

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 7th JUNE 2011

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

QUESTIONS

1. Written Questions

Deputy F.J. Hill of St. Martin:

Sir, could I just ask Members if maybe they could take that question 25 out and include it in P.69, which we will be debating sometime this sitting?

1.1. DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF TO THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING UNITS OF ACCOMMODATION WITHIN THE NORTH OF TOWN MASTERPLAN:

Question

How many units of accommodation are contained within the North of St. Helier Masterplan and what are the likely timescales on completion in relation to their development by site once approved?

Answer

The North Town Masterplan sets out the vision for the north of St. Helier. The document identifies potential synergies between sites, both those in the States of Jersey ownership and in those in private ownership, it is intended as a catalyst to stimulate development.

- The potential for residential development in the north town is identified on a number of sites, including:
- Anne Court with around 115 to 200 units.
- Minden Place with around 35 units
- Masonic temple car park site
- Former JCG, where a competition will be launched for an architect to develop a scheme
- Anne street brewery site
- Le Bas Centre
- and the Wesley Chapel where 48 apartments and 9 townhouses with parking has been permitted.
- Britannia Place
- Robin Hood Roundabout Site

In advance of outline and detailed planning applications for individual sites actual numbers and the mix of units can't be quantified.

However the revised master plan has identified the possibility for 24000 sqm (approx 300 dwellings) on the Jersey gas site.

12.5% of any residential schemes will be required to be affordable housing

In terms of timescale of deliverability it will come down to market conditions, private developers, design issues and other States Departments.

All I can do is bring the Masterplan forward with the potential for these developments as a whole. The Masterplan sets principles only, the final planning applications will show firm numbers.

1.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PRIMARY SCHOOL NUMBERS:

Question

Would the Minister state the annual number of primary school children in Jersey from 2000 to date and, given demographic profiles, current births over deaths trends and associated inward migrant numbers, advise what the predicted primary school numbers are, on an annual basis, from now until 2020?

Answer

The annual numbers of primary school children in Jersey from 2000 to date, as measured in January each year, are as follows

January	Primary numbers
2000	7459
2001	7429
2002	7387
2003	7253
2004	7214
2005	7133
2006	7020
2007	6939
2008	7005
2009	6988
2010	6927
2011	6906

It should be noted that although the number of pupils has reduced by approximately 550 over the period 2000 to 2011, the last six years have remained relatively constant. In order to manage falling pupil numbers there has been a reduction in the number of forms of entry at Rouge Bouillon and Samarés schools. In addition, La Pouquelaye and St. Mark's schools have been closed and replaced by a two-form entry school (d'Auvergne School), resulting in a reduction in fixed costs.

Taking into account demographic profiles, current birth trends, and associated inward migrant numbers, the predictions for future years are as follows:

Year	Primary numbers
2012	6870

2013	6842
2014	6901
2015	6920
2016	6984
2017	7065
2018	7098
2019	7175
2020	7229

Student numbers are predicted to increase by approximately 360 over the period 2012-2020.

Immigrant numbers do of course contribute to the changes but the largest factor is the recent increase in the birth rate, with the number of births being in excess of 1000 per year for the last 4 years. This will result in an increased demand on places in primary schools. The Department is continuously monitoring the situation, and will respond as necessary to any changes in the forward projections for student numbers.

How many units of accommodation are contained within the North of St. Helier Masterplan and what are the likely timescales on completion in relation to their development by site once approved?

1.3 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING LAND TRANSACTION TAX:

Question

What are the numbers of transactions of properties purchased by share transfer since the introduction on 1st January 2010 of the Taxation (Land Transactions) (Jersey) Law 2009, in terms of units of accommodation and amount of tax collected and will this information be available online?

Answer

The number of share transfer property transactions which attracted Land Transaction Tax (LTT) during 2010 was 582. The Land Transaction Tax paid on these transactions was £1,555,963. In 2011 Tax paid to the end of April was £609,173 on 271 transactions. It should be noted that transactions include the registration of security interests (similar to mortgages), which also attract LTT.

The 2010 statistics will be included in the Taxes Office Annual Report due to be published this month. The report will be available on the Taxes Office section of the States website.

1.4 SENATOR J.L. PERCHARD OF THE CHIEF MINISTER REGARDING NON-STAFF COSTS FOR W.E.B:

Question

Will the Chief Minister –

- (a) advise how much was spent by the Waterfront Enterprise Board on “non staff” advisors and consultants during 2010?
- (b) provide a breakdown of the cost of “non staff” advisors and consultants engaged by the Waterfront Enterprise Board during 2010?

