equally, with regard to the building of the project or the new Les Quennevais School, we have about 780 students currently but the school is being built for capacity for 850. There is room for manoeuvre in the future should that decision be made.

**3.15.2 Deputy M. Tadier:**

Just to ask the Minister whether he shares my concerns that fundamentally the school will not be big enough. He has given those figures there, 780, the school can accommodate 850; that does not seem to be big enough in the first place. Would he welcome some kind of consultation or even through an in-committee debate in this Assembly in short order as to the merits of having a sixth form included in this build for serving the west of the Island?

**Deputy R.G. Bryans:**

Yes, it is a consideration with regard to students who look to sixth form education, that what they benefit from is mixing with other and larger groups, which is currently what they have at this situation. Also, we need to make sure that the full range of A Levels is accommodated for. As I say, there is capacity within the new building. There is not a consideration at this moment in time to look at it through an in-committee debate. We have discussed it with heads and, as I say, we will remain focused on those 4 principles that we started out at the beginning of my term that is consistent with what we want to achieve.

**3.16 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the principal conclusion of ‘Review of Personal Tax (Stage 1) – Data Analysis’ (R.30/2017), especially in relation to low and middle-earning taxpayers: [1(236)]**

Will the Minister outline for Members what principal conclusion he draws from the report on personal taxation P.30/2017, especially in relation to low and middle-earning taxpayers?

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

I published the report of the first phase of the review of personal tax on 27th March. My written statement that day outlined the principal conclusions that I have drawn from this analysis at this early stage. Nothing in the report is, of course, new. This Assembly has considered each measure separately but it is, nonetheless, useful to see the overall landscape to inform our thinking on future tax policy. The main changes in personal income taxation since 2006 have been 20 Means 20, which removed allowances for standard rate taxpayers, increased exemption thresholds for marginal rate taxpayers, increased child allowances and a reduction in the marginal tax rate. Together these changes have meant that in 2015 households on lower incomes pay less income tax than would otherwise have been the case. Higher income households pay more income tax than would otherwise have been the case. The sum total of these changes has made our personal income tax system more progressive than it was in 2006, with more generous allowances supporting families with preschool childcare costs and children in university. No tax system is perfect. Phase 2 of the personal income tax review will look at how the personal income tax system can be improved further.

**3.16.1 Deputy G.P. Southern:**

The Minister was very careful to say that it is the lowest taxpaying earners pay less income tax. However, when one looks at the broader figure - and the Minister for Treasury and Resources should surely do so - if you look at figures 6.2 to 6.8 they take account of the impact of changes to G.S.T. (Goods and Services Tax), social security contributions and long-term care contributions over the same period and they show that the effective rate of the lowest taxpaying earners has gone up in that period. Is that not the case?

**Senator A.J.H. Maclean:**

The data that has been collected gives a lot of information and that is clearly very important for future tax policy considerations. The point that the Deputy is making is one principally around areas like G.S.T. and the impact, which we have never shied away from, on lower earners and that is why this government and previous governments have put in place decisions and policies that have, for example, introduced a food cost bonus, have seen exemption levels continue to rise over the period of time. In fact our generous allowances are 50 per cent in excess of what would typically be available in the U.K. We have increased the income support components and a number of other measures to help offset some of the impact on lower earners in this area. But without doubt the figures speak for themselves.

**3.16.2 Deputy S.Y. Mézec:**

In the answer to the first question the Minister said that the lowest earners were paying less income tax. The report shows that in 2005 the lowest earning households of each household type were paying an effective rate of income tax of 0 per cent. Could he explain how we get a lower rate than 0 per cent in 2015?

**Senator A.J.H. Maclean:**

It is referring to those people who are paying tax, not those who are not paying tax.

**3.16.3 Deputy S.Y. Mézec:**

When the bigger picture is considered, would the Minister be prepared to admit that the lowest earning households of each household type are now paying more tax because of G.S.T. because of L.T.C. (Long-Term Care), because of social security, and that they are now paying more and any statement to purely examine income tax is inadvertently misleading?

**Senator A.J.H. Maclean:**

It is equally important to point out that those higher earners are paying more as well. Yes, during the course of the recession there have been some changes to our income tax system since 2006. That is one of the reasons why this review, the first part of the review, was so important, so that we could pull together all the data that existed, so that we can analyse it properly and in the second phase of the review of personal income tax we can look at what changes might be indeed necessary.

**3.16.4 Deputy M. Tadier:**

Would the Minister comment on middle-earners and how they have been affected?

**Senator A.J.H. Maclean:**

If the Deputy would like to give me a definition as to what he means by middle-earners, then it would be a little bit easier to comment on it. As he probably knows, if he attended the presentation recently on this particular review, a statistical output was given with regard to potential definitions but there are a number of them.

**3.16.5 Deputy M. Tadier:**

The Minister seems to know the definition of a lower-earner and a higher-earner, as he has just referred to them in these questions without the need for a definition but I will happily give him one, referring to his written answer 3 today, he says: "For working-age couples with no dependent children are middle-earners £31,000 to £71,000 and a couple with at least one dependent child under the age of 16 years is £33,000 to £84,000." Perhaps now he can give an answer.

**Senator A.J.H. Maclean:**

That is one definition. If indeed the Deputy had pointed out the full context of the written answer that he is referring to, it makes clear that that is one possible answer as to what this phrase of middle-earners means or middle-Jersey, which was the other element of discussion that is often put into the public domain. The figures, as I have said, are very clear for Members to see in the data analysis that will follow now, looking at the data that we have, to decide on what policy is appropriate for the future.

**3.16.6 Deputy G.P. Southern:**

The Minister is very clear about talking about low earners and their income tax bill has reduced but their overall bill, effective rate, has increased. Can he give this Assembly today his analysis of what has happened in terms of income tax and overall tax to what he describes in his own documentation as middle-earners? Have those taxes gone up or down?

**Senator A.J.H. Maclean:**

I think I said in the opening remarks that it is clear that in terms of income tax the contributions are lower now than they were back in 2006 but in total costs those are lower earnings, and this is areas which included the likes of G.S.T. and long-term care charges and so on, are clearly contributing more. But there have been various policies put in place by this government to offset some of the impact to those particular groups.

**3.17 Deputy K.C. Lewis of the Minister for Home Affairs regarding requirements arising from Jersey's membership of the Common Travel Area and whether they included an obligation for airlines to ask for passports for booking and travel within the Area: [1(229)]**

Given that many airlines ask for passports for booking and travel between the Channel Islands and the United Kingdom and Ireland, will the Minister advise whether producing a passport is a requirement arising from Jersey's membership of the Common Travel Area and, if it is not, will she undertake to remind air operators of what any such requirements are?

**The Deputy of St. Peter (The Minister for Home Affairs):**

We have delegated responsibility; the Constable of St. Lawrence will answer this question.

**Connétable D.W. Mezbourian of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):**

I understand from the Deputy that he is happy for me to answer this question and I am grateful to him for it and allowing me the opportunity to provide clarification for all Members. The Deputy asked whether producing a passport for booking and travel between the Channel Islands and the U.K. is a requirement arising from Jersey's membership with the Common Travel Area, and I can confirm that it is not a requirement. However, as we know, most airlines using the e-ticket travel system do require a form of photographic identification to be presented when customers check in for domestic flights and, of course, that is to ensure that the customer named in the booking is the same person who is travelling. The same position applies to ferry companies operating within the C.T.A. (Common Travel Area). The form of identification required is decided upon by the operator and it is not for government to instruct carriers as to what form of identification they should require for people travelling on their services. The Minister for Home Affairs cannot undertake to remind air operators of what the requirements are because those requirements are set by the operators themselves.

**3.17.1 Deputy K.C. Lewis:**

I thank the Assistant Minister for her reply. The problem arising is more and more air operators are now demanding passports for travel. Either we are part of the European Union Schengen Agreement, which we are not - the open borders - or we are part of the Common Travel Area. If we are losing the Common Travel Area, as it appears at the moment because more and more air operators are demanding passports, not just a photo I.D. (identification), then in the future any Islander without a valid passport will be prohibited from leaving the Island, which is an unacceptable situation. Does the Assistant Minister not agree?

**The Connétable of St. Lawrence:**

There are no formal immigration controls within the C.T.A., so by being a member of the C.T.A. we are not required to produce a passport when we travel within the Common Travel Area. The Common Travel Area consists of Jersey, Guernsey, the Isle of Man, the United Kingdom and the Republic of Ireland. I do appreciate what the Deputy is saying about the problem for those of us who travel who do not have a passport but who want to travel internally within the C.T.A. However, the requirement to show a passport is that of the carrier. As far as I am aware the

Customs and Immigration Service have not had any queries or complaints about this. Therefore, the matter remains that the policy on what form of identification should be shown does fall to the carrier themselves.

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

I thank the Assistant Minister for her reply, which is not helpful to people who are having problems at the moment. As I say, I am all for security; we are living in very odd times at the moment. I am all for security but surely they must be reminded that a passport is not required. We are part of the Common Travel Area. If one wishes to go to the Republic of Ireland and Northern Ireland, England and Wales, Scotland or indeed Guernsey, just a driving licence should be sufficient. Does the Minister not agree?

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

Do I agree that a driving licence should be sufficient? I think that if the carrier requires photographic identification, then a driving licence from Jersey or the other Channel Islands should be sufficient. However, the matter is a decision made by the carriers, as I have said. Our membership with the C.T.A. requires passports to be shown only at the external borders of the C.T.A.

### **The Bailiff:**

We come to the final question. There is time for one question and one answer only. Deputy Doublet.

### **3.18 Deputy L.M.C. Doublet of the Chairman of the Privileges and Procedures Committee regarding the Committee's plans to encourage more women and people from minority groups to become involved in politics in Jersey: [1(240)]**

What plans, if any, does the committee have to encourage more women and people from minority groups to become involved in politics in Jersey, including standing for election?

[11:45]

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

The committee wants to encourage more participation in politics in Jersey full stop, not just by women and not just by minority groups. **[Approbation]** The Greffe is in the process of tendering for the Vote.je website and associated public engagement initiatives for the 2018 general election.

### **The Bailiff:**

That brings that part of question time to an end. Can I just announce before we go on to Questions without notice, the Draft States of Jersey (Amendment No. 9) Law 201- amendment lodged by Deputy Andrew Lewis (P.18); and P.19 - Jersey Financial Services Commission: reappointment of Commissioner, amendment, lodged by the Chief Minister. We now come to Questions to Ministers without notice. The first is the question period for the Minister for Treasury and Resources, and I call upon Deputy Southern.

## **4. Questions to Ministers without notice - The Minister for Treasury and Resources**

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

I will try to refine the earlier questions so it might finally achieve an answer. The Minister for Treasury and Resources has accepted that as far as low-earning taxpayers, we have seen overall an increase in the tax rate. What does he consider to be the effect of changes between 2006 and 2015

on the effective tax rate of those who are defined by his own definition, which is the middle 3 quintiles? What is his assessment of what has happened to their tax?

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

It is clear that the analysis that needs to be undertaken as we move forward still has to be undertaken. There are areas that have clearly been identified from what has been collated from this particular review at this stage which show that there are some who have been impacted to a greater extent from the changes from 2006, and others less so. Overall, the assessment is that we have a more progressive system now than we had in 2006. Measures have been taken, as I have already pointed out, to those on lower earnings, who are feeling the effects to a greater extent from introduction of measures such as G.S.T., and that has helped to try to mitigate some of the impacts that those individuals feel. The second phase of this personal income tax review is looking at ways in which we can improve the system further. The data has to be properly and effectively analysed in detail to draw those conclusions, and that work will continue over the next couple of years.

**4.1.1 Deputy G.P. Southern:**

Point of clarification. The Minister referred to a “more progressive system”. Was he referring to a more progressive income tax system or a more progressive overall tax system?

**Senator A.J.H. Maclean:**

The figures show overall, but specifically the income tax system, and indeed many of my comments have related to the effect of income tax and how the income tax impacts have impacted on the various groups that we have been discussing.

**4.2 Deputy M. Tadier:**

I am still trying to pin the Ministers down on what their policy is when it comes to income inequality because we have some Ministers who say they want to see it improve; we have the Chief Minister saying it is just a measure and then not giving an answer, as he is wont to do. What does the Minister for Treasury and Resources think about reducing income inequality, i.e. the gap between low earners in our society and high earners? Is it something that this government wants to do?

**Senator A.J.H. Maclean:**

In summary, I think that would be something that most governments would want to do, clearly, and one of the ways that we help to do that is by having a stronger economy, and we have seen where the figures have deteriorated somewhat during the lowest periods of the economy from 2008 to 2010 or 2011. Since the economy has started to improve, the position has improved in terms of income that households have benefited from. A strong economy ensures jobs, and that is exactly what this Government are targeting.

**4.2.1 Deputy M. Tadier:**

The problem is if one genuinely wants to reduce income inequality, that means that not only do you have to increase the lowest earners in our society, you have to reduce what is retained by the highest earners in our society by definition, otherwise that is not reducing income inequality. Now, it is perfectly valid to have a position saying: “We do not want to reduce income inequality,” but to stand up and say that this Government wants to do it while they pursue measures giving tax breaks to the super-rich, who only pay 1 per cent, if they even pay that 1 per cent, on the majority of their incomes, while encouraging a scenario where low earners are forced into minimum wage jobs, simply does not do that. It does the opposite. Can the Minister state for the record whether he has misunderstood the definition of reducing income inequality?



**Senator A.J.H. Maclean:**

No, I have not, and it is interesting that the Deputy and his colleagues are continually talking about the position effectively of unfairness, which is what they believe the system is showing, or that is their interpretation of the data that has been collated to date. What it shows is that there is more tax being paid across all sectors in differing degrees, and indeed the higher earners in our community are also paying considerably more than was the case originally. In fact, it is the contribution of higher earners... forty per cent of our income tax that is collected is paid by 81 per cent of the highest tax earners in the Island.

**4.3 Deputy G.P. Southern:**

The Minister refers to 40 per cent of the tax paid. What is the proportion of income allocated to that particular group on which they pay tax?

**Senator A.J.H. Maclean:**

I do not have the actual figure in front of me, but it is clear that the largest contribution is made by the highest earners, and that is how it should be in a tax system. In fact, I could go on to say that the bottom 40 per cent of income tax payers pay 8 per cent of all income tax that is collected within the Island, and you can see that the increased contribution since the changes that were put in place from 2006 onwards have meant that higher earners are contributing more, but everybody has been impacted to a certain extent.

**4.4 Deputy S.Y. Mézec:**

The Minister for Treasury and Resources has previously boasted that our income tax system is so generous that 30 per cent of the lowest earners do not pay any income tax at all. Would the Minister agree that this is not something to boast about and we should be aiming to reduce that number, that percentage, by helping those low earners earn more, and would he therefore support the introduction of a minimum wage rate which puts full-time workers in the income tax bracket?

**Senator A.J.H. Maclean:**

First and foremost, I have not boasted about anything at all. Popular emotive language from my colleague on the far side of the Assembly, but nevertheless that is not true. There are a high percentage of Islanders who are not paying income tax. One of the reasons for that, of course, is that we continually increase the exemption thresholds, which are, in Jersey, very generous. I think that is something that we should focus on to ensure we take as many people out as we possibly can to give them as much of a benefit as is possible.

