



**THE STATES assembled on Thursday
16th May 2013, at 09.30 a.m. under
the Presidency of
Mr. Michael Nelson de la Haye,
Greffier of the States.**

All members were present at roll call with the exception of –

Senator Paul Francis Routier – en défaut
Senator Alan John Henry Maclean – excused attendance
Senator Ian Joseph Gorst – absent on States business (arrived in the Chamber at 12.40 p.m.)
Connétable Daniel Joseph Murphy of Grouville – ill
Connétable Leonard Norman of St. Clement – en défaut (défaut raised at 9.58 a.m.)
Connétable Deirdre Wendy Mezbourian of St. Lawrence – en défaut
Deputy Carolyn Fiona Labey of Grouville – excused attendance (arrived in the Chamber at 12.30 p.m.)
Deputy Michael Roderick Higgins of St. Helier – ill
Deputy Susan Jane Pinel of St. Clement – excused attendance (arrived in the Chamber at 11.25 a.m.)

Prayers read by the Deputy Greffier of the States

The Reform of Social Housing P.33/2013

THE STATES resumed consideration of a proposition of the Council of Ministers regarding the reform of Social Housing and, adopting part 2 of an amendment of Deputy John Alexander Nicholas Le Fondré of St. Lawrence, agreed that in paragraph (a)(iii) for the words “a return to” there should be substituted the words “setting a ceiling of” and after the words “3.12.9 of the attached Report” there should be inserted the words “except that section 3.12.9 shall be amended in the manner set out in Appendix 1 to the amendment of Deputy J.A.N. Le Fondré of St. Lawrence dated 30th April 2013”.

Members present voted as follows –

POUR: 22

Senator A. Breckon
Senator S.C. Ferguson
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy J.A.N. Le Fondré (L)
Deputy S. Pitman (H)

CONTRE: 18

Senator P.F.C. Ozouf
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator L.J. Farnham
Senator P.M. Bailhache
Connétable of St. Peter
Connétable of St. Brelade
Deputy R.G. Le Hérisier (S)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy A.K.F. Green (H)
Deputy of St. John

ABSTAIN: 0

Deputy M. Tadier (B)	Deputy J.P.G. Baker (H)
Deputy T.M. Pitman (H)	Deputy of St. Mary
Deputy T.A. Vallois (S)	Deputy of St. Martin
Deputy J.M. Maçon (S)	Deputy of St. Peter
Deputy G.C.L. Baudains (C)	
Deputy J.H. Young (B)	
Deputy R.G. Bryans (H)	
Deputy R.J. Rondel (H)	

THE STATES rejected an amendment of Deputy John Alexander Nicholas Le Fondré of St. Lawrence that in paragraph (a)(iv) after the words “sections 3.38 to 3.47 of the attached Report” there should be inserted the words –

“Except that before section 3.46 there shall be inserted the following new sections and the paragraphs renumbered accordingly –

- 3.46 It is acknowledged that the cost of administration of the company will be of concern to States Members and to the Public.
- 3.47 It is recognised that two prime benefits which support the restructuring of the Housing Department are tangible improvements in the current level of service to social housing clients and to ensure that the future operating costs of the Department are at least on a par with that being achieved in the local private sector.
- 3.48 To ensure such efficiency is delivered it is proposed that the following principle be established governing the administration/management costs of the proposed company:

The administration/management costs of the company shall not exceed the average administration/management costs of existing social housing providers subject to regulation as identified in paragraph 3.17 on page 29 of this report (“the existing social housing providers”), compared on a like-for-like basis.

- 3.49 The implementation of this principle shall be left to the Regulator, or any equivalent independent body (“the Regulator”), to determine in accordance with the following guidelines –
 - (i) The definition of such administration/management costs shall be agreed by the Regulator by reference to those costs incurred in respect of the routine administration of the existing social housing providers in the Island, including the costs of the trustees; the costs of office accommodation; and also those costs incurred in the management of the properties owned and managed by those social housing providers.
 - (ii) Where it seems reasonable to the Regulator that the company legitimately incurs administration/management expenditure additional to that of the existing social housing providers in respect of specialist services to certain tenants, the Regulator may make an adjustment for such costs.

- (iii) The Regulator may make appropriate adjustments with regard to any significant changes in income which might otherwise have the effect of artificially distorting the ratio of administration/management costs to income in either the proposed company or in the existing social housing providers.
- (iv) In assessing the performance of the company, the Regulator shall consider the following performance measures –
 - (1) The proportion of administration/management costs of the company relative to income in comparison to that of the existing social housing providers.
 - (2) The administration/management costs of the company per unit of accommodation in comparison to that of the existing social housing providers.
 - (3) Any other measure which the Regulator (after consultation with appropriate stake holders, including the company, and the existing social housing providers) shall consider both reasonable and to be in accordance with the principle established in paragraph 3.48 above.