Answer

A total of £143,520 was spent by the Waterfront Enterprise Board (WEB) on advisors and consultants during 2010¹.

This figure can be broken down as follows:

£52,700 was spent on a review of WEB’s performance;

£13,400 was spent on the recruitment for the Board of Directors for the States of Jersey Enterprise Board;

£51,927 was spent on secondment costs in relation to the East of Albert project board work;

£21,030 was spent on public relations costs; and

£4,463 was spent on IT support.

¹ These figures should be treated as provisional until such time that WEB’s annual accounts are published.

1.5 SENATOR J.L. PERCHARD OF THE CHIEF MINISTER REGARDING DEPARTMENTAL NON-STAFF COSTS:

Question

Will the Minister –

- (a) Advise how much was spent by his Department on “non staff” advisors and consultants during 2010?
- (b) Provide a breakdown of the cost of “non staff” advisors and consultants engaged by his Department during 2010?

Answer

- (a) The Chief Minister’s Department spent £1,086,450 on fees for consultants and advisors in 2010. This does not include temporary agency fees or contracted staff costs.
- (b) The breakdown of this cost, and the purpose of the engagement is as follows

Chief Executive's Office	£4,682
Review of Unelected Members	£72,740
International Relations	£81
International Finance	£205,448
Business Taxation Review	£280,671
AIFM EU Directive	£24,467
Finance Industry Marketing	£258,434
Economics	£238,002
Statistics	£1,925

1.6 SENATOR J.L. PERCHARD OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING DEPARTMENTAL NON-STAFF COSTS:

Question

Will the Minister –

- Advise how much was spent by her Department on “non staff” advisors and consultants during 2010?
- Provide a breakdown of the cost of “non staff” advisors and consultants engaged by her Department during 2010?

Answer

- HSSD non-staff advisors and consultants cost £2,680,693 during 2010².
- Breakdown includes:

	£
Children and Young People's Strategic Framework	34,760
Youth Justice Review	16,900
Verita (Independent investigation into care and treatment of patient)	608,000
Review of management of exclusion of hospital consultant	47,000
Review of clinical coding	2,000
Mainland Health Report - review of specialist contract for off-Island	21,000

treatment	
External Confidential Review – mental health	6,500
Integrated Care Records Project (ICR)	1,640,533
Historic Child Abuse legal advice	208,000
Special advisor – children’s services	39,000
Independent Chair - JCPC	32,000
ICR contract negotiation	9,000
KMPG contract management	16,000

¹ Does not include 2010 KPMG costs incurred for Green Paper (total contract sum in 2010 and 2011 £760k)

1.7 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING DEPARTMENTAL NON-STAFF COSTS:

Question

Will the Minister –

- (a) Advise how much was spent by his Department on “non staff” advisors and consultants during 2010?
- (b) Provide a breakdown of the cost of “non staff” advisors and consultants engaged by his Department during 2010?

Answer

- (a) A total of £141,286 was spent by the Department on "non-staff" advisors and consultants during 2010.

It has to be recognised that independent advisers can have a valuable role to play, providing an efficient and cost-effective way of supplementing a department’s expertise so that it can meet its aims and objectives. Employing specialists precisely as and when they are needed means we can limit the number of full-time staff within the department.

The use of external consultants is carefully monitored and they are only used where specific skills are not available in-house, if departmental resources are fully committed for the required timescale or if an independent opinion, advice or investigation is required. Use of some expertise is inevitable because of the demands on our education service to keep in line with professional best practice and to maintain the highest possible standards in our schools.

- (b) "Non-staff" advisors and consultants were engaged to complete the following:

i.	Produce training materials to meet the requirements of the Serious Case Review	£6,000
ii.	Review the management structure across the service	£8,764
iii.	Provide independent support and challenge to a review of the method of funding primary and secondary education; the Comprehensive Spending Review process plus development of future policy	£22,019
iv.	Review of Higher Education	£17,905
v.	Finance and Business Review of the Jersey Heritage Trust	£45,944
vi.	Social Inclusion Review	£1,067
vii.	Review to consider the potential for developing a closer working relationship between the heritage organisations	£3,434
viii.	Review of the Early Years and Childcare Partnership	£16,929
ix.	Employment of the then chair of the Higher Education Steering Group and subsequently the independent member of the Skills Jersey Board	£19,224

1.8 SENATOR J.L. PERCHARD OF THE MINISTER FOR HOME AFFAIRS REGARDING DEPARTMENTAL NON-STAFF COSTS:

Question

Will the Minister –

- (a) Advise how much was spent by his Department on “non staff” advisors and consultants during 2010?
- (b) Provide a breakdown of the cost of “non staff” advisors and consultants engaged by his Department during 2010?