**4.4.1 Deputy S.Y. Mézec:**

A supplementary. Am I therefore hearing correctly that the Minister would like to see fewer people paying income tax, rather than see more people paying income tax, because they are earning more and doing better and therefore able to afford paying tax? Surely it is the second one of those that is a smarter way forward.

**Senator A.J.H. Maclean:**

What I have already said earlier on in this question session is that we want a strong economy. We are seeing our economy returning to growth from 2014 at 5 per cent, and 2015 at 2.2 per cent. A strong economy creates more jobs, creates higher incomes and creates a better standard of living for all Islanders, and that is something we have to continue to invest in and continue to work hard to achieve.

**4.5 The Deputy of Grouville:**

One way to get money into the economy is to allow owners of private pensions to access more lucrative opportunities in the economy. This is the situation that has come about in the U.K. now for 2½ years, and I wonder what the Minister feels or is doing about the situation here.

**Senator A.J.H. Maclean:**

I think the Deputy knows what the Minister thinks and what the Minister is doing with regard to this matter. Yes, we have seen significant changes in the United Kingdom in the pensions area, and I have said previously in this Assembly that we are continuing to review the position with regard to the U.K. The concerns are, of course, by opening up in the way that the U.K. has, there is a very attractive gain or win from a Treasury perspective with this money coming out of the pension pots and being taxable, but, of course, that leads to more people ultimately becoming a burden on the community, then that in itself is a problem as well. We, therefore, are taking a measured approach, and there is an ability for Islanders, who are able to prove that they can support themselves, to access money within their pension pots, and I think the Deputy knows the details around that. We are continuing to watch and we are continuing to bring forward further measures that will, in a measured way, support I think what she is seeking to achieve in this area, and that will be an announcement in the Budget at the end of this year, effectively Budget 2018.

**4.6 Senator S.C. Ferguson:**

One of the questions in the proposition I brought to amend the M.T.F.P. was to have a proper independent review of the tax forecasting model. Would the Minister like to tell us how far we have got with the review of the tax forecasting model, and when can we expect to see a report on it?

**Senator A.J.H. Maclean:**

I think the question is what indeed the Senator feels is wrong with the tax forecasting model. We have looked quite closely at tax forecasting and forecasting generally, and I would suggest that over the last few years the changes that have been put in place have meant that we have, as best as can be achieved, a forecasting model which is serving the Island and public finances very well. We continue to monitor that situation, of course, as we move forward.

**4.6.1 Senator S.C. Ferguson:**

A supplementary. Is it not a good thing to have an independent review every now and again? Unfortunately, people who devise computer models tend to get married to their actual model, metaphorically speaking, and it is a good thing to have a second pair of eyes to have a look at it.

**Senator A.J.H. Maclean:**

As I think I just said to the Senator, we continually review processes, and indeed in this area have made some changes over the last few years with regard to income forecasting. We will continue to monitor and, indeed, if an independent review is thought necessary because for whatever reason the performance is not satisfactory, then that is something that will certainly be considered. I am very happy to take it offline and have a further discussion with the Senator to get a greater understanding of what her particular concern is.

**4.7 Deputy M. Tadier:**

Has the Minister been in conversation with the Minister for Social Security about the introduction of compulsory workplace pensions?

**Senator A.J.H. Maclean:**

Not in detail, no.

**4.7.1 Deputy M. Tadier:**

Is this something that the Minister will do? I seem to recall a pledge to do so. If so, can we have a timeline as well as his thoughts, if he wants to give them, on the merits of compulsory workplace pensions from a Treasury and Resources point of view?

**Senator A.J.H. Maclean:**

This is a matter that is subject, as I understand it, to a review by the Social Security Department. I think that that should be undertaken, and once that review is concluded then a government position will be made public.

**4.8 Deputy G.P. Southern:**

The Minister referred some time ago to between £6 million and £8 million of tax revenue achieved from tax avoidance schemes. Were those attached to Article 134A of the Income Tax Law, or were they elsewhere?

**Senator A.J.H. Maclean:**

I was speaking generally. I think it was the comment I made earlier on today the Deputy is referring to about £6 million to £7 million of compliance activity generally that has led to, on average, £6 million to £7 million of additional tax being collected. Quite simply, it can be matters of omissions or errors or suchlike by taxpayers, whether they be private or corporate, that the tax authorities and the tax departments have picked upon, resulting in approximately those sums of money being collected.

**Deputy G.P. Southern:**

A supplementary if I may, Sir.

**The Bailiff:**

We have time for one more question. Senator Ozouf.

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

As the shareholder representative for S.o.J.D.C. (States of Jersey Development Company), has the Minister noticed that the Waterfront Action Group, who has campaigned against S.o.J.D.C. and the Finance Centre, are saying that it would bankrupt Jersey, was not needed and prejudiced the private sector? Does he agree that in renaming themselves into a new campaign, that campaign group has been proven simply to be completely wrong?

[12:00]

**5. Questions to Ministers without notice - The Chief Minister**

**The Bailiff:**

Thank you. That was a very long question. Time is now up. We come to the second question period, which is the Chief Minister. Deputy Kevin Lewis.

**5.1 Deputy K.C. Lewis:**

Further to comments today made by the Assistant Chief Minister regarding an impending meeting with the St. Helier lifeboat crew, can the Chief Minister confirm one of the coxswains of the St. Helier lifeboats, who is at the centre of this whole dispute, has been invited to the meeting and will indeed be attending?

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

Can I first start by thanking my Assistant Minister, Senator Routier, for all the work that he has done over the last 10 days or so in this particular regard in what is a difficult and sensitive issue,

which I think we all agree could have been handled differently some months ago? The answer to the question is that my understanding is that he will be attending.

**5.2 Deputy J.M. Maçon:**

At the end of last year, I believe the Estonian e-Governance Academy came to Jersey to look at our e-governance programme to see if there were any lessons that we could learn from their experience or if they could help us out in future. Could the Chief Minister please let us know what the outcome of that visit were and if the Estonian team have offered us any advice or support?

**Senator I.J. Gorst:**

Yes, they did, and they produced a report which I personally recently read, which was very interesting report, looking about some of the questions that we still have to answer, some of the information that we still have to collate. Of course, there is a preference for Estonian I.D. model in their proposal, and we need to work further on what they are proposing, together with Digital Jersey, to find a solution to this issue, which has been a difficulty for us, about which model of E.I.D. (electronic identification) we will take forward into the future.

**5.3 Deputy L.M.C. Doublet:**

Can the Chief Minister please outline what he sees to be the disadvantages of having a Parliament that does not always closely resemble the demographics of the public it represents, and the potential benefits of having a more diverse Parliament?

**Senator I.J. Gorst:**

That is a very good question. I do not know if the Deputy has been following some of the conversations in the United Kingdom about diversity and, in particular, with regard to the diversity of boards and thereby diversity of Parliaments. It is not that one would necessarily reach a different conclusion, but it is that all interests are brought to the table and have appropriate consideration and consultation prior to decisions being made. I believe that this Assembly does not fully represent the community that we serve and it would be enhanced if it were more representative.

**5.4 Deputy R. Labey:**

On the subject of Ministers and civil servants receiving on-camera training and media coaching at Portland Communications in London in preparation for the Care Inquiry report results, would the Chief Minister accept that this might give rise to some suspicion of a predetermined party line being concocted, and would he repeat his assurance not to repeat the mistakes of his predecessors, and that the best image of Jersey is served by a full, frank, open and transparent disclosure?

**Senator I.J. Gorst:**

I do agree with the Deputy's concluding statement in that regard. None of us in this Assembly know what conclusions or recommendations the public inquiry might reach, but various Ministers will be expected to pass comment within very short order, a matter of minutes or hours of a publication of what will be an extremely substantial document. Ministers should be prepared for that without having any preconceived ideas about what those recommendations and conclusions will be. There will be a much slower timed piece of work working through those recommendations, asking the Assembly to accept or approve those recommendations, asking the Assembly to bring forward resource allocations to implement those recommendations, but Ministers and some Members of this Assembly may be asked within a matter of a very few hours to face international media in this regard, and they should be prepared. I think, and I think that this Assembly would agree, that they should have the best preparation that they can, albeit none of us know what will be there, and therefore it may be difficult.

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

Following on from what the Chief Minister has said, we know that a great deal of the cost of the Care Inquiry was for States lawyers representing departments, police, Health and so on. Can the Chief Minister assure us that they will not be getting additional funds for P.R. (public relations) afterwards to try to explain away perhaps their failures?

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

Intendent inquiries do not work like that, and I think the Deputy knows that. The costs of the Care Inquiry are as they are. The budgets have been published, the spending of that money has been published, and it is important that we continue to be absolutely open and transparent in that regard. The public inquiry will make findings, will make recommendations. There will be a whole lot of information about individual cases of people who have suffered at the hands of those that we would have expected to care for them. We, as an Assembly, will have to work through what the consequences of that report mean for us as a community, when it comes to recommendations, as I said, when it comes to resource allocations, and when it comes to making sure that the systems that we have in place today ensure as far as possible that people do not suffer at the hands of these institutions going forward and that we have the best possible practice in place to ensure as far as possible that they do not suffer in this regard into the future. It is not about P.R. It is not about spin. What that report says is out of our hands. That is absolutely right. That is why we wanted it to be independent. But we do have a duty of responsibility to then act upon what is recommended and understand what our part is to ensure that these failings do not happen again in the future.

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

In a reply to a written question from myself on 14th February, the Chief Minister identified some dates and when they would be delivered, the top one being - and it was delegated to his new Chief Assistant Minister - the long-term plan and population policy, which is going to be debated in quarter 3 and out for consultation in March and April. Can the Chief Minister advise the Assembly whether he has had a report from his Assistant Minister with delegated responsibilities why this has been delayed?

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

We are still in April. I asked my officials for an update on where we were with the long-term plan, the vision for Jersey, and I still think that while we might not hit exactly the end of April, we will in very short order bring forward that consultation and the furtherance of that consultation.

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

Referring to the Chief Minister's answer on income inequality earlier, would he agree that there is a significant and worrying misunderstanding about income inequality? Taking the arguments to their logical conclusions - the questioners that keep on asking questions to him - is that they would rather the poor were poorer so as the gap between the high earners and low earners were less. Does he think that this is a very serious issue and he does need to put more effort into communicating what the facts are so that the rhetoric of particular political points of view are not able to give the public the wrong information?

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

I thank the Senator for his question because he is absolutely right, and we heard it in questions without notice to the Minister for Treasury and Resources from a Member who was concerned not about relative poverty, which I think all governments might be concerned about, in that people have jobs, that people have futures and that there is appropriate support in place, but also taking away from wealthy members of our community and criticising what was known as the 1(1)(k) or the

2(1)(e). I am absolutely committed to providing social provision for those in our community who need it, but I am also committed to ensuring that everybody that can work does work and that everybody in school has the greatest maximum potential available to them. I see the Deputy of St. Ouen is switching his light on again. I think that he and I share the same view in that regard, and that is where our focus is: ensuring that we are providing the appropriate support to those individuals. As I said, that is why relative low income is important but also absolute income is important, and I do not want to see the poor getting poorer as the rich get poorer. I want to make sure that we are providing absolutely the right support to help those more vulnerable in our community, and that is what we are doing.

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

Without wanting to criticise the Chief Minister, I may agree with everything that he says, but I asked him whether or not he agrees that there is a need to do more communication about these facts, rather than him using his position to explain it again. Will he agree that there is an urgent need to put more effort on communicating the facts? That is what I asked.

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

There absolutely is, and I think I said that one earlier this morning, that we can parry statistics, but statistics do not tell the whole story because they can ...

#### **The Bailiff:**

That is a “yes” by the Chief Minister.

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

Indeed it is, Sir.

#### **The Bailiff:**

Thank you. The Deputy of St. Ouen.

#### **5.8 The Deputy of St. Ouen:**

Is the Chief Minister aware that I think next week the latest labour market report is due to be released, and given that all recent labour market reports have shown a rise in the number of zero-hour contracts among our workforce, does the Chief Minister share a concern that zero-hour contracts are often misused in our community, and can the Chief Minister give any indication of how he would ensure the proper use of these contracts? Thank you.

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

I would have a concern about any misuse of any contract, and I know that the Employment Forum in partnership with Social Security were and have looked in the past to see if there is perceived misuse. The Deputy will know from his own Scrutiny Report that although there was some anecdotal evidence put forward, there is no hard evidence, and we continue to see if there is because zero-hours contracts should not be inappropriately used. In actual fact, when employers sometimes are using zero-hours contracts, they are entitling those employees to rights under the Employment Law that sometimes the employees and the employer are not aware that they are entitled to. That is one of the reasons why Social Security provided extra funding for a roving support provision through J.A.C.S. (Jersey Advisory Conciliation Service) to ensure that employees and employers were aware of the rights that they are entitled to under the Employment Law, whether they have a zero-hours contract or they have a permanent contract. If the Deputy is coming forward with further evidence, of course we will look at it, because we do not want zero-hours contracts to be abused at all. If zero-hours contracts are creating extra job opportunities in our community and getting people off income support and into work, then we support that.

### **5.8.1 The Deputy of St. Ouen:**

A supplemental, please. Would the Chief Minister support a recommendation made by our panel in our report that under Employment Law, employers and employees are required to review their contracts after a certain period? If it had begun as an appropriate zero-hour contract, it could well be that the job has turned into something more permanent. Would the Chief Minister support a mandatory review of such contracts, rather than letting the matter drag on as an uncertain zero-hours contract?

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

I am not sure what the Deputy means by a “mandatory review”, but I would expect all employers to be reviewing their use of zero-hours contracts as good practice, as we do in the States. I quite frequently ask the H.R. (Human Resources) Department to review zero-hours contracts and I think all employers should be doing that. I do not think it is something that should necessarily be mandatory or have a legislative base, but every employer should be reviewing their use of zero-hours contracts because, as I have just said, that individual and that employer probably have obligations under the employment legislation and they need to make sure that they are meeting those obligations.

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

Does the Chief Minister consider that it is inappropriate for care workers in particular, who require steady hours in order to feed their families, to be put on zero-hours contracts in the course of their duties of looking after people in their homes?

[12:15]

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

I cannot comment on individual cases, which the Deputy is trying carefully to lead me to do, but the point I think I would make in this regard is the point that I just made in regard to the Deputy of St. Ouen. It may be that employers are issuing zero-hours contracts, but what they are failing to realise is after a set period of time obligations come with those contracts that they must meet towards those employees. Every employer I think should review the type of employment contract that it has its employees on to make sure that they are fair and they are appropriate and that they are complying with employment legislation.

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **6. Chairman of the Environment, Housing and Infrastructure Scrutiny Panel - statement regarding the panel’s report, *Review of Nitrate Levels in Jersey’s Water* (S.R.3/2017)**

#### **The Bailiff:**

That brings questions to the Chief Minister to an end. There is nothing under J. We now come to Statements on a Matter of Official Responsibility. The Chairman of the Environment, Housing and Infrastructure Scrutiny Panel wishes to make a statement which has been circulated, I hope, to Members. Deputy of St. Mary.