- 3.50 The Regulator shall present an annual report on the relative performance of the company to the Board of the company, to the Minister for Treasury and Resources and to the States Assembly. This report shall identify the comparative administration and management costs of each entity, particularly by reference to income and per unit of accommodation; any relevant considerations and adjustments made in calculating that performance, and any other matter which the Regulator considers appropriate.
- 3.51 If the company fails to achieve parity with the existing social housing providers, the Regulator shall be empowered to require the company to reduce its administration/management costs accordingly.
- 3.52 It is also proposed that the Comptroller and Auditor General would be requested from time to time to consider whether he or she wishes to evaluate and comment on the performance of the company relative to other social housing providers in the Island, or upon any other matter pertaining to the company.
- 3.53 For the avoidance of doubt it is acknowledged that both the Regulator and the Comptroller and Auditor General shall have full and complete access to the records, employees and officers of the company to no less extent than the Comptroller and Auditor General has to the present Housing Department.”

Members present voted as follows –

POUR: 10

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Clement
 Connétable of St. John
 Deputy J.A. Martin (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)

CONTRE: 33

Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary

ABSTAIN: 0

Deputy G.C.L. Baudains (C)	Connétable of St. Ouen
Deputy J.H. Young (B)	Connétable of St. Brelade
	Connétable of St. Martin
	Connétable of St. Saviour
	Deputy R.C. Duhamel (S)
	Deputy R.G. Le Hérisier (S)
	Deputy G.P. Southern (H)
	Deputy of St. Ouen
	Deputy J.A. Hilton (H)
	Deputy of Trinity
	Deputy S.S.P.A. Power (B)
	Deputy K.C. Lewis (S)
	Deputy M. Tadier (B)
	Deputy E.J. Noel (L)
	Deputy T.A. Vallois (S)
	Deputy A.K.F. Green (H)
	Deputy J.M. Maçon (S)
	Deputy of St. John
	Deputy J.P.G. Baker (H)
	Deputy S.J. Pinel (C)
	Deputy of St. Mary
	Deputy of St. Martin
	Deputy R.G. Bryans (H)
	Deputy of St. Peter
	Deputy R.J. Rondel (H)

THE STATES, having resumed consideration of the proposition of the Council of Ministers, as amended, approved –

- (a) (i) the establishment of a new Strategic Housing Unit as set out in sections 3.12 to 3.14 of the attached Report of the Council of Ministers dated 4th March 2013, to be overseen at a political level by the Minister for Housing, except in the last paragraph of section 3.12.5 after the words “overall responsibility for this is proposed to become the responsibility of” the words “the Chief Minister” should be deleted and the words “Minister for Housing working closely with the Chief Minister, the Minister for Planning and Environment and the Minister for Treasury and Resources” should be inserted;
 - (ii) a rent policy of setting a ceiling of near market fair rent levels as set out in section 3.12.9 of the attached Report, except that section 3.12.9 should be amended in the manner set out in Appendix 1 to the amendment of Deputy J.A.N. Le Fondré of St. Lawrence dated 30th April 2013;
 - (iii) the incorporation of States owned housing as a Company Limited by Guarantee wholly owned by the States of Jersey as set out in sections 3.38 to 3.47 of the attached Report;
- (b) and requested –
- (i) the Chief Minister to take the necessary action to establish the Strategic Housing Unit and requested the Minister for Housing, in consultation with the Chief Minister, to bring forward for approval by the Assembly detailed proposals which are proportionate for Jersey in relation to the proposed mechanism for the regulation of social housing, with a view to bringing forward for approval, after the debate on the draft proposals, legislation to give effect to the proposed regulation system as approved by the Assembly;

- (ii) the Minister for Social Security to take the necessary action to address the Income Support implications of the revised rent policy to enable its implementation by April 2014;
- (iii) the Minister for Housing to take the necessary action to prepare for company status and to bring forward for approval by the Assembly the necessary legislation to give effect to the proposals with a target date for commencement of the Company's operation of 1st July 2014;
- (iv) the Minister for Treasury and Resources to take the necessary action to establish the funding arrangements as set out in section 3.59 and 3.63 of the attached Report.