Answer

- (a) During 2010 the Home Affairs Department spent £160,276 on ‘advisors and consultants’ whose reports are available on the States website.
- (b) Wiltshire Constabulary Investigations concerning the Chief Officer of the States of Jersey Police and Operation Blast - £146,276
BDO Alto – Operation Rectangle (Historical Child Abuse Enquiry) - review of the efficient and effective use of resources £14,000.

1.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF THE DEPARTMENT’S I.T. PACKAGE:

Question

Further to the response given to Deputy R.G. Le Hérissier of St. Saviour’s written question on 3rd May 2011, could the Minister detail –

- (a) what IT packages the department has received for the £10,928.686 referred to;
- (b) what percentage is consultant fees;
- (c) what percentage, if any, relates to contractors fees and salaries;
- (d) how the contractual issues for the delay from October 2010 for the Patient Administration system were overcome, who extended the contract until June 2011 and what additional costs, if any, will there be in giving this extension;
- (e) will any such additional costs be met by Health and Social Services or the contractor?

Answer

- (a) The £10,928,686 expenditure to date (2006 up to end February 2011) forms part of the £12m total ICR budget. The expenditure relates to:
 - development and implementation of the Child Health Care System
 - development and implementation of the Electronic x-ray and imaging system (RIS/PACS)
 - development of the patient administration system (PAS)
 - development of Pharmacy system (to be implemented alongside the PAS system)
 - purchase, testing and installation of all associated hardware plus wireless technology
 - associated overhead costs including training and backfill for clinical staff involved in development of the ICR project
 - development of an electronic patient record (EPR) for the Emergency Department (to be implemented alongside the PAS system)
 - development of an EPR for Maternity (to be implemented alongside the PAS system)
- (b) Of the expenditure to date 19.82% relates to contractors fees and salaries (£2,166,079). This spend on contractors predominately relates to 2009 and 2010.
- (c) see above.
- (d/e) The target date for completion of the PAS project was originally October 2010. This was extended to 11 June 2011 in order to undertake a number of system changes/developments aimed at improving functionality and ensuring the system better supported HSSD's business processes.

The decision to change the completion date was taken by the Minister on the recommendation of the ICR's Senior Responsible Office (SRO) – in this case the Hospital Managing Director – in consultation with the ICR Board which includes senior IT and clinical staff. The number of ICR contractors supporting this extended completion date is significantly reduced with the remaining contracts, who are on weekly rolling contracts, costing a total of £15,200 per month.

HSSD and the system suppliers are negotiating additional clinical functionality in lieu of any additional costs incurred HSSD. These negotiations are commercially sensitive. It would not therefore be appropriate to disclose details at the moment.

1.10 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING RELATIONS WITH THE MEDIA:

Question

Does the Committee intend resubmitting its proposition entitled 'Media Relations - Code of Conduct' (P.100/2010) and, if so, what reasons, if any, exist for the delay in bringing this matter forward for debate?

Answer

The Privileges and Procedures Committee's (PPC) proposition entitled 'Media Relations – Code of Conduct' (P.100/2010) asked the States to adopt a Code of Conduct for members of the public and the media when in the States Building.

The Code had been drafted by the Media Working Party and was proposed, unamended, by PPC on 15th July 2010. Following an approach from the Deputy of St. Martin, PPC agreed to withdraw the proposition to enable further research to be carried out. Following various amendments to the draft Code, it was agreed that a further meeting should be held with representatives of the Chairmen's Committee to discuss the current position in respect of the filming by members of the public and the media of scrutiny meetings and hearings. PPC was of the view that a Code should only be introduced if the current position, whereby members of the media and the public were required to adhere to various protocols, was untenable.

Representatives from PPC attended a Chairmen's Committee meeting on 12th May 2011 to discuss the draft Code. It was agreed that the current situation could be managed in the short term and the Committee does not, therefore, intend to propose the introduction of a Code of Conduct in respect of media relations at the present time.