#### **6.1 The Deputy of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):**

Members will have received a copy of the panel’s report on nitrate levels in Jersey’s water. While I draw Members’ attention to the full report, it may assist if I now identify certain of our findings and recommendations. In December 2016, the Minister for Environment presented a 5-year W.M.P. (Water Management Plan) to the States Assembly as a report. The main objective of the W.M.P. is

to improve Jersey's water quality, and the plan sets out measures that the Island needs to take to ensure clean and sustainable water supplies. The main issues that were then identified as affecting the quality of our waters were the elevated issues of nutrients, particularly nitrates, the risk of a high level of phosphorus, and that of pesticide contamination. The panel's review focuses on nitrate pollution, which has been a longstanding issue. While the Department for the Environment has over the last 15 to 20 years been working with key stakeholders to create measures to improve the quality of water, most of Jersey's water bodies, streams, ground and coastal waters still contain some of the highest levels of nitrate in Europe. We found that the nitrate contamination is having a clear and significant impact on Jersey's public water supplies, its private water supplies, and on the sea lettuce problem in St. Aubin's Bay. With regard to the latter, it is acknowledged that the problem is influenced by a number of other factors, but the panel have found that measures to reduce nitrate loading on land will significantly improve the situation. Evidence received during the review is to the effect that controlling nitrates at source is key to improving Jersey's water quality. If nitrate levels were not reduced at source, the consequences are unpalatable. Consideration would then need to be given to additional nutrient removal facilities, to the new sewage treatment plant, at an estimated cost of some £30 million, apart from high running costs, and also to Jersey Water adding a nitrate removal process as part of their treatment, this leading to an increase in household bills. Further, these potential costs are not the only consideration in that any such facilities would not solve the ultimate problem of disposal of the nitrate once removed from the supply, nor would they improve water quality to those on private supply or would use cyclic concentration of streams, discharging it on to Jersey's beaches. On the evidence received, the panel therefore accepts the view of Jersey Water given in written testimony to the panel in the course of the review that these options render it a solution of last resort and that control at source is key. In relation to controlling the problem at source, the dominant cause of high nitrate levels in Jersey's public water supplies relates to the practice of early potato growing, combined with the subsequent land use after early potatoes are harvested. At this juncture, I wish to acknowledge that from discussions with representatives of the agricultural industry, it is apparent that the majority of farmers are fully supportive of the W.M.P.'s objectives and the measures that have been proposed to address our high levels of nitrate. Further, as more particularly mentioned in the panel's review, voluntary initiatives are being undertaken by the farming community to reduce inputs of fertilisers and pesticides. Incentivisation is a fundamental element of the W.M.P., and in this respect it is pertinent to note that the R.E.S. (Rural Economy Strategy) was published during the later stages of our review. Under the R.E.S., future payments to farmers will become contingent on claimants having L.E.A.F. (Linking Environment and Farming), this in turn requiring acceptance and compliance with certain codes of practice. Such schemes will provide farmers with a strong financial incentive to comply with the standards required, and in consequence we recommend that the use of incentives as a tool to encourage best practice be made more explicit in the W.M.P. During the undertaking of our review, the States Assembly approved amendments to the Water Pollution (Jersey) Law 2000. While the law in its previous form conferred on the Minister for the Environment certain powers to prevent, control, reduce or eliminate pollution of controlled waters, the exercise of those powers under parts 4 and 5 was contingent on the source of pollution being a point source, rather than a diffuse form of pollution. In relation to the latter, the W.M.P. identified a need for controls to be imposed on certain activities that are associated with inputs of diffuse pollutants. This was addressed by the amending law by way of simplifying the process of implementing the controls that already existed under the original so that, in future, controls on activities that could cause diffuse pollution could be introduced solely by ministerial orders. The panel appreciated the rationale for the amendment at the time and duly gave it its support. To successfully deliver the objectives of the W.M.P. across the Island, at least one F.T.E. (full-time equivalent) post will need to be employed by the Department for the Environment to join the Environment Protection Team. A new F.T.E. post would assume the role of a catchment



compliance officer and will be crucial for providing both advice to support the achievement of compliance and the assessment of such compliance. The panel therefore considers that the early appointment of such officer is essential if the objectives of the W.M.P. are not to be adversely affected and that the standards of the existing resources are sufficient to fund that appointment until 2018. In relation to funding generally, we note that the W.M.P. acknowledges that additional money needs to be found to ensure compliance checking and advice is deliverable. It also states on page 59 that the previous Scrutiny review concluded that environmental protection was already under-resourced to deliver its wide and growing mandate. The present panel echoes that sentiment and records its concern that in relation to future funding arrangements, the department should not be expected to find funding from its existing resources, but rather that regard be taken of the contribution it makes to the well-being of the community as a whole and the general economy. As mentioned at the outset, the W.M.P. is a 5-year plan, and to gauge its success or otherwise it is essential that the various measures are subject to continuous monitoring throughout the period. We found that the current frequency of water monitoring is sufficient, but that in-depth analysis needs to be undertaken to help determine the meaning of such results and the relative effectiveness of different types of measure. In relation to St. Aubin's Bay, in addition to regular and effective monitoring of the sea lettuce blooms, the panel considers that one long-term measurement point is needed in one of the main streams entering the bay. To conclude, the Minister for the Environment and his department are to be commended for the work undertaken and produced to the W.M.P. and the ambitious targets contained within it to address the nitrate problem. Undoubtedly, a collaborative working relationship between the Government, the industry and Jersey Water is fundamental to the success of the required reduction in nitrates, but with the continued co-operation of these key stakeholders the panel is confident that the measures proposed will have a positive effect and impact on the quality of Jersey's water. Finally, I would like to take the opportunity to thank our advisors, Scottish Environment Protection Agency, my colleagues on the panel, and our Scrutiny Officer for their assistance in the conduct of this review. Thank you.

**The Bailiff:**

In light of the statement, are there any questions for the Chairman? Deputy Doublet.

**6.1.1 Deputy L.M.C. Doublet:**

Can I first congratulate the panel on their report? I wanted to ask the Chairman - he mentions the well-being of the community - were there any specific findings from the adviser on the safety of our water, in particular for growing children and pregnant women?

**The Deputy of St. Mary:**

I thank the Deputy for her question. No, I do not think there was any focus on that pure aspect. There was a general concern, obviously, that nitrates in the water are not good for health generally, but there was no particular focus on any area of people.

**6.1.2 Deputy G.P. Southern:**

The Minister clarified the acronyms elsewhere in his speech but he did not do the same for having L.E.A.F. accreditation. Could he explain to Members what that entails and what it is? I do not understand it.

**The Deputy of St. Mary:**

I perhaps ought to say I am not the Minister who the Deputy kindly referred to.

**Deputy G.P. Southern:**

A slip of the tongue, Sir.

**The Deputy of St. Mary:**

Yes, L.E.A.F. accreditation is an acronym for Linked Environment and Farming. It is more within the focus of the R.E.S., but what needs to happen is that farmers will in future be rewarded in single area payments for compliance with the accreditation and conduct of their farms, rather than payments irrespective of it. That is what I expect it was meaning in my reference to incentivisation. I hope that is sufficient.

**6.1.3 The Connétable of Grouville:**

Could the Chairman confirm that this is really an ongoing project and that the agricultural community have been working with the Environment Department over a number of years, they wish to continue to do so, and because of this, the levels of nitrates in water is falling?

**The Deputy of St. Mary:**

Yes. As I hope the report and my statement indicate, the panel does acknowledge the co-operation of the farming community. Indeed, since the report was published, I had an interview with the present chairman of the J.F.U. (Jersey Farmers Union) as to what measures are being taken. Yes, it is an ongoing situation and the Scrutiny Panel would hope, and I am sure it will be the case, that the Department for the Environment will continue to work closely with farmers, which is an essential need to address the problem.

**6.1.4 Deputy G.P. Southern:**

The words are very well and I thank the Minister for his explanation of L.E.A.F. previously, but the important factors are in the funding. “Look for the money, honey”, as they say. Will the Scrutiny Review Panel continue to monitor this particular area and, if necessary, if the Minister for the Environment finds it difficult to find additional funding to do the job properly, will it be coming at the next budget or longer-term spending plan with proposals to make sure that the objectives here are delivered?

**The Deputy of St. Mary:**

Again I thank you, Deputy, for your question. It has been an ongoing concern of the panel that the Environment Department does suffer more proportionate to other departments in their funding cuts. The panel will, therefore, be concerned to ensure that the funding is available. On that point, we have received confirmation from the Minister that there is funding initially, and we have further confirmation that funding will be made available from some source or other. As the Deputy says, our concern is that other resources are not cut to fund this particular requirement. Certainly the Scrutiny Panel will be pleased to continue to monitor that situation.

**6.1.5 Deputy L.M.C. Doublet:**

Could the Chairman outline anything that their advisor informs the panel on how the nitrates in the water affect the population more generally in terms of health, please?

**The Deputy of St. Mary:**

The short answer is no. It is generally perceived as being not good for health that there should be a higher concentration of nitrates in Europe. Members will be aware that the nitrate level is recommended by the E.U. (European Union) as 50. That was a reduction made not arbitrarily but somewhat out of the blue some time ago, and that is deemed to be a safe level. The Minister for Health has indicated that while she has given dispensation orders before, she would not be prepared to do so again, and again there is, therefore, every incentive for this plan to work.

**Deputy G.P. Southern:**

We have given her gender reassignment. The Minister for Health is a male.

**The Deputy of St. Mary:**

I do apologise. I think the Minister for Health is indeed a male. I understand that the Medical Officer for Health is not.

**Deputy G.P. Southern:**

As long as that is not a side-effect of nitrates in the water.

**The Bailiff:**

Are there any other further questions for the Chairman? Very well. That brings K to an end.

**PUBLIC BUSINESS**

**The Bailiff:**

We now come to Public Business. Minister, I am wondering whether it might be convenient to take 2 other items before this one, deal with them before lunch, and then start Future Hospital Funding after lunch. What is your view?

**Senator A.J.H. Maclean:**

I wanted to make a proposal to Members in relation to the debate on the Future Hospital Funding, and perhaps I could make that proposal now and, indeed, depending on the outcome, have the other small items as well before lunchtime if there is suitable time.

**The Bailiff:**

All right.

[12:30]

**Senator A.J.H. Maclean:**

What I was wanting to raise with Members: Members will be aware that I sent an email over the Easter holiday period where I was effectively suggesting to Members that this is the first occasion that I would be able to stand and make a proposal to ask Members for their support in delaying the debate on the Future Hospital Funding Strategy - P.130 - which is down for debate today, and ask Members to consider delaying it until the next sitting. In other words, a 2-week delay. I have to say that I am loath to propose this delay in some respects, but in the circumstances I feel that I have no alternative than to at least put that proposal forward for Members to consider. This sitting falls immediately after the Easter holidays, and Members, I believe, will have had little chance to properly read and consider the excellent report produced by the Corporate Services Scrutiny Panel, running to around about 111 pages which has been published just during the holiday period. In addition, Members will be aware that the Corporate Services Scrutiny Panel has lodged an amendment to P.130 which fundamentally changes the proposition, and I believe that it is right that Members have a chance to properly consider that amendment in more detail. It has to be good decision-making that allows Members sufficient time to be able to consider all the facts in detail, particularly on a matter which is, without doubt, going to be one of the largest decisions that this Assembly is likely to take. For those reasons, because of the holidays, because there has not been an opportunity to brief Members on the alternative being proposed by the Corporate Services Scrutiny Panel, I would like to suggest that this 2-week delay is put in place, and I will organise for a briefing for Members to allow them to hear our views on the amendment from Scrutiny, to allow them to speak to and interrogate, if I can put it that way, our experts about this proposal, but also allow the Corporate Services Scrutiny Panel and their experts to put their point across so Members are fully and properly informed for what is clearly a very important debate and a very important

decision. For all those reasons, I will ask for the support of Members to a 2-week delay in P.130. Thank you.

**The Bailiff:**

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

**7. Future Hospital Funding Strategy (as amended) (P.130/2016) Proposal to defer debate to 6th June 2017**

**7.1 Deputy J.A.N. Le Fondré:**

I believe this is the correct procedure. I would like to propose an amendment to that, which is to suggest the date of 6 June. Members will be aware of that from the emails I have sent around over the weekend.

**The Bailiff:**

Is that seconded? [**Seconded**]

**Deputy J.A.N. Le Fondré:**

Is it appropriate to say some words?

**The Bailiff:**

Yes, please.

**Deputy J.A.N. Le Fondré:**

I hope Members did see the exchange of emails over the weekend and the email I sent around last night, so I think it is appropriate to say a couple of words on why the panel considered amending the proposal from the Minister for Treasury and Resources to defer this by 2 weeks. Firstly, it is looking at our agenda for the next sitting, which is that we have the very significant debate on the super-constituencies, and I see there is an amendment come through today. That is not likely to be a quick debate, and on the basis of what the Minister is saying about having a reasoned and considered debate, we do not think - that is the panel's view - that that is going to be achieved by having 2 major debates on the same sitting. The second point is that again it is about reasoned decision-making. It is about giving Members the ability to properly consider what the Minister has just said, one of the largest decisions that this Assembly is ever likely to take. It is possible, as we have heard, the Treasury will arrange a presentation. That may in itself raise some questions which we may want to deliberate upon as Members. It is possible - as a panel we have not quite finalised our views on this - that we may do a presentation as well. In other words, if the Minister for Treasury and Resources feels more time is needed, let us give Members proper time to make and consider the issues arising and possibly even seek the views of their electorate. What is certainly clear of the people I have spoken to and taken informal soundings from is that the majority of the people I have spoken to in terms of Members - and they will no doubt make their views known - seems to be of the view that we should not be mixing the 2 debates at the next sitting. The second one is that people seem to be happy for some form of deferral to take place. I have raised that on the basis of the feedback I have had to allow Members to have that discussion now. Thank you.

**7.1.1 Deputy A.D. Lewis:**

I am here to speak on Deputy Le Fondré's proposed amendment. I for one have no issue with having 2 major debates over a 2 or 3-day period. If anything, it adds a bit more gusto to the debates. It has been some time since we have had a sitting of more than 3 days or even 2, so I have no issues with having those 2 substantive debates at the same sitting. Furthermore, we will all be well aware of geopolitics at the moment, what is happening across the world, some serious unrest, and also an election called today by Theresa May. These are all aspects that will affect the

economic outlook, which may well increase interest rates, particularly in the U.S. (United States), which will affect bond rates. We have been pretty lucky so far that during this delay we have had already we have not seen much of a seismic shift in bond rates - in fact, very little - but I think we have just been lucky. If we delay this until June without giving the Minister for Treasury and Resources the steer he needs to potentially hedge some of that now, it could be costing us millions of pounds. A delay until June would be not a good idea. I would accept what the Minister for Treasury and Resources is proposing for 2nd May, but a delay to June I think would be almost folly and I would urge Members to vote against such an amendment. Yes, a delay by 2 weeks, very laudable. I would like to hear a presentation from the Scrutiny Panel on this in that 2-week period. Likewise perhaps even a *Dragon's Den* type situation, with the Minister for Treasury and Resources presenting his case as well. We have 2 weeks to do that. I think that would be a very good idea. I have already read the Scrutiny Report, a very good report that it is. I have read the Minister's comments, so I could have debated it today, but I fully accept that Members would like more time to reflect and time to question the Minister and question the Scrutiny Panel, and that can be done in a 2-week period. I would urge Members to stick with the proposition proposed by the Minister for Treasury and Resources and go for 2nd May.