Members present voted as follows –

POUR: 32

Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

CONTRE: 8

Senator S.C. Ferguson
 Connétable of St. John
 Deputy G.P. Southern (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 3

Senator A. Breckon
 Deputy J.A. Martin (H)
 Deputy T.A. Vallois (S)

Changes in Presidency

Mr. Michael Nelson de la Haye, Greffier of the States, retired from the Chair during consideration of the amendment of Deputy John Alexander Le Fondré of St. Lawrence (P.33/2013 Amd.(3)) to the proposition of the Council of Ministers entitled ‘The Reform of Social Housing’ (P.33/2013) and the meeting continued under the Presidency of the Bailiff.

THE STATES re-assembled after the lunch adjournment under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States. He retired from the Chamber during consideration of the proposition of the Council of Ministers entitled ‘The Reform of Social Housing’ (P.33/2013) as amended, and the meeting continued under the presidency of the Deputy Bailiff.

Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

4th June 2013

Parish Rates: the States’ liability. P.40/2013.
Lodged: 20th March 2013.
Connétable of St. Helier.

Parish Rates: the States’ liability (P.40/2013) – comments. P.40/2013.
Presented: 3rd May 2013. Com.
Comité des Connétables.

Parish Rates: the States’ liability (P.40/2013) – comments. P.40/2013.
Presented: 13th May 2013. Com.(2).
Council of Ministers.

Parish Rates: the States’ liability (P.40/2013) – comments. P.40/2013.
Presented: 13th May 2013. Com.(3).
Minister for Treasury and Resources.

Committee of Inquiry: costs for local businesses. P.31/2013.
Lodged: 25th February 2013.
Senator A. Breckon.

Victoria and George V Cottage Homes (Repeal of General Principles). P.44/2013.
Lodged: 28th March 2013.
Minister for Housing.

Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): P.44/2013.
amendment. Amd.
Lodged: 3rd May 2013.
Deputy G.P. Southern of St. Helier.

Ratification of the Agreement between the Government of Jersey and the Government of P.46/2013.
the Isle of Man for the Avoidance of Double Taxation and the Prevention of Fiscal
Evasion with Respect to Taxes on Income.
Lodged: 3rd April 2013.
Chief Minister.

Ratification of the Agreement between the Government of Jersey and the States of Guernsey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income. P.47/2013.
Lodged: 3rd April 2013.
Chief Minister.

Draft Unlawful Public Entertainments (Jersey) Regulations 201-. P.48/2013.
Lodged: 8th April 2013.
Minister for Home Affairs.

Draft Taxation (Accounting Records) (Jersey) Regulations 201-. P.50/2013.
Lodged: 15th April 2013.
Chief Minister.

Draft Control of Housing and Work (Business Licences – Annual Charges for Registered Persons) (Jersey) Regulations 201-. P.52/2013.
Lodged: 23rd April 2013.
Chief Minister.

Draft Control of Housing and Work (Transitional and Consequential Provisions) (No. 2) (Jersey) Regulations 201-. P.53/2013.
Lodged: 23rd April 2013.
Chief Minister.

Draft Education (Amendment No. 2) (Jersey) Law 201-. P.54/2013.
Lodged: 23rd April 2013.
Minister for Education, Sport and Culture.

18th June 2013

Code of Conduct for Elected Members: Commissioner for Standards. P.4/2013.
Lodged: 14th January 2013.
Privileges and Procedures Committee.

Draft Wills and Successions (Amendment No. 2) (Jersey) Law 201-. P.38/2013.
Lodged: 19th March 2013.
Chief Minister.

Chief Minister and Chairman of Comité des Connétables: monthly meetings. P.51/2013.
Lodged: 16th April 2013.
Deputy M. Tadier of St. Brelade.

Chief Minister and Chairman of Comité des Connétables: monthly meetings (P.51/2013) – comments. P.51/2013.
Presented: 13th May 2013. Com.
Comité des Connétables.

Chief Minister and Chairman of Comité des Connétables: monthly meetings (P.51/2013) – comments. P.51/2013.
Presented: 13th May 2013. Com.(2).
Council of Ministers.

Approval of the Memorandum of Understanding between the Government of Jersey and Her Majesty's Revenue and Customs of the United Kingdom of Great Britain and Northern Ireland relating to co-operation in tax matters. P.55/2013.
Lodged: 30th April 2013.
Chief Minister.

Draft Taxation (Implementation) (Disclosure Facility) (Jersey) Regulations 201-. P.56/2013.
Lodged: 30th April 2013.
Chief Minister.

2nd July 2013

Draft Succession to the Crown (Jersey) Law 201-. P.57/2013.
Lodged: 8th May 2013.
Chief Minister.

THE STATES rose at 4.44 p.m.

A.H. HARRIS

Deputy Greffier of the States