1.11 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING HOUSING SITES:

Question

What are the total amounts of housing expected to be achieved on each of the States-owned sites that have been identified for housing development and will the Minister indicate, on a site by site basis, for which specific housing categories these will be developed?

Answer

The Minister has clearly set out his intent, in the revised draft Island Plan (March 2011) that States-owned sites that have already been identified for disposal, and those which may emerge during the Plan period, should provide, at least, 150 affordable homes. This is set out in Policy H1: Category A housing sites (page 246) of the revised draft Island Plan (March 2011).

Specific sites are identified in the Plan as having the potential to contribute towards this objective, including Le Coin, Ann Street; former Jersey College for Girls site, Rouge Bouillon; and South Hill States Offices site, St Helier: these have all already been identified and approved for disposal in the States Business Plan. There are also sites which may emerge during the Plan period, including the

former d'Hautree School site, the Ambulance HQ site, amongst others which, should they be deemed to be surplus to requirements, could contribute towards the demand for affordable homes.

Detailed work to explore and determine the extent of development yield on each of these sites, and their potential to contribute towards the demand for affordable homes, remains to be undertaken. It would be the Minister's intent, however, to ensure that development briefs were prepared for each site to guide their development, to be consulted upon and issued as supplementary planning guidance.

The revised draft Island Plan (P.48/2011) is scheduled to be debated on 21 June 2011.

1.12 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING VOLUNTARY BODIES:

Question

What accountability exists to the Minister, if any, in respect of the activities of voluntary bodies who are part-financed by his Department?

Answer

Grants made to voluntary bodies by the Home Affairs Department are made in accordance with Financial Direction 5.4 – Obtaining Value for Money from Grants.

Grants are supported by a Partnership or Service Level Agreement which establishes and clarifies the basis of the partnership between the Home Affairs Department and the organisation concerned.

1.13 SENATOR B.E. SHENTON OF THE CHIEF MINISTER REGARDING WATERFRONT DEVELOPMENTS:

Question

Given the commitment that no work on the Esplanade Quarter Masterplan will commence until the States Assembly has approved the developer and secured the payment of a bond, coupled with the fact that P.24/2011 to allow piecemeal development was defeated, can the Chief Minister update the Assembly on the current status and likely timeframe in respect of the Waterfront development, including comment on the ownership of the Masterplan and any possible litigation in this area?

Answer

Until such time as the appointment of the developer is approved by the States, I cannot provide a likely timeframe for continued Waterfront development. I am advised, however, that the ownership of the Esplanade Quarter Masterplan rests with the Minister of Planning and Environment. I am not aware of any litigation in this area.

I cannot provide any information regarding discussions with potential tenants for the Waterfront development for the obvious reason of confidentiality.

1.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PROBLEMS WITH THE ENERGY FROM WASTE FACILITY:

Question

Will the Minister outline the technical and operational problems, if any, that have affected/are affecting the new Energy from Waste facility and state how they have/are to be resolved and explain where the cost liability for these faults/problems lies?

Answer

The Bellozanne Incinerator was shut down at Christmas 2010 and since then new La Collette Energy from Waste plant has successfully processed all of the Island's waste.

The La Collette plant has and is being operated by CSBC Jersey Limited as part of the commissioning programme which must be completed before the plant is "taken over" by the Transport and Technical Services Department. TTS staff are working alongside the CSBC commissioning engineers so that they can be trained on the new equipment and assist with the running of the plant.

During the commissioning period many technical or operational issues have been highlighted and these commissioning issues are being resolved by CSBC Jersey Limited. So far there are no fundamental problems and there is no reason to doubt that the plant will be duly taken over by TTS. Whilst most technical and operational issues are screened out in the design phase of the project it is quite normal to discover technical problems during the commissioning period. It is a requirement that the contractor address these issues and the contractor is liable for any associated costs.

1.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PASSES FOR CONNEX BUSES:

Question

Will the Minister outline the criteria for free passes on Connex buses for senior citizens and explain –

- (a) whether the criteria for these passes has changed at any time since they were introduced, and, if so, provide details regarding –
 - (i) the nature and number of these changes and the reasons for them;
 - (ii) the dates they were introduced;
 - (iii) whether such changes were publicised and, if so, where and, if not, why not?
- (b) whether the staff at Liberation Station have any literature setting out the criteria for such bus passes and, if not, why not?