### **7.1.2 Senator A.J.H. Maclean:**

In fact, the previous speaker has taken much of my thunder. I would urge Members to support the 2-week proposal for a delay but not to support the proposal to go to 6 June. That is just extending the period of risk that exists. I do not believe that the argument that we cannot debate 2 major issues on one day is one that stands the test that is reasonable. Quite frankly, if we needed to, we could start early on the Monday and have questions, and there is plenty of time. In that case, I do not mind missing a Bank Holiday. I have already missed yesterday's Bank Holiday. You should speak to my wife. She is very unhappy with that. **[Laughter]** That is fine, but I do believe that it is perfectly reasonable to be able to debate 2 major issues on one day. I think a 2-week delay is reasonable. To leave it longer than that is just increasing the risk and the uncertainty. This is a project we need to get on with. We need to make a decision on this. **[Approval]** We need to make that decision based on good facts, and Members will have an opportunity to properly explore the 2 options they now effectively have before them, and that will happen in this 2-week period. I would urge Members to reject 6 June and support a 2-week delay. Thank you.

### **The Bailiff:**

I see lots of Members wishing to speak. This really is quite a straightforward issue as to whether we are going to adjourn to 6 June on the current debate. Can we not have any repetition of previous speeches? Deputy Martin.

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

Yes, and I certainly will not make any repetition. My point is, why I rise, which is the right date? I heard from the Minister for Treasury and Resources that we were going to get a presentation and we are going to have a presentation from Scrutiny. As neither of them have got together as yet, we would probably be sitting tomorrow, but we are not, so why do we not have that on the table for tomorrow, because then we would have the questions to answer? I am sorry. I am not hearing when this presentation is going to be. I also need to speak to Scrutiny. To me, they have not come together, and at the moment, the longer ... I really urge Members not to be scared by what Deputy Andrew Lewis and the Minister for Treasury and Resources are saying about the 4 or 5 weeks and millions of pounds. That is an argument for the debate, not for when we have the debate. I for one, a billion-pound project, need to read everything, listen to the Minister's advisers and the Scrutiny advisers, and, as they have not got together and cannot give me a date when this is all going to happen, the debate that we have has to be in June. Thank you.

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

Did Deputy Martin say it has to be in June? I rise to my feet to argue with that, then. If we were to delay the proposition ... I obviously was not listening to her preamble. If we ... **[Interruption]** **[Laughter]** I learn, to my cost, time and time again, it does not pay to cross Deputy Martin. If we were to wait until June, we set a precedent that is a very, very serious and poor one. We should not be delaying. I am reminded of the words of Senator Alan Breckon, who very often used to come in on a Sunday or a Monday, preparing for the next. "Good job it is a part-time job, Geoff", to which you nod and grunt and just get on with reading the papers. The fact is I have not had time to study properly and closely the 112 pages of report. I have not understood what exactly is being proposed - it is a complex device that is being proposed - nor indeed how that compares with the proposals of the Minister. For the sake of clarity and making an informed decision, there is no difficulty really in debating 2 major pieces of work in the 3 days that we probably have to allocate to it. I think that is perfectly acceptable. Any greater delay I think is a very, very noxious precedent.

#### **7.1.5 Deputy J.M. Maçon:**

I believe it is better to have this debate sooner rather than later, and I dare to muddy the waters. If there is a concern about 2 big debates, why not put the States of Jersey Law through to the next sitting and, therefore, all matters are dealt with?

#### **7.1.6 Deputy M. Tadier:**

Just quickly, and I hope it will not be taken as tongue-in-cheek, but there should not be any reason for those who are worried about having 2 very longwinded debates when it comes to the composition of the States Assembly because it was roundly supported by the majority of States Members without them even speaking on the final amended version. Presumably, everyone knew what they were voting for. It would be very strange if people did not, although some of us of course did vote against it. I do not see any reason why that could not be dispatched with within the sake of 20 minutes.

#### **7.1.7 Deputy S.M. Brée:**

I think it is very important that we give careful consideration to the date at which this debate will take place. I also wish to set aside perhaps some of the scaremongering that has been going on. Despite what Deputy Andrew Lewis has said, if interest rates go up in the U.S., that does not have a direct relation to the pricing of sterling bonds, despite what he has told us. It is important that Members are given enough time to consider very carefully the pros and cons of both the Minister for Treasury and Resources' proposition and the amendment put forward by Corporate Services. This will need time to arrange briefings and for sensible discussions, not on a partisan basis, but so that what is in the best interests of the Island take place. That is why I think we should be supporting Deputy Le Fondré's proposition that the debate is put back further than 2 weeks. This is without doubt one of the most important decisions that we, as an Assembly, have been asked to take. It will affect generations to come. Let us give it the time and careful consideration and deliberation that it deserves, and forget about the scaremongering that has been going about: "We will ruin the Island cost millions and millions." We will not. That is why I feel we should support Deputy Le Fondré's amendment for the date. Thank you. **[Approbation]**

[12:45]

#### **The Bailiff:**

Do you wish to start?

#### **Deputy J.A.N. Le Fondré:**

Sorry, Sir. I was expecting somebody else to speak.

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

Sir, I had my light on.

**The Bailiff:**

I am sorry. Do any other Member wish to speak? Are we going to finish this before lunch?

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

Yes.

**The Bailiff:**

All right. Senator.

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

Sorry, Sir. Deputy Le Fondré is proposing a 7 week delay. The U.K. is going to have a general election in that period of time, 7 weeks and 2 days. Deputy Le Fondré has proposed numerous delays in the past which I do not think have been in the good spirit and in the interests of the Island community because a delay is the worst thing. I cannot accept a 7-week delay to make such an important decision and I urge Members to vote against, comprehensively, such a put off to another day and cause greater problems proposition; another one from this Corporate Services Scrutiny panel chair.

**7.1.9 Deputy J.A.N. Le Fondré:**

To be clear my speech is here, we are ready. This timing was set by the Assembly for 18th April for the debate. It is the Minister for Treasury and Resources who at relatively short notice has asked for a delay and the argument is to give people a reasoned time, a time to make reasoned decisions. On looking at the suggested date the Minister for Treasury and Resources raised that the panel considered there were some issues with those dates; we have outlined some of them. As we said, it is about the ability to make a reasoned decision on, again, what the Minister for Treasury and Resources has said, is one of the largest decisions that this Assembly is likely to take. That is all we can say, is that unfortunately we looked at the various sittings that were options; there are issues with a number of them. But if one wants time, which is what I understand from Members they wished, and certainly what the Minister for Treasury and Resources is talking about, and it seemed to us to give time to allow that proper discussion to take place. We all accept that the timing that has been set up is in the timetable if you like but there are some issues with it. So again, taking all those factors into account, that was why we picked 6th June. Yes, there is a delay in there, no question, but it is £400 million of debt that we are talking about, it will affect generations, it is the biggest decision this Assembly faces. I make the proposition or the amendment.

**Senator I.J. Gorst:**

Sir, could you just confirm, please, that voting pour is a debate on 6th June, voting contre then we will have to re-ask the question about the May debate?

**The Bailiff:**

Yes. Just before we vote perhaps I could also seek, Minister for Treasury and Resources, your confirmation that your proposal includes, does it, an amendment of the ... a postponement of the Draft Public Finances (Amendment No. 5) Bill? Yes, it does. Very well. Those Members in favour of adopting the proposal of Deputy Le Fondré that P.130 and P.15 be adjourned until 6th June. That is the proposition before the Assembly. I invite Members to return to their seats and ask the Greffier to open the voting.

<b>POUR: 17</b>		<b>CONTRE: 32</b>		<b>ABSTAIN: 0</b>
Senator S.C. Ferguson		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Connétable of St. Saviour		Senator A.J.H. Maclean		
Connétable of St. John		Senator I.J. Gorst		
Deputy J.A. Martin (H)		Senator L.J. Farnham		
Deputy of Grouville		Senator P.M. Bailhache		
Deputy J.A. Hilton (H)		Senator A.K.F. Green		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Helier		
Deputy K.C. Lewis (S)		Connétable of St. Clement		
Deputy M.R. Higgins (H)		Connétable of St. Peter		
Deputy L.M.C. Doublet (S)		Connétable of St. Lawrence		
Deputy R. Labey (H)		Connétable of St. Mary		
Deputy S.M. Wickenden (H)		Connétable of St. Ouen		
Deputy S.M. Bree (C)		Connétable of St. Brelade		
Deputy T.A. McDonald (S)		Connétable of Grouville		
Deputy of St. Mary		Connétable of Trinity		
Deputy G.J. Truscott (B)		Deputy G.P. Southern (H)		
		Deputy of Trinity		
		Deputy M. Tadier (B)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy R.J. Rondel (H)		
		Deputy S.Y. Mézec (H)		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy M.J. Norton (B)		
		Deputy P.D. McLinton (S)		

## **8. Future Hospital Funding Strategy (as amended) (P.130/2016) Proposal to defer debate to 2nd May 2017**

### **The Bailiff:**

So we now come to the proposal of the Minister for Treasury and Resources to adjourn P.130 and P.15 for 2 weeks. Does any other Member wish to speak?

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

Yes, I would just like to ask the Minister to confirm the dates of when we will have the briefing in that 2 weeks, please.

### **The Bailiff:**

Does any other Member wish to speak? Minister.

### **8.1.1 Senator A.J.H. Maclean:**

I cannot confirm the date right now. Clearly, I am in the hands of the Assembly as to whether a delay is supported by Members but I will come back, certainly by tomorrow, with a date for briefing for Members and I will speak in that period of time to the chairman of the Corporate



Services Scrutiny Panel to see what briefing he wishes to do, whether he wishes to do a separate one or indeed be party to the briefing that we are proposing.

**The Bailiff:**

The appel is called for again, is it, by somebody? Yes. Very well, the appel is called for. I will ask the Greffier to open the voting on postponement of the debate until 2nd May.

<b>POUR: 44</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Connétable of St. John		Senator S.C. Ferguson
Senator P.F.C. Ozouf		Deputy of Grouville		
Senator A.J.H. Maclean		Deputy T.A. McDonald (S)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## LUNCHEON ADJOURNMENT PROPOSED

### Deputy L.M.C. Doublet:

Could I just remind Members before we adjourn that there is a presentation from Professor Sarah Childs from the University of Bristol on her report, the *Good Parliament Report*. It is downstairs now in the Members common room.

### The Bailiff:

The States now stand adjourned until 2.15 p.m.

[12:51]

## LUNCHEON ADJOURNMENT

[14:17]

### 9. Draft Public Elections (Amendment of Law) (Jersey) Regulations 201- (P.13/2017)

#### The Bailiff:

We now return to the Order Paper. The first item is the Draft Public Elections (Amendment of Law) (Jersey) Regulations P.13 lodged by the Comité des Connétables and I ask the Greffier to read the citation of the draft.

#### The Greffier of the States:

Draft Public Elections (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Article 13 of the Public Elections (Jersey) Law 2002, have made the following Regulations.

#### 9.1 The Connétable of St. Clement (Chairman, Comité des Connétables):

Currently the timetable for sending out electoral statements and receiving them are based on the autumn general election. Now that we have decided to move to spring-time elections it is more logical to send out the electoral statements and receive them back in the Parish Halls later in the year rather than earlier; it is more pragmatic and more sensible so we have up to date information nearer to the election rather than just afterwards. I propose the principles.

#### The Bailiff:

Is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Constable, thank you. Deputy Brée, does your panel wish to scrutinise?

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

No, Sir, we do not.

#### The Connétable of St. Clement:

May I propose both Articles then, Sir?

#### The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the Articles? Those Members in favour of adopting them, kindly show. Those against? The articles are adopted. In Third Reading, Chairman?

#### The Connétable of St. Clement:

Yes, please, Sir.

#### The Bailiff:

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

## **10. J.T. (Jersey) Limited: administrative charges (P.16/2017)**

### **The Bailiff:**

We have lost the Public Finances Bill so the next item on the agenda is J.T. (Jersey Telecom) (Jersey) Limited: administrative charges (P.16) lodged by Deputy Southern. I will ask the Greffier to read the proposition.

### **The Greffier of the States:**

The States are asked to decide whether they are of the opinion to request the Minister for Treasury and Resources as the shareholder representative, to urge J.T. (Jersey) Limited not to implement planned administrative charges for customers wishing to continue to receive paper bills or make non-direct debit payments.

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

As I often do I shall just remind people of what the proposition says because it is important to bear in mind, whenever we debate anything, it is only the content of the proposition not the report that you vote on to request the Minister for Treasury and Resources, as the shareholder representative of this Chamber, to urge J.T. (Jersey) Limited not to implement planned administrative charges for customers wishing to continue to receive paper bills or to make non-direct debit payments; so the means by which you receive your bill and you pay it. As I look at this proposition and the proposals that have come from J.T. I say to myself: "We have been here before." This is an indirect attack on reduced tariffs which we imposed on J.T. I remind Members that J.T. is no longer the monopoly provider of telecoms in the Island but certainly the dominant operator making healthy profits and paying healthy dividends to us, and yet here we have a proposition on behalf of J.T. to cut some of its losses. What they are proposing is contained in their first letter to consumers: "We are introducing a £1.25 charge to send customers a paper bill and a £1.25 charge if customers do not have a direct debit set up with us. These charges come into effect on 28th April 2017." I apologise for bringing this proposal somewhat close to the deadline. Quite frankly, I was waiting. There was a fuss 4 or 5 weeks ago, lots of questions asked in the States and I was waiting for somebody else to do it from here, 10 days away from the deadline, to say: "Halt. Put the brakes on, do not do this." E-bills, they say, and direct debit payments will remain free of charge. They then go on to say: "J.T. does not want any customer to pay any more money and we have strongly recommended that everyone takes action within the next 3 months to avoid any charges." They do not want anybody to pay any more. So they have not offered some sort of incentive to get people to change, some reduction in bills, as they often have in the past. That is no longer considered good enough. What they are saying is, indirectly we will put a charge on. Totally arbitrary, it is an admin charge it does not relate to any of the costs necessarily of doing business this way. So the question is who is this going to affect, and we certainly see very early on in their letter who they think it is going to affect because they say: "J.T. has engaged with Age Concern" and then later on: "Working with Age Concern we have offered to run free workshops to teach people how to deal with our system." So, it certainly appears that one of the main targets for this charge will be the elderly otherwise why consult with Age Concern? Then towards the bottom of this letter we find out the real problem here and the issue that is in hand. "Given the competitive markets we operate in we have little choice but to deliver our services in the most efficient manner possible. Currently we lose around £1.7 million per annum on our basic consumer fixed phone line rental. This includes £1.2 million subsidy for senior citizens." Aha, this is the target. The arrangement whereby we have a reduced tariff or Prime Talk for our senior citizens; this is who is going to be

largely paying for it, paying that additional sum. So what defence can we offer to consumers faced with this choice or faced with their own inability to handle the equipment that they need, the e-methods of payment or in some cases even to arrange a direct debit from their particular accounts? Has C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) anything to offer in terms of competition, in terms of protecting the consumer? They say there is a valid argument that such charges improve efficiency. It is open to J.T. to introduce such charges outside the price control mechanism. So C.I.C.R.A., basically they say: "Nothing to do with us, mate, we wash our hands of this system." They can do it and have no opposition from C.I.C.R.A. to protect the consumer. So this decision, they say, has been taken despite contact and engagement with Age Concern, Consumer Council and Trading Standards. J.T. knows it will affect some of its customer base. The impact will be felt by 2 groups: the first, those with no access to or no skills with computing and e-tech including many of the elderly, and those who have had credit problems in the past and no longer have access to a full bank account which permits the full range of services such as direct debits and there will be a number of those. Both of these groups include many people who could be described as vulnerable. For Prime Talk, they have been selected to have a need for a subsidised telephone access. This has been a longstanding arrangement agreed by the States. They currently pay £27 a year for this service. Under the proposals put forward by J.T. this may double, more than double indeed, to £57; £1.25 for the letter, that is monthly; £1.25 any time you go in to pay by cheque or pay in cash. It soon adds up, so from £27 to £57 annually. Now we have had this sort of thing before. J.T., way back in 2004, proposed to scrap the Prime Talk subsidy and was met by a proposition from the Deputy of Grouville to say: "Do not do it." If I may, I will just refer to the proposition that was brought before the States then: "To charge the Economic Development Committee [we were committees then, way back] to consult with the Jersey Competition Regulatory Authority on the subject of reduced tariffs for senior citizens and, if necessary, to give the Authority written directions to bring into effect any changes to facilitate for the time being the provision of a reduced tariff." So a clear instruction to E.D. (Economic Development) to get on with it, instruct C.I.C.R.A., or the equivalent then, to facilitate the provision of reduced tariffs tax. Article (c): "To charge the Finance and Economics Committee in its capacity as representative of States shareholding in Jersey Telecom Limited to request the board of directors of the company to review its decision to withdraw the present reduced tariff for senior citizens." Again, Minister for Finance and Economics, please will you act to urge the board to withdraw its proposal to remove Prime Talk? Finally, and it goes far beyond what I am proposing here today, to agree that in the event that the board of directors refuses to reconsider its decision in accordance with the wishes of the Assembly, the Finance and Economics Committee should take the necessary steps to convene an extraordinary general meeting of the company for the purposes of ensuring that the wishes of the shareholder are implemented. So the shareholder, as representative of us in this Chamber, called on to act decisively and stop these extra charges.

[14:30]

It is interesting to note the reaction of the Finance and Economics Committee. They say: "The Finance and Economics Committee strongly supports the principle adopted by the States whereby the roles of social policy making, consumer protection and commercial decision making should be separated, particularly in respect of public utilities. Experience has shown that combining those roles increases the likelihood of poorly focused and ineffective decision making, inefficiency and poor value for money, while at the same time stifling competition and limiting consumer choice. Furthermore [and this is the key] each of these roles should be undertaken by those best qualified to do so. In the case of social policy making, i.e. we ask that we have a reduced rate for senior citizens, that the deciding body should be politicians." Politicians decide social policy; in the case of consumer protection regulation, C.I.C.R.A., professionals; in the case of commercial decision taking, businessmen, so the people on the board. It goes on to say: "By incorporating Jersey

Telecom the States accordingly pass the running of the company from a political committee to a professional board of directors who could expect to operate free from political interference [now listen carefully] provided they continue to act within policies clearly set out and agreed by the States.” Now, I have just suggested, like in 2004 and in all those years since, no one in this Chamber, in this Assembly, has suggested that we should withdraw the Prime Talk subsidised rate for the elderly; that has not happened so the social policy within which the board operates has been decided by the States and that sets out the subsidised rate for the elderly, and that, I believe, should be maintained. We should not be surreptitiously raising the charges especially for those on Prime Talk from £27 to £57, that is a significant difference. What happened in 2004 to the proposition of the Deputy of Grouville? Why, it got passed. Overwhelmingly, unanimously: 47 to nil; I remember the smile on the face. What has happened since? Well, J.T. has not done nothing, it is dealing with its subsidised phone lines by reducing them over time. Prime Talk has now been closed to new entrants; it closed some 2 or 3 years ago so it is fading away, it is disappearing slowly over time. That is entirely appropriate and that is a reasonable thing to do; that is already happening. But lo and behold we have now got £1.2 million of subsidy sitting there, we must do something more, say the board. We must try and recoup that by doing away effectively with the subsidy, £27 to £57. The States, I believe, and the Minister for Treasury and Resources in particular, as our representative, must, unless it wishes to change social policy today, act to deter this decision in its role as shareholder. He must stop this insidious charge that will affect many customers, especially, and including the elderly, just by way of what I believe is the true meaning of what the letter says these actions are. The very last paragraph says the following in the letter that J.T. circulated to consumers and to us: “We recognise the importance of working with care, empathy and sensitivity and will do all we can to work with customers who may feel aggrieved.” That sounds very good, does it not? The last line says: “If they remain unhappy they do have a choice to move to an alternative operator.” I think that last line reveals all. I urge Members to stop this action and continue with the slow, gradual phasing-out of the subsidised service, Prime Talk, and not engage in a hike of the charges from £27 to £57.

#### **The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Connétable of St. Peter.

#### **10.1.1 Connétable J.M. Refault of St. Peter:**

I am talking on behalf of Treasury as the shareholder representative responsible for J.T. as well as the other States-owned entities and if I look at the wording of the proposition before us at the moment what Deputy Southern is asking us to do is to urge J.T. to take notice of the wishes of the people; I entirely agree with him because that is what we have been doing. Since this first came to our attention there has been significant interest in this Chamber among Members, a lot of concern has been shown particularly towards the elderly and people who do not have the means to have access to computers, albeit many elderly people do have. The one thing that we are moving forward is there are many different ways that we can deal with this in the way that we can mitigate the problem for the elderly people. For example, some Parish Halls - mine included - have installed a public use computer in the reception of the Parish Hall where they can be assisted if they wish to come in and pay their bills on the computer. I will give you one example - I will not mention any names - I think we all have some people, which I call anchors, in the community that we use to check our thinking on and I have got one 96 year-old lady, a lovely little lady, she is. She is very confused about this coming forward and she is very worried about it. We are saying to her: “Come and see us, we will help you.” But she said: “No, I always go to the post office to pay my bills” and, you know, she cannot work it out. So the Parish will help her out to resolve that. She will come into the Parish and collect her discount back from us; I will pay it out of my own personal

petty cash because after all it is quarterly, it is £10 a year. J.T. have offered to put these people on to quarterly bills so the charge is £2.50 per quarter. Sorry, Deputy Southern, you have mentioned the figure of £57.

**The Bailiff:**

Through the Chair.

**The Connétable of St. Peter:**

Sorry, Chair. They are prepared to put all these people on to quarterly bills reducing the annual charge down to just £10 and quite frankly where we, the Parish, can assist them; certainly in my case the Parish will assist. I think looking at some of the arguments the Deputy has put forward as well, just talking about the healthy profits and healthy dividends from J.T., he is entirely right because J.T. has approximately a million customers worldwide. The majority of those people are paying back into the Jersey-based Jersey Telecom which help to support the fixed line network which is currently not funding itself. So the profits are being spread across the network to help to keep our costs down to the general fixed line network as low as it possibly can be. The other item, just if I can comment on many of the points Deputy Southern made, he says we are 10 days away from the charges being introduced. We were but it was also made clear by the Chief Executive of J.T. on the radio several weeks ago now that they were going to delay the implementation until 2019. But further to that, in answer to the written question of Deputy Southern, he asked what contact we are having. I have been having significant contact at least once a week, if not many more times a week, and including over this Easter holiday, and got an email on Sunday morning this week from J.T. early in the morning - so they had been talking about it late in the evening - have agreed to extend that further now to 4 years to 2021 before they will consider introducing these charges for the fixed line only Prime Talk customers. They are prepared to give them that extra amount of time, and even then, in 2021 they will review it again and if it is not appropriate to introduce them then, then they will not then. They have listened. They have listened to the Members in this Chamber, they have listened to all the issues that have been raised in this Chamber, and more so they have listened to their own customers and the amount of customers that have made direct contact to them. At the moment they are working with 37 customers who cannot have any other way, have no family to help support them at all, and they are finding a solution that meets the needs of those customers. The number of people that now have moved on from Prime Talk, those receiving e-bills, was, at the start of this piece of work, only 10 per cent of them. Currently, at the end of March, 31st March, there are now up to 52 per cent of those customers who have already gone over to e-billing. So that has reduced the impact on J.T.'s bottom line costs as well. The number of Prime Talk customers who are now paying by direct debit were 57 per cent and they have now gone up to 69 per cent. The Deputy does also make the comment in his opening speech that clearly the focus was on the elderly, hence the contact with Age Concern. I am afraid that is not correct. They were aware of the potential impact on people represented by Age Concern which is why they went to them early as the first group of people, to help prepare themselves and to work with them to try and find a way to resolve the issues for the people who were facing potential increases in their bills. J.T. have also and continue to offer free workshops with any age groups to help people to learn how to use computers or find any way they can to avoid these charges. I am just reading the notes very quickly. I think what has really caused this move has been the recent attention caused by C.I.C.R.A., who looked at the costs of the fixed line network that J.T. offers and they have opined that the fixed line network could be reduced over 2 years, therefore making it less profitable as a stand alone element within J.T.'s suite of offerings. That forced J.T. to look at how they can better improve the cost efficiency of the fixed line network. The problem with C.I.C.R.A., and the Deputy was very right when he commented that the matter of charges is entirely a matter for J.T. because they totally ignore the discount, the 82 per cent currently offered

to people on Prime Talk systems only, and that is because J.T. believe that is a choice to offer that discount. They have ignored the wishes of this Chamber, back in 2004 when the Deputy of Grouville brought her proposition, to say that we wanted that to continue. So this was an instruction which we, in this Chamber, have put upon J.T. to continue to offer this 82 per cent discount and that has impacted very much on their bottom line. However, both the board and the Chief Executive and the senior officers at J.T. do recognise the impact this is having on a relatively small number of people and they will continue to work with those people as much as they possibly can to resolve the situation. Just quickly looking down my other notes, the one thing that Deputy Southern - I totally agree with him - grandfathered rights is entirely right to continue to help those people coming on the Prime Talk at senior citizen discount. There is not much more I can say, we have covered so much of this ground in previous weeks, so many questions in the Chamber here and in the media and been on the media talking about the issues. We do recognise in Treasury, as the shareholder representative, we are alive to the issues for the older people in our community which is why I, as one, have put a facility into the Parish Hall. We are working with the Chief Executive and the board of J.T. to continue to hold their feet to the fire to recognise, and they are recognising and working with us. There is a piece of work that still needs to be done and I think the Deputy mentioned something but I have forgotten the point now. Oh, right, going back to the early days of J.T. being incorporated and that they continue to adhere to the policy of the States.

[14:45]

The States does not have a telecoms policy and that is where we have a gap in the system at the moment but it is a gap which is being currently filled by the Assistant Chief Minister, sitting just to my right, who I am in dialogue with, to talk to C.I.C.R.A. to see if C.I.C.R.A. can refocus their attention on this matter and recognise that this is a justifiable decision of the States to have this level of discount and therefore review their views on how they deal with J.T.'s overall charging policy on their fixed line network. The proposition is well intended but unfortunately the wording of it focuses on just every J.T. customer, which is a much wider aspect, whereas the report focuses principally on the Prime Talk customers, the elderly people. So if you read the proposition it does not refer to just Prime Talk customers, it is an open letter to all J.T. customers and therefore it is a much bigger issue for J.T. than just the Prime Talk issue alone. If we look at the figure of £1.2 million for Prime Talk customers, if you expand that across the whole of the network the amount of loss to them would be quite considerable. So I just really say that while this is well intentioned and we support the principles of what Deputy Southern is trying to achieve, I would urge Members to reject this proposal. Thank you.

#### **10.1.2 Deputy M. Tadier:**

I am grateful that Deputy Southern has brought this proposition today because it is not something I think that is unique to the 3 of us. We have heard, and I am sure other Members have heard, lots on this particular subject. Even though it might seem almost trivial initially, perhaps we underestimate, or certainly Jersey Telecom might have underestimated how significant these changes would be on their customer base. This is an example, I think, of responsive politics because of that. Deputy Southern has been synthesising, I think, the many concerns that we have had raised with us and bringing it, quite rightly, to a debate in this Chamber. Now, I can understand some of the traditional arguments that are being put forward about what are the right lines that should be drawn between what we, as politicians, should do in the context of an entirely States-owned company and what the company itself should be allowed to do in terms of making their business decisions and that of course has come out again today. But something I think that needs to be put in focus, first and foremost, is the relationship of the shareholder representative to this Assembly and to J.T. in this particular instance, which is the company that we are dealing with, because increasingly, and it is not just in relation to States-owned companies it also happens when

questions arise about the performance and service level agreements of other outside companies which nonetheless have effects on the public, especially when they do not work properly, is that we increasingly find the individual Minister, but in this case the shareholder representative, as Minister, effectively speaking on behalf of the company when what they should be doing is listening as the shareholder representative of this Assembly. So, the Minister, and in this case the rapporteur, the Assistant Minister, is the shareholder representative for this Assembly, for us, as the States, as elected Members, and by extension of course we, the shareholders, have that asset and the best interests of the public, who are our constituents, the taxpayers, and the users of that service. It is not him coming here saying: "I am representing Jersey Telecom and this is why Jersey Telecom are doing this and this is why we, as Ministers, support what they are doing." Really we need to have a relationship whereby the shareholder speaks, stands up and says: "I am your representative I am a servant to the Assembly. I want to hear what you have to tell me I do not really have an opinion on this. I want you to tell me what you think about this, what your constituents think about it so I can take that back to J.T., to the J.T. board, and tell them what the States, as a collective, thinks." That is how the relationship should work it should not say: "Oh, I discourage you from doing this because J.T. have done this for legitimate reasons." That is completely separate. They can speak for themselves if they want to and they have produced their own responses to that. But it is the Minister's job and the Assistant Minister, to go back and say: "Hang on a minute, I might know or think I know why you have done this but there are serious considerations that have been raised during the course of this debate." So we should not listen to some of the arguments, I think, which are being put forward from the ministerial point of view, which I do not even think should be being put on the table today. Let us consider some of the wider issues here. There is a difference between J.T. and other service providers. We all know that the infrastructure is still owned publicly, that is not something which can be said for the other providers. Most importantly, we have to make sure, on many levels, that our interest, the taxpayer interest is being well represented. So there is a social responsibility, which Deputy Southern has focused on, but I am also concerned about the long-term consequence financially on the business because the unintended consequence, I believe, is that they are alienating themselves unnecessarily from their customer base. In particular, there is a sizeable chunk, I think 20 per cent has been put out there, who currently do require or do want to remain with a paper bill, for whatever reason, or pay in a traditional format and not necessarily do it via direct debit. I think we have to acknowledge, as representatives, that there are different people out there and different people work in different ways. While it might be fine for me and even preferable to receive increasing amounts of information in electronic format; I like that, it means I do not have to deal with as much paperwork and I can access that. But not everyone works in that same manner. People of a different generation, in particular, like to know exactly what they are spending they like to have it on paper in front of them. People have come to my surgery and they have not been talking, as I have said in the past, about electoral reform or some of the other issues which we might concern ourselves with in this Assembly. They have been saying: "Why am I being asked to pay to pay?" They say: "Why am I being charged to be charged? So I have got this bill and now they are saying, 'Oh, by the way, I am going to charge you for the invoice'." It does not make any sense to them. It does not happen if you go to a garage. Well, not yet, it does not. So I am not sure why it should be happening in this respect. It is very strange that J.T. now seem to be bending over backwards to say: "Well, look, we will provide all these other services" goodness knows at what charge, to help the transition for people who feel that they do not understand a computer or how to use it. We have even had a remarkable suggestion that in the Parish of St. Peter anyone who cannot afford the £1.25 can just rock up at the Parish Hall and their Constable will pay for it out of their petty cash or his petty cash; I am not clear if it is his or the Parish's. Now, will that be extended across all the 12 Parishes? So, if you do not want to pay ... I see some Constables shaking their heads but it seems that if St. Peter's, who happens to be the Minister in question, will presumably pay for anyone in St. Peter who wants to have a paper bill,