Answer

The criteria for free concessionary bus travel passes were defined by an Act of the former Defence Committee during the late 1980s, and have remained unchanged since then. It was decided that 'pensionable age', as defined by the Social Security Law, 1974, be adopted for the purposes of travel pass eligibility, which can be summarised as follows:

- 65 years of age for all males (or 63 if the individual has opted to take a reduced pension early).
- 60 years of age for all females, unless not registered with Social Security prior to 1 January 1975, in which case 65 years (or 63 if the individual has opted to take a reduced pension early). Some females aged 60, and not Jersey-born (before 1959), have been unable to prove entitlement to a travel pass because their pension is being paid via the Married Persons scheme. In such cases, Social Security will issue the female with a pension card if they have made no less than 4-and-a-half years' contributions in their own right (as this is what would entitle them to a pension in their own right were it not for opting to receive payments via the Married Persons scheme). The pension card is accepted as proof of entitlement for the travel pass for those persons under 65 years of age.
- In all cases the applicant must be permanently resident in Jersey and able to show proof of entitlement prior to the travel pass being issued.

Because the 1974 Law contains provision to harmonise pensionable age at 65, by 2019 no females will thereafter be entitled to a pension at 60. Therefore, from 2019, under the current criteria, an individual must attain the age of 65 years before a travel pass will be granted, or 63 years if opting to take a reduced pension early.

- (a) There have been no changes to the criteria since the 1980s. However, before it was revamped in early 2010, the States of Jersey website did contain wording used to define female eligibility for a concessionary travel pass including the phrase 'or Jersey born before 1959'. The relevant web page was re-written for the new-style website and during the process this phrase became omitted. Subsequently a small number of cases came to light in which some females who had been expecting to obtain a travel pass at 60 were being refused due to being unable to provide the correct documentary proof of entitlement. The missing words have now been reinstated on the States website.
- (i) The criteria have remained unchanged since originally determined by the former Defence Committee. There is a desire to simplify the policy and its administration, so options for change are being actively evaluated, but no changes have been made to date
- (ii) No dates can be given since there have been no changes
- (iii) No changes have been publicised since no changes have been made
- (b) The staff employed by Connex at Liberation Station were first provided with instructions for administering concessionary travel pass applications in early 2003. At various points since that time these instructions have been reconfirmed to the staff or clarified as and when queries have arisen.

1.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING 'SUPER INJUNCTIONS':

Question

Have the Courts in Jersey ever issued 'super injunctions' which prevent not only the disclosure of certain facts, such as the identity of the parties to an injunction, but also that such an injunction exists at all?

Answer

The existence of a "super injunction" as described in the question will only be known to the Court, the parties and their lawyers. Unless I was a party to such an injunction I would not be aware of it. If a party, I would be bound by its terms which would include an obligation not to disclose its existence.

If, for example, I wanted in this answer to confirm the existence of any such injunctions in Jersey I would not only be breaching their terms but also would be thwarting the intention and order of a court.

If, on the other hand, I wanted in this answer to confirm that I was unaware of any such injunction given by the Courts of Jersey because that statement did, in fact, reflect my true understanding then, if I were to be asked the same question on a later occasion, any absence of a similar statement would be taken as an indication that I was aware that such an injunction existed and, possibly, that I was bound by its terms.

I think that, for these reasons, this is an occasion on which I should not answer the question.

1.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING SIGNS OF RECOVERY IN THE ECONOMY:

Question

Does the Minister see any signs of recovery in the economy and in particular will he explain in which sectors he envisages there will be an increase in employment in the Island over the next 12 months?

Answer

There are a number of positive signs regarding the local economic outlook. Moderate growth is forecast by the Economics Unit for this year and next and there are some encouraging signs in the March 2011 Business Tendency Survey with activity in the finance sector increasing further and optimism continuing to improve. The global economy continues to recover, although clearly conditions are still fragile. The latest retail sales figures also show that retail volumes were up 5% in Q4 2010 compared with a year ago.

In terms of employment we should not forget that despite the severity of the global economic downturn employment remains close to the highest levels since at least the mid 1990s. Labour market conditions still remain weak as they do lag behind economic activity and of course unemployment measured by those actively seeking work has risen. However, conditions would have been much weaker without the timely intervention of fiscal stimulus to support local employment and businesses. In the Business Tendency Survey a net balance of +18% of finance firms expect to increase employment over the next three months.

The new economic growth strategy will set out how we can create conditions for growth across all the key sectors of the economy, laying the foundations for future employment growth.