that will be paid for by the Parish now. That is policy on the hoof which is being made up by the dual role that we have here with this particular Constable with this particular Assistant Minister. That is not going to be replicated across the Island because that is not good politics and that is not a sensible framework to do. The issue here is why is the cost being put there at all. So Jersey Telecom have said: "Well, if people want to call us we can certainly help, we can put on workshops for people on Prime Talk and people who might want to switch their bills." I mean, how much are those workshops going to cost? Are these really credible recommendations? Why do they simply not just abolish the £1.25 fee anyway? Now, I do not want to be one of those Members who bangs on about what one did in a previous life but I did work for Jersey Telecom in the Customer Services Department for a couple of years - more than 2 years - and I do have fond memories of that company. I know they are a very professional organisation, they do provide a good level of service across the board and I still think they do that and that they are a very professional company. So let us just imagine the people on the desk who are there, I think 24/7 but certainly do long hours, getting paid £15 an hour getting all these 5 minute conversations. You have a 5-minute conversation with somebody on the phone, paying them £15 an hour. That costs you £1.25 per phone call for that 5 minutes of time to employ that staff member telling people why they need to sign up to an electronic bill instead of a paper one because otherwise they will be charged £1.25 for the privilege of doing so. So the economics do not seem to stack-up. But as I said earlier, in the long-term I am concerned about the viability of Jersey Telecom which we are told on the one hand makes the majority of its money or significant amounts of its money from its external operations from J.T. Global which is doing very well; that is great to see that. If they are doing so well why are they really splitting hairs over what is a very small fee to a very small part of their client base when that is going to be phased out anyway presumably? Why could they not have a carrot rather than a stick, saying: "We will give you a £1.25 discount if you are a new customer if you sign up to electronic billing" then there is an incentive for people to do that rather than a stick punishing people for whatever reason who want to stick with things as they know them? That is certainly one option that they could have pursued. I am also concerned globally that if Jersey Telecom are making business decisions that drive away customers, and another example of this is of course the very strange fact that you can get your internet provided more cheaply by somebody who buys their internet off Jersey Telecom Wholesale without any limits on it at all. So you might pay, let us say, £25 a month with Jersey Telecom for limited broadband whereas you might only pay £23 with their competitor for unlimited broadband. How does that work and is that driving business away from Jersey Telecom when we, as taxpayers, should generally in the round always be asking the shareholder representative whether that interest of ours and of the public is being represented? So I think this is a very simple proposition today, it is something which the Minister should not be resistant to, he should simply say: "I want to hear what you have got to say. Tell me and I will simply report that back to Jersey Telecom." It is not, I do not think, transgressing any invisible line between politics and business it is simply saying that an issue has been raised across the board, across the parishes and across, I think, the political divide saying that: "There is an issue here which perhaps was not foreseen. We would like you to raise this urgently with Jersey Telecom, please go ahead and do that." For that reason I do not think there should be that much controversy about asking him to do that.

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

Yes, we at Age Concern have been in discussions with J.T. We did tell them originally that this immediate implementation they wanted would be resisted. At Age Concern there are a few people with computers and then I have got 3 types of member: we have got the people who cannot afford a computer, those who do not want a computer and those who would not know what to do with it if they had one. They have all bent my ear and said: "No, I do not want a computer. Why should I be forced to have one?" It was interesting because you are paying the £1.25 if you have a paper bill

and if you pay by cash or cheque at the post office or at the J.T. office and even if you pay by internet, which should not cost anything. But part of the problem is the way the banks are trying to stop us using cash. If you have noticed, when did Members last have their new chequebook? I was thinking the other day: "I do not know when I had my last new chequebook" and I have got to the end of the previous one. The bank charges for cheques and cash, when you pay them in, are fairly substantial, so perhaps we should be looking further than just having a pot-shot at J.T. As the Constable of St. Peter has said, J.T. have in fact been encouraging people to have quarterly bills which obviously makes sense because £1.25 a quarter is not as much as £1.25 a month and the sort of bills that they are talking about are fairly low. A lot of the oldies with family ... sorry, oldies, I say. I mean, I am too you know, I must confess. But their younger families tend to ring them rather than they ring their families so that does keep their telephone bills down. So we are talking about people with very small telephone bills.

[15:00]

As the Connétable of St. Peter has said, J.T. are back-peddalling on this whole business because it has been a P.R. disaster, it really has. The Members who attended the Wither Telecoms presentation that I organised will know that obviously there are all sorts of alternative proposals in the pipeline for J.T., some perhaps may come from the Council of Ministers and some may come from other directions in the Assembly. The Parish comments - let the Parish help people and teach them how to use computers. Well, apart from the people who do not want to use a computer period, the comments I have heard from the Parish, and no doubt the Connétables will support me on this: who is going to pay for the service? Who is going to pay for this person to sit there and take our senior citizens through the mechanics of getting online? A lot of them do not want to have a bank account online anyway and some of them do not even have credit cards. So it is a real nightmare. Certainly, as far as I understand it, the Consumer Council, the Good Companions and Age Concern, have all been brought into plans to assist the older customers and hopefully we will, obviously with the assistance of J.T. holding off for a while, we should get something sorted out. The problem will sort itself out eventually but I think J.T. realise that they have made quite a substantial error in this and we are now all trying to, with the best will in the world, sort it out. This is a very useful proposition but I think, in fact, in this case J.T. have probably, within the time that it takes to lodge and bring a proposition to debate, they have jumped the gun to solve the problems.

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

I am glad the Senator got there in the end at the very end of her speech. I really stand because the proposition is so easy and it requested, on a point of policy, that we do have under social policy to request the Minister to talk and ask Telecom to reconsider and they have done that but did anybody know that until the Constable of St. Peter stood up today and told everyone in the House ... in the Assembly? I have asked Deputy Southern: "Did they know they have moved to 2021?" When there is a lot of time to discuss. Where are the comments? Deputy Southern should have been spoken to behind the scenes by the Connétable of St. Peter as a representative because it is his request. Today, and I have probably knocked myself only, we would have better things to do because it is a great proposition and nobody else brought it but by the time it was brought I think there had already been pressure put on J.T. by the Minister and his representative. So, I do not know where we are going with this; J.T. has complied to a point. It has not gone away but we have got 4 years now to argue they can do this better and by then hopefully all the Parishes are going to pay the bills for the elderly. I do not work a computer really well either so maybe I will be down ... oh, my Constable is not here but I will be down there to ask him if he can step up. I do have direct debit but anyway it is very simple. The Deputy should really pull this because ... all right then you will not but then I urge the Minister for Treasury and Resources, as he has not spoken, to just

accept it because it is so easy. It has happened and why, just because, is it, Deputy Southern has brought this the Minister cannot accept it? I give up, really I feel like giving up. It is easy, everybody is a winner we have got 4 or 5 years to work this one out. Please, please, make this an early afternoon for me. Thank you.

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

I am pleased to follow Deputy Martin. I know many of us stand up and say that but it is one of the most straightforward propositions that I have had in front of me for quite a long time. It was completely disheartening to hear the Assistant Minister for Treasury and Resources say: "Reject it." It is very difficult to understand why he would stand up and begin his response and say: "Well, this is what we have been doing. As soon as this broke, we at Treasury started discussing with J.T. and we have been working with them to, if not prevent this then certainly provide facilities for those who may not be able to manage with the additional costs incurred" and then he started off about Prime Talk and to be honest I got a little bit confused then. Then I suddenly heard him say, was it 2021 or something that this is going to be introduced? So, at the end of the Assistant Minister for Treasury and Resource's speech I was not really clear on what he had told the Assembly. I am grateful to Deputy Martin for confirming that it has been delayed until 2021 and I repeat that it is extremely disappointing then to hear the Assistant Minister for Treasury and Resources say: "Reject this." So we are having ... Deputy Southern has urged us, in the proposition, not asked us to direct the Minister for Treasury and Resources, but urged us to ask to request that this not be done and the Assistant Minister urges us to reject this request. Maybe the Minister for Treasury and Resources himself can stand up and make this clear for me. I do not often find it difficult to understand what is going on in here but, in this instance I have to admit to that and I will be supporting the proposition.

**The Deputy of St. Ouen:**

May I ask a question of the Solicitor-General? It is to do with the concept of legal tender doctrine because is it the case that if payment is tendered in cash, legal tender, that is sufficient to discharge a debt and therefore how is it that J.T. could refuse to accept a cash payment in settlement of a bill unless the customer also has to pay a further sum over and above what he owes? Because the proposal of J.T. is to charge £1.25 extra if somebody comes along with a cash payment and ...

**The Bailiff:**

How is your question related to the proposition which is about administrative charges, however they are paid?

**The Deputy of St. Ouen:**

Because if that is a breach of the legal doctrine of meaning of legal tender; if J.T. is refusing to accept legal tender and legal tender is sufficient to settle a bill J.T. should not be implementing that administrative charge and, therefore, I wish to ask whether it is legal for J.T. to do so in the first place.

**The Solicitor General:**

I am grateful to the Deputy for that question. **[Laughter]** As I understand the doctrine of legal tender, it relates to what currency can be accepted in a jurisdiction and I think it is under the 1959 Currency Law that sterling notes are the legal tender for this jurisdiction but I am not sure that that means ... so if currency, Jersey notes, of say £10 were offered to J.T. to settle a debt they would be obliged to accept that but I do not think that means that they are not also able to levy an administrative charge for services. So if their terms and conditions of business are such that they can levy an extra administrative charge for doing business in certain ways and someone carries on and does business with them on those terms, so accepts those terms of business, then that creates a

debt. So from the limited time that I have had to look at this I do not think there is anything in the concept of legal tender which would mean Jersey Telecom is not able to levy an extra administrative charge in this way. But certainly if they refuse to accept sterling in payment of the debt that would be contrary to our existing legislation.

**The Bailiff:**

Do you now wish to speak, Deputy?

**10.1.6 The Deputy of St. Ouen:**

I am grateful to the Solicitor General for his clarification. I do think that it means something quite serious for all of us that a currency note is our basic means of exchange and in fact I have got one that is issued by the Minister's department, so these are issued by our Treasury and yet it seems we are saying and giving free rein. Once Jersey Telecom is permitted to do this, is it going to be taken up by all those with whom we do business? Can I expect to go to do my weekly shop and be told that I have to pay an additional sum if I wish tender a treasury note and is this going to become our way of life that only ... that we cannot use that basic means of exchange any more without being penalised? Instead we have to rely on direct debits, which are largely outside our control once they are set up. We have to rely on access to a computer in order to minimise the costs that we are suffering. So I think even if J.T., in this case, might not be breaching the law I think it is something that we should try and guard against to impose these penalties on people wishing to use our most basic means of exchange.

**10.1.7 Connétable J. Gallichan of St. Mary:**

Mercifully I do not need to say much because I completely, 100 per cent, agree with what Deputy Martin said. It is logical that either it is withdrawn or it is accepted because it seems to me that what is wanted is being achieved. I was interested to hear the Assistant Minister say how much the take-up has increased already so what J.T. wanted to accomplish is being accomplished anyway. Now, just a couple of little things to add. Firstly, not all the Parishes can afford to pay all the bills and charges of the pensioners. We, in St. Mary, are one of the pilots for Assisted Digital but at the moment that is not going forward as quickly as I had hoped. I have to say that to expect people who are on relatively low means to pay things digitally, electronically, presupposes that they can afford the broadband charges because quite a lot of the time the people are not doing it because they cannot afford that extra and so that is something that really needs to be borne in mind. But one other thing I would like to say to ... well, 2 things. Firstly, we cannot always look at pushing the cost of things around and saying: "Other departments or other agencies can pay" because we just move things around and it is not for the Parishes to pick this cost up. It is for us to work out whether this cost is just and if it is not just not to apply it. Now, that is one very simple thing that I have to say because moving the problem on is not the answer in so many situations. But the thing I would like to say to J.T., perhaps the Minister would like to take this forward, is that while all this has been brewing I have had at least one very glossy little brochure advertising their services posted to me at full postage cost. Now, I pay by direct debit and I have an electronic bill. I am known to J.T. They could have emailed me at no cost. So I think let the Micawber principle start here and let us cut our advertising and our contact to suit our cost because there is more than one way to skin a cat if that is ... I do not know if that is ... that is probably not ... there is more than one way to achieve things and if J.T. are trying to save money perhaps they should look to contacting people electronically rather than penalising people who cannot reciprocate electronically.

**10.1.8 Senator A.J.H. Maclean:**

I listened with interest to comments raised by Members and I understand in many respects the points that have been put across. I just want to make a few comments, if I could, to put it into context, perhaps, the position and I will start with the responsibility as shareholder representative.

It was a point that was raised by Deputy Tadier earlier. It is not the case, and I just want to make this absolutely clear, that the Treasury, as shareholder representative, simply does the bidding on behalf of the entities that we have that responsibility for. The Assistant Minister for Treasury, the Constable of St. Peter, does an excellent job holding the entities to account, all the entities that we have responsibility for, and challenging them and I have to say that as this issue has developed over recent weeks and it has been, as somebody else described, somewhat of a P.R. disaster largely driven by the way in which it has been described, I might add, in the media, he has indeed taken to task, J.T., and questioned them on the rationale.

[15:15]

It is our responsibility, as shareholder representative, to ensure that Members have both sides of the story not just the representative of Members here in this Assembly, which is important, and we listen very carefully. We listen very carefully to what members of the public say but also the company has a viewpoint as well and J.T., after all, is our company. It is a company owned by Islanders and it is important, therefore, since incorporation that it operates in a fully and properly commercial way and it has been doing that. The company is extremely well run. It has got an extremely competent board, an extremely competent executive. It has been developing outside of Jersey as well as inside Jersey. More than 50 per cent of the profits come from activities outside of Jersey, that diversifies risk and, as I think Deputy Southern said, it provides dividends to the Treasury and therefore helps to meet the costs of public services. This is our company and it is making a very significant and worthwhile contribution to Treasury coffers and we have to not lose sight of that fact. Now, in this particular instance there are some challenges for J.T. When they were incorporated there was not a direction to maintain Prime Talk. There was an obligation, if we can put it that way, and they have been meeting that obligation. The cost is about £1.2 million a year. We have to bear in mind that they are operating now in a fully commercial market. There are other telecoms companies in the Island, as Members know, offering choice and ensuring that the cost of telecom services have been driven down. J.T., on the other hand, have had to keep this obligation, the social obligation. That is not necessarily a wrong thing at all but it has to be put into context and where there is a problem is that C.I.C.R.A., the regulator, do not recognise this particular obligation, social obligation, when they are considering J.T. and J.T.'s costs and what they charge, their charges for landlines and everything else, because there is no such direction in that area. Now, there is a policy for telecoms being developed at the moment which was mentioned by the Assistant Minister and indeed that policy is being led politically by the Chief Minister's Department, by the Assistant Minister behind me, Senator Routier, who tells me that the policy should be complete by the second quarter of this year. Within that policy will be areas dealing with competition and in particular this matter that will help to clarify the position for J.T. and ensure that they do not have to, unfairly, carry a cost without it being recognised by the regulator. So in other words there is not a level playing field between J.T., who have this cost, and other telecoms companies which do not and that is an important point. They have costs which they are having to meet. They have got losses in certain areas of their business which again Deputy Southern quite rightly mentioned earlier on and they are simply trying to ensure in the best interests of the shareholder and the Island as a whole that they drive those costs down. Now, Prime Talk involves something in the region of about 9,300 customers. That is roughly how many Prime Talk subscribers there are. There have been to date, and this is why the media ... the way in which the P.R. side of this has got somewhat out of control. There have been something in the region of about 49 complaints in total. It is an emotive subject and I accept that point. So there is a very low level of complaint and the good work that the Assistant Minister has done with J.T. has meant that there is a true and proper focus on those people that are struggling with this move towards e-billing and direct debits and the Assistant Minister mentioned earlier that so far there has been quite a shift of e-bills. It has gone from 10 per cent to 55 per cent and direct debits from 56 per cent, I think, to

69 per cent. So there is a big move of Prime Talk customers taking on board the drive to reduce costs and improve efficiency by J.T. and that is a good thing and I think that is a very positive step forward. We have to remember all other telco operators, telecoms operators in Jersey, introduced charges of this nature some time ago. This is not unique to Jersey Telecoms. They are actually late coming to the party. But it is right that we, as this Assembly, take into consideration social obligations and that is why the Assistant Minister has spoken to J.T. and that is why the telecoms policy, which Senator Routier is leading on, is going to be looking very closely at whether a direction to C.I.C.R.A. to take on board this cost of J.T.'s to ensure there is a level playing field with other telecoms companies is properly and rightly considered. I have looked closely at the wording of this proposition. I have listened to what Members have had to say and I think that it would be sensible not to prolong the pain of this debate any longer but I do hope, I do hope, Members have also listened to the fact that there is the other side of the story. It is our company. We do want to be as profitable as possible and it does and should be allowed to operate on a level playing field and I think that is a position that we are moving towards and will get to. So I would suggest that the most sensible way forward at this point, because largely what has been asked for in this proposition, has already been achieved, is to accept the points of the proposition and hopefully nobody else will feel a need to speak on that basis.

**The Bailiff:**

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

**10.1.9 Deputy G.P. Southern:**

I thank the Minister for the manner in which he has accepted one of my propositions, in brackets, at last. It is interesting to note that when we start talking about numbers what we are talking about is an increase from 57 per cent to 69 per cent of those who would be eligible for this charge getting billed electronically and I work out that if it is costing £1.2 million that represents about £150,000 that, by this initiative, J.T. have knocked off their subsidy for this particular service. It is interesting to note also that the Constable of St. Peter suggested that I concentrated, rightly or wrongly, on the elderly but I mentioned those who cannot have a full bank account, who are also vulnerable and they would be affected too. So I am very grateful that this Assembly has seen sense to persuade the Minister to accept this proposition. I do not want to be back here in the late end of 2020 or the spring of 2021 arguing this case again. I expect this to be done and dusted this time round so I, or anybody else, does not have to bring this back to the States to test the water again. So I thank Members who have taken part and I call for the appel.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on whether or not to accept the proposition to request the Minister for Treasury and Resources to urge J.T. not to implement planned administrative charges. I ask the Greffier to open the voting.

<b>POUR: 40</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Senator P.F.C. Ozouf		Connétable of St. Peter
Senator A.J.H. Maclean		Senator P.M. Bailhache		
Senator I.J. Gorst				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				

Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## **11. Draft Main Roads (Classification) (No. 29) (Jersey) Act 201- (P.17/2017)**

### **The Bailiff:**

We come now to P.17/2017: Draft Main Roads (Classification) (No. 29) (Jersey) Act, lodged by the Minister for Infrastructure. I ask the Greffier to read the proposition.

### **The Deputy Greffier of the States:**

The Draft Main Roads (Classification) (No.29) (Jersey) Act 201- the States in pursuance of Article 1 of the *Loi (1914) sur la Voirie* and having regard to the *Voies de Grande Communication, Acte 1934* , have made the following Act .

#### **11.1 Deputy E.J. Noel (The Minister for Infrastructure):**

The purpose of this Act is to make the Rue des Pres Trading Estate safely accessible for the public and to enable the enforcement to ensure that those using the roads conform to what is normally expected on public roads. To achieve this the States have been asked to designate the 5 roads at Rue des Pres Trading Estate as *grandes routes*, perhaps more commonly referred to as main roads. I think most people would agree that during the last 50 years or so Rue des Pres, driving through the estate, has generally not been a pleasant experience. There has been a significant degree of disorder with haphazard parking and unsafe vehicle manoeuvring taking place. Sometimes double parking takes place in certain areas and in fact even triple parking has been seen. This has happened not because we have been shying away from our responsibilities but because we have no

legal powers to stop it. The roads at Rue des Pres are owned by the public but despite being freely used by members of the general public on a daily basis and according to the law they are in fact private roads so I will call them private roads in public ownership. Virtually all the roads of the public are *grandes routes* with just a small number in that category and therefore being described as private roads in public ownership which also normally have a very low volume of traffic on them. Examples are some of our housing estates. There is a fundamental legal difference between *grandes routes* and private roads in public ownership. The States administer the Road Traffic (Jersey) Law 1956. That law covers every foreseeable problem or action which could occur on a road from being the licensing of drivers to school crossings. There are some 90 separate detailed Articles in total. This law is essentially a tool that is used for ensuring that the public roads are properly managed and above all safe for use. The law also deals with the problem of parking infractions on the roads which are contained under Articles 62 to 67. However, in this respect, and this is where the problem lies, because these Articles in the law only apply to roads that are specifically categorised as public roads and public roads are either *grandes routes*, commonly known as main roads, administered by my department, or Parish byroads, administered by the respective Parish Roads Committees. The estate roads are essentially operating as public roads given their type of use and the volume of traffic but their status as they are private roads in public ownership, means that only the provisions of the Road Traffic Law relating to policing parking infractions cannot be enforced. Therefore, the States are faced with the difficulty of owning a set of roads which is blighted by parking issues which essentially operate as public roads but is left without the required powers to police them as they would do any other public road. This is why we need this Act to designate the roads as *grandes routes*. To give a bit of history for Members into how this has arisen, in 1984 the States approved the transfer of the administration of the roads in Rue des Pres from the former Island Development Committee to the then Public Works Committee. It is understood that the principal reason behind that transfer was to seek to address the problem of parking, including the roads as *grandes routes* under the committee/department with the appropriate administration responsibility. There are committee records of the day stating the intention to follow the *grandes routes* designation. For reasons slightly unclear today the designation of the roads as *grandes routes* was not undertaken at the time but instead the roads were listed as roads under the Road Traffic Law. While this results in part of the Road Traffic Law being enforceable in Rue des Pres, for example such as drink driving, it is important Articles detailing the parking provisions and in particular infractions remain outside the designation. In my opinion it is well overdue for this omission to be rectified. I see the designation of the roads as *grandes routes* as the only practical solution to bringing order by proper enforcement to Rue des Pres and making access to the estate safer and a more pleasant experience. In the absence of statutory controls it is perhaps unsurprising that some businesses on the estate have used the roads to their advantage and the fact that they cannot be policed.

[15:30]

The designation as *grandes routes* will not result in street parking being lost except in the areas where it is clearly unsafe but will make sure that the maximum amount of parking is provided to the users of the estate be it the general public, those businesses there and indeed those who work there. But the parking will become ordered and safe and if persons park on the road in undesignated places they will be open to penalty as with any other public road. The businesses will still benefit from the full rights to access their premises and they will enjoy the added benefit of a policed public road network. I summarise by saying that I see the designation of the roads as *grandes routes* as the only practical solution to bringing order to the Rue des Pres Trading Estate roads and making access to the estate both safer and a more pleasant experience and I urge the Assembly to pass this Act.

**The Bailiff:**



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

**11.1.1 Deputy J.A.N. Le Fondré:**

I am really just standing to say why I am not going to be supporting this. I have almost no doubt that it will go through because I know it does provide a solution which is desperately being sought by, for example, the Parish of St. Saviour and the issues dealing with parking down in ... well, sorry, I have always understood it was meant to achieve a solution. My concern, and I have had some involvement in the past, and even before touching on that I do accept that the solution that is being proposed by the Minister now is better than one that was proposed, I am going to say 3 or 4 years ago, which was when the Minister was just going to make the roads *grandes routes* and not deal with the cost attached to it. What is happening here is that we are taking on a liability and that liability is to the amount of about £2 million each and every 25 years, which is roughly the maintenance side. That liability, in theory, at present, and there are some complexities in there, is shared between the landowners of the various plots in Rue des Pres. I also understand from the Minister that that is complicated. However, we have obviously seen submissions from certain landowners, and again I am not going to dwell on the complexities around that because I think there is a lot of personality and character involved in some of these discussions. The point I have is that ultimately we are taking on a liability and it is to the tune of £2 million every so often, roughly, and that is for the maintenance of the roads. The Minister has suggested that that is going to be covered by the introduction of parking charges and that, as I said, is not an unreasonable solution. I was standing back from it and we were discussing this after the presentation that he gave us not so long ago. What is the incentive going to be for the businesses down there? An incentive of the businesses down there, if the parking charges get too expensive, is going to be to do something to mitigate that, for example find a different site or to get less cars going in there that relate to their businesses or whatever it is. The point is that in theory if this thing gets too expensive the businesses will seek to mitigate the cost to them on parking charges. That will reduce and, therefore, over time the cash flow that the Minister is basing his presentation on, in other words that we are going to be mitigating, the liability we are taking on by the parking charges that he is going to be implementing, based on the number of cars used by the businesses down there will reduce. It could be as simple as some people, if they have spare capacity down there, renting their slots out to users who need capacity. It could be perhaps someone finds a site nearby, maybe even a field or something, to offer as alternative parking. I do not know. But the concern I have is that the solution is split into 2. We take on the liability and elsewhere we are going to be charging people. If those charges go down, we have still got that liability for ever. So although it seems an attractive solution, it seems to me ... I am not ... I do not ... it feels like a short to medium-term fix. I do not know if it solves the problem. I also say that where I have always been uneasy, and I will put a marker down as to one of the reasons I wanted to speak, I want to be critical of, I will say, the Council of Ministers and it is directed to a former Minister for Home Affairs who stood up at the time that wheel-clamping was removed, and the relevance to this is we own these roads in the capacity of a private landlord. Private landlords have always faced issues around parking. I am going to say 3 years ago, and it might have been longer than that when wheel-clamping was removed, there was a promise made that laws were going to be written to find an alternative solution to sorting out parking that would resolve issues for basic private landowners and this is the position we have found ourselves in. I heard at the last presentation that there was going to be some form of third type of road going to be designated which would solve this problem but that was another 2 or 3 years down the line. The criticism I want to point in the direction of the Council of Ministers, because I do not know exactly where it falls now, is that we have been waiting a very long time for the long term solution to this issue which the Minister is seeking to address. The Minister is seeking to address, purportedly, the health and safety issues caused by over-parking down at the estate. This may be a fix. As I said, it is a better solution than has previously been

proposed. I am not comfortable with it because to me in the longer term it has some flaws in it but what I am looking for is when is the solution going to be coming back? We have had so many promises and now, as I understand it, it might be taking 6 or 7 years or something. I would be very grateful if perhaps the Chief Minister or whether it is Home Affairs or Infrastructure can give us something that says: "This Assembly in its lifetime, which is about a year left, is going to be seeing what that product is going to be." On that note I expect this to be voted through but I just wanted to outline my position. I do not consider this to be a sufficiently strong fix to warrant taking on the liability that we will be taking on.

### **11.1.2 The Deputy of St. Mary:**

It might assist Members to know that the Scrutiny Panel has been involved with this to a certain degree and followed its course. There are in fact 2 threads to this proposition. The first is to make the roads public roads for reasons outlined by the Minister and that, I do not think, is challenged by anyone, least of all the members of the, what do you call, the association on the estate. Where they do differ is the method of charging afterwards because the costs of the permits is going to be engineered to cover not only the costs of policing but also maintenance and some have pointed out that in the original purchase by the individual companies or businesses there they were under an obligation to pay a fair proportion of the costs of maintenance and there are some owners of businesses who maintain that that commitment will not be exhausted by the mere taking on of the roads as public roads. When the panel saw members of the association on that they did refer to their taking legal advice which was contrary to that obtained by the Minister and the panel took the view that is a matter between the department, on the one hand, and individual plot owners on the other. So we are in a situation now where I think the majority of the businesses on the estate fully accept that the roads should be made public roads but they do question the mode of charging and Members will receive from me, merely as a messenger today, an email sent by the association saying that they felt that the present mode of calculation was in fact unfair. Beyond that the panel has no involvement.

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

I was just hoping that I could ask a question of the Solicitor General. It is just in the particular introduction of the legislation that is before us it states that the contractual requirements that are currently in place, therefore the obligations within the deeds of the businesses, will fall away when the roads become highways. I would just like to know how or why that would happen.

### **The Solicitor General:**

I think the contents of the deeds would not be changed; that would require contracts to be passed before the Royal Court amending those contracts. So the contracts of the deed would not be changed but I anticipate ... well, I am not responsible for the drafting of the report, but I anticipate what it means is that they would simply not be used. I mean it looks as though they have not been used for a very long time anyway but I think it simply means that they will remain present in the contracts but they will simply not be called upon.

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

Supplementary. So am I right in thinking from that answer then if we were to pass this legislation and the contract, the deeds, were not changed then there would be an ability to get the money from those businesses on top of the parking permits?

### **The Solicitor General:**

Well, I think theoretically yes, but it may face some practical difficulties. If it is the case that, for example, the provisions have not been enforced in the last 50 or 51 years then they may well face ... if they were called upon on now they may well face some objections on the basis of prescription for

example, that the relevant rights are prescribed. So while theoretically they may still exist in the contracts enforcement of them may be another question entirely.

### **The Bailiff:**

Did you wish to speak, Deputy? Does any further Member wish to speak?

#### **11.1.3 Deputy M. Tadier:**

I did go to the presentation at lunchtime, probably a couple of weeks ago now - 3 weeks ago - and I was quite concerned by what I heard in some respects and I do not necessarily have a clear picture of how this is going to work in reality. I know we have been given some of the theory. The first thing to say is that I think it is good that the Jersey Property Holdings Department is obviously trying to be helpful here. They are taking a pragmatic stance and I know that in our own Parish, for example, there was great discussion about some of the communal areas. I am not saying the problems were exactly the same but there were parallels certainly when it came to parking, lots of cars in a relatively small space, issues of policing that, who owns and that the Parish was able to take over some of the estates there in terms of the road infrastructure and that seems to be working okay but it is still very much in a ... I think we say: "Suck it and see" and it is still obviously in place. I think this is very different in the sense that first of all it is quite telling and I do not mean this in ... it is quite telling that the Parish did not want to take this on and I can fully understand why they would not have because it looks like a complete mess to me in its current state and I am not sure that it is necessarily going to get any better. When I have heard that there are conditions and payments that the current tenants or owners have not been meeting already, and I think the question was asked by another States Member during that meeting, was: "Well, does this not set out a bad precedent if payments have not been made that were due and the States is just coming along, if you like, to pick up and try and sort out a problem when they cannot sort out the issue for themselves?" Is that a good precedent to set? I asked whether there was an association that was being formed and it is evident that they cannot even get together and form an association. If that is the case then I will wait to hear back from the Minister but my understanding was, had it been put to an association? Is there an association of owners that meets and can they agree on a way forward and we were told: "No, they cannot agree on the way forward and therefore this is why the States is getting involved with it." But more fundamentally I am concerned about what is happening with parking charges. I mean I think there are issues there, is that we currently have areas which in one case, in one sense, parking has been taken over, it has been misappropriated, if you like, to land which does not belong to certain businesses ... has basically been taken by stealth. They have claimed squatters' rights and obviously that is one of the reasons why the Minister and Property Holdings are saying: "We want to say to them from now on you are going to pay for a permit". But I am particularly concerned from the public point of view because this is used by people from all over the Island of course. People go to the trading estate often for very short periods of time, maybe 5 or 10 minutes or 20 minutes but certainly not a long stay to access the retail services down there and if they are going to be starting to be charged for parking down there, and this is where I would like clarification from the Minister, if you have to put a pay card out every time that you just want to nip in somewhere for 2 or 3 minutes is that going to be policed?

[15:45]

If that is not going to be policed why would people put pay cards out and if it is going to be policed is that a proportionate response? So I am quite concerned about whether or not this is the right response. It is laudable that I think the Minister wants to try and resolve the issue and make improvements for the area but my concern is that the business owners themselves have not been doing enough initially to resolve these issues and there could be another way forward. So I am certainly sceptical about how this will look and how it will transpire in reality.

#### **11.1.4 Connétable S.A. Le Sueur-Rennard of St. Saviour:**

I would just like to iron out a few things. It has not been too much of a problem for the Parish. We did police it. My Honorary Police went and I have 2 traffic wardens and they also went and they policed it. Then we had a very disgruntled patron down there who suddenly decided that we were doing it illegally and the officers said: "Yes, we were." The A.G. (Attorney General) at the time said we were so we pulled everybody because we were doing it illegally. Then it just seemed to get out of control completely which was a bit of a shame. But we are missing the point ... well, we are missing quite a few points here. It was, initially, a trading estate not a shopping zone. Now people do go down there so it is much busier than it ever was but its purpose originally was for a trading estate, for them to have somewhere for everybody to go and get organised. It has grown and for some unknown reason we also have accommodation there. I.D.C. (Island Development Committee) allowed people to move in and there is a certain section, I think there are about 17 or 18 flats, and for why? It was a trading estate. They got round it by saying: "Well, we need to have somebody on site to make sure it is safe." It is like everything else. There was a way to get round and they got round it but we have people living down there with families which is totally, I would have thought, out of order for a housing estate -- sorry, for a trading estate. My police would have gone back and to be honest with you we have been asked to go back but now we know it is illegal; they cannot go back. We have also been asked if we would be interested in policing it. I will not be interested in policing it until it is done and dusted because everybody down there, although they quite understand that they have to be on main roads, they are very upset about what they are being charged. There is an association. The Deputy was not sure. Trust me, there is. I have been to a lot of meetings. I am on the Scrutiny Panel and I have come away when we have been scrutinising it because I not only have it in my Parish, I also have my Parish depot down so I am heavily involved in it although it be on the periphery borders. So I have been very careful when we have it come through to Scrutiny that I have made myself vacant and I have kept out of the meetings altogether. But there is an association. They are working hard. They have done a lot down there to police themselves and look after themselves. Things are working out very quietly but I do not understand why, and this was not this House, they were given permission to have accommodation down there. So you have a large amount of accommodation down there which to me seems really ridiculous. They do not mind it being Parish roads because they do want them policed but they do not see why they should have to pay and they are quite high, the prices, that they are being charged. We are being told no because it is the same, like it is down at harbours and the airport, but there is a slight difference and they are being charged high. There is a housing car park down there which has never been used for housing and for parking and one business seemed to take over and it seemed to just be theirs. This business has also acknowledged the fact that they have had the sole use, in inverted commas, of this and they have bought land on the opposite side of the road so that they will no longer be using the car park. As far as the Parish is concerned the Parish's only major concern right this moment is when the parking payments do come in that no one will want to park so they will be parking on the estates that I have either side or adjacent to Rue des Pres and this is becoming a bit of a worry. I do not think there is anything else I can add. As I say, there is an association. They are working hard. They are trying to meet. In fact some of them have offered to pay to have the roads maintained. But we, as the States, never took them up in the first place it is very difficult now but the place is out of control. It has been allowed to go out of control and it is just ... and they have over ... I forget the word that somebody used that they have ... I think it was the Deputy from St. Brelade who said that they have taken advantage of it. No, they have been able to park in this parking space for the last 10 or 20 years so they keep doing it. They have not meant to overflow or be rude. I think it is just the space was there so we will park there and because they have been able to do it for so long it is like most things, if you have been doing something for years and years and all of a sudden somebody tells you you cannot, you do not understand why because it has worked out before. But as I say it was a trading estate. It was not a shopping area. It was not a

housing estate but the I.D.C. gave permission for accommodation to be there. You have children running round. It is now something does have to be done before something nasty happens down there. But quite what it is... the main road is a good idea, but the parking is going to be a bit of a problem and so that is where St. Saviour stands. We are worried sick that they are going to be going to the estates that we have in the Parish. That is my only major, major concern. These people do pay rates; they have really been really great. They are trying to meet the Minister halfway. There have been some heated meetings, I can assure you, but they are trying to meet halfway because they do not want to have these parking restrictions and the paid parking forced on them.

**The Connétable of Grouville:**

Just a point of information; Deputy Tadier mentioned that the estate was in St. Saviour and a very small part of it is in St. Clement and an even smaller part of it is in Grouville, both bits of road, and I think that is reflected in the Minister's Order.

**The Bailiff:**

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

**11.1.5 Deputy E.J. Noel:**

Thank you and thank you to Members who participated in the debate. I would just like to clarify some points here. One of the main reasons why - if this is successful today - we will be introducing charges for effectively, private spaces and for pay card spaces in the estates to replace that very income stream that we will have to give up by the fact that the roads become *grandes routes*. One of the reasons to add to what the Solicitor General said - as I am advised - that one of the reasons why the effect of those provisions in the deed about me charging, fall away is because the mechanism in the deed is that we have to recharge on a reasonable basis. When you have a main road, it is difficult to - nigh impossible - calculate what is reasonable, because you have so many third parties using those roads that you cannot attribute what is reasonable for a particular business. To allay the fears of Deputy Le Fondré and hopefully be able to persuade him to back this initiative, we had a very positive uptake of the permit system and the permit system is being based that we are charging slightly less than a season ticket in one of our multi-storey car parks. But that does not just give the user the opportunity to - as they would in a public car park - to park in any available space. It is a designated space. It gives them effectively, a private space and the other spaces to maintain the capacity of car parking on the estate, which is required, will be pay card and when our parking app comes in, it will be also paid by the parking app. The second point of Deputy Le Fondré's about the parking on private land; that is an issue, I believe that is being processed through my colleague, and it is due I believe, in 2018. But that will not solve a parking infringement; it will merely give landowners the ability to remove vehicles from their land, as indeed we passed last year in this Assembly, the powers for Andium and for Ports of Jersey to remove vehicles that are abandoned on their land, which is not the same as giving someone a parking ticket for parking in a dangerous way or for parking on overdue time. To really build on what the Deputy of St. Mary said - and he is the chairman of my Scrutiny Panel - some businesses will not end up having to pay these parking charges, merely for the fact that they have not developed their own properties outside what was intended in their deeds. They have managed to maintain sufficient parking on their land, that they do not need to use the roads to park on. Deputy Tadier's main point about an interim association, as confirmed by the Constable of St. Saviour, has been formed and we have been in dialogue with them. To reiterate, they are not against the roads becoming public; they just do not want to pay for the privilege of parking on them. To build on my colleague, the Constable of St. Saviour; she is right that for many years the Parish did police these roads and it was discovered that it was illegal. That was about 3, maybe 4 years ago now, and since

then we have got to the state we are today, where doing nothing is not an option. Members might be keen to understand that when the estate was set up there was no housing on the estate. There may have been one or 2 or a small number of caretaker cottages built in some of the original buildings. There was certainly no retail on the estate and in the deeds there is no on-street parking in the estate; and that is in the deeds. So currently what was maybe relevant 50-odd years ago is not relevant today. My department has been faced with an almost intractable problem at Rue des Pres. It has an obligation as the landowner to keep the roads safe but it is faced with the boundaries having been pushed in terms of unauthorised and unsafe use and with very little legal control to work under. The estate was founded as a trading facility for workshops and light industry. No retail, as we said, was to take place and the roads were intended for the sole use of the traders and their workers. However, it has evolved to be significant retail, office, residential and resulting in heavy use of the roads by the public. Those members of the public have a reasonable expectation that the roads will be clear and safe to use and that the orders for parking will be available. For those attending for a short time, some businesses, such as the post office, provide designated customer parking, off-road free of charge; again, to pick up the point from Deputy Tadier. So what will the designation of the roads becoming *grandes routes* achieve? It is known that some businesses will prefer the *status quo* to remain and for areas of the road to continue to be used as additional business space free of charge. But those businesses will not be the first in the firing line if an event or serious traffic accident occurs. So it would be my department and myself that would be in the firing line and indeed, this Assembly. It is also known that some businesses feel that no charge should be made for the on-street parking, but I would argue that where the public land is being used by business it is only fair and proper that a fair charge should be made. These charges are based to be fair; they are based purely to recover the cost of maintaining those roads. We know that within 7 years, we do have a £2 million bill coming to resurface the whole of the roads. It is not least but because street parking was never intended to take place and the situation has evolved requiring policing. If the businesses did not create the problems that we currently see on a day-to-day basis there, I would not have to do this. I would not have to make the roads *grandes routes*. But unfortunately, over many decades that has proved not to be the case. I suggest to Members that they support this Act and I ask for the appel.

[16:00]

**Deputy M. Tadier:**

Can I ask a point of clarification on the question I asked? I wanted to find out whether or not customers who currently use the site for access to the businesses that are there, who do not currently pay for parking; will some of them have to pay for parking under the new scheme?

**Deputy E.J. Noel:**

It will depend on which businesses that are availing of the services. As I mentioned, if it is the post office, then they will not because the post office provides adequate customer parking. If it is a business where they have occupied the whole of their site with their business premises and there is no off-street parking for that particular business, then I am afraid that members of the public, if they choose to use that business, will have to pay the normal parking charge.

**The Bailiff:**

The appel is called for. I invite Members to return to their seat. The vote is on whether to make the Act ... Draft Main Roads (Classification) (No. 29) (Jersey) Act and I ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Senator S.C. Ferguson		Deputy of St. Mary
Senator P.F.C. Ozouf		Deputy J.A.N. Le Fondré (L)		

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

## 12. Jersey Financial Services Commission: re-appointment of Commissioner (P.19/2017)

### The Bailiff:

We now come to P.19: Jersey Financial Services Commission: re-appointment of Commissioner, lodged by the Chief Minister. I will ask the Greffier to read the proposition.

### The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to re-appoint Mr. Ian Wright A.C.A. (Association of Chartered Accountants) as Commissioner of the Jersey Financial Services Commission with effect from the date of the States' debate for a period of 5 years.

### The Bailiff:

Chief Minister, you lodged this morning a proposition to amend this to 4 years to fall in line with the Jersey Appointments Commission on Guidance for Senior Appointments, and I take it you will be asking Members to take the proposition as amended?

**Senator I.J. Gorst:**

If I may, Sir. Of course it is unusual, but I think it is appropriate that the amendment is taken because it then complies with the guidance that the Appointments Commission issued in the middle of last year, I think it was.

**The Bailiff:**

So that is the public interest that your office takes into account for the purposes of Standing Order 26 to reduce the lodging period. Do Members agree to take the amendment today?

**Deputy M. Tadier:**

No, Sir. Could we have a vote, please?

**The Bailiff:**

Very well. Those in favour of reducing the lodging period? The appel is called for. I would like Members to return to their seats. The vote is on whether to reduce the lodging period to enable the Chief Minister's amendment to the proposition to be taken today. I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				



Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Bailiff:**

So we will take proposition P.19 as amended and Chief Minister, do you wish to make the proposition?

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

I thank Members for accepting the amendment. The Jersey Financial Services Law states a Commissioner may be appointed for up to 10 years. The Jersey Appointments Commission’s guidelines changed last year to say 9 years and therefore, I felt it was appropriate to request the amendment, which is not quite up to 10 years. So I want to thank Mr. Wright for his service on the Financial Services Commission. Members will see from the proposition his C.V. (Curriculum Vitae) and he has proved to be an invaluable member of the Financial Services Commission and therefore, I have no problem - in fact, it has my full support - the request from the Commission that he serve a second term, albeit now for a 4-year period. Members will also see how his skills are complimentary to other members on the Jersey Financial Services Commission and I ask Members to support this nomination. Thank you.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the proposition, kindly show. Those against? The proposition is adopted. Now, Chairman, we come to business for the next meeting.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**13. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):**

The proposal as per the Consolidated Order Paper with the addition only on 2nd May of Projet 130: Future Hospital Funding and the associated amendments, and Projet 15: Draft Public Finances Law amendment and amendment to that, which we agreed earlier today should be on 2nd May. Also, the amendment by Deputy Andrew Lewis, to the Draft States of Jersey Law, which has also been lodged today. With those amendments, I propose the Arrangement for Public Business and I would suggest that for the sitting on 2nd May, Members allow 3 days for the sitting.

**The Bailiff:**

Very well, the States now stand adjourned until 9.30 a.m. on 2nd May.

**ADJOURNMENT**

[16:06]