1.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING COPYRIGHT LAW:

Question

Can the Minister advise members whether the new copyright law is compatible with the 10 major recommendations made by Professor Ian Hargreaves to free-up restrictive intellectual property and copyright laws that 'obstruct innovation and economic growth in the UK' or will the Minister have to make amendments to the Jersey law to take them on board?

Answer

The independent report by Professor Ian Hargreaves, “Digital Opportunity: A Review of Intellectual Property and Growth”, makes recommendations across all areas of intellectual property and not just in the copyright and related areas covered by the new law approved by the Assembly last December. Moreover, some of the recommendations are about non-legislative issues, such as improving the evidence base and better access to IP advice.

I do, however, recognise that a number of the recommendations proposed to better permit innovation and secure economic growth have relevance in Jersey, in particular to the Department’s work to encourage diversification of Jersey’s economy into areas such as e-commerce. In order to identify the best policies for Jersey, the Department will be considering the recommendations carefully as well as monitoring how the UK takes these recommendations forward.

The new law does anticipate some of the recommended legislative changes in the copyright area by specifically permitting amendments to the law by Regulations to, for example, adjust exceptions to rights, permit use of orphan works and further regulate copyright licensing. The Department will therefore work up suitable Regulations where appropriate to bring to the Assembly in due course.

1.19 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE AMBULANCE SITE:

Question

Is there a plan to re-locate the ambulance site from Rouge Bouillon and if so what estimate has been made of the amount of housing able to occupy this site?

Answer

As part of an ongoing review of the States Property Portfolio, Jersey Property Holdings is considering a number of sites in public ownership, including the current ambulance station site, for the potential provision of both private and publicly owned housing. As far as the Ambulance Station site is concerned, a planning design brief defining building boundaries, height restrictions, acceptable densities and other planning constraints has yet to be prepared. This document would form the basis for commissioning a detailed feasibility study of the site that would also consider the re-provision of the ambulance station facilities.

Until such time as this work has been carried out, it is difficult to provide a definitive answer regarding the number of housing units that the current ambulance station site might accommodate.

1.20 THE DEPUTY OF ST. MARTIN OF THE CHIEF MINISTER REGARDING STAFF SUSPENSIONS:

Question

Will the Chief Minister inform Members of the number of States employees and Police Officers who were suspended in 2010 and to date in 2011, detailing in each case the specific Department concerned, when the suspension began and when it was terminated?”

Answer

In answer to the Deputy of St Martin's question, there were eight States employees (including Police Officers) that were suspended in 2011 to date, as detailed in the table below:-

SUSPENSIONS IN 2011

Department	Employee Pay Group	Suspension Commenced	Suspension Finished	Length of Suspension (Working days)
Home Affairs	Prison	07/01/2011	13/01/2011	5
Health	Nurses & Midwives	21/02/2011	23/03/2011	23
Home Affairs	Prison	15/02/2011		
Housing	Civil Servant	17/03/2011	28/03/2011	8
Transport and Technical Services	Manual Worker	29/03/2011	06/05/2011	29
Home Affairs	Fire and Rescue	19/04/2011		
Health	Nurses & Midwives	05/05/2011		
Health	Nurses & Midwives*	25/05/2011		

There were fifteen States employees (including Police Officers) that were suspended in 2010 as detailed in the table below:-

SUSPENSIONS IN 2010

Department	Employee Pay Group	Suspension Commenced	Suspension Finished	Length of Suspension (Working days)
Home Affairs	Fire and Rescue	17/05/2010	10/06/2010	19
Health	Civil Servant	6/03/2010	06/05/2010	38
Health	Nurses & Midwives	02/07/2010	02/11/2010	88

Health	Nurses & Midwives	01/07/2010	28/09/201 0	64
Health	Nurses & Midwives*	28/07/2010	08/10/201 0	53
Home Affairs	Police	12/08/2010	09/11/201 0	64
Health	Nurses & Midwives*	23/08/2010	10/11/201 0	58
Home Affairs	Fire and Rescue	15/09/2010	31/10/201 0	33
Transport and Technical Services	Manual Worker	17/09/2010	12/10/201 0	18
Education	Teacher	08/11/2010	17/03/201 1	94
Health	Nurses & Midwives*	22/11/2010	25/01/201 1	47
Health	Residential Child Care Officer	29/11/2010	28/03/201 1	86
Home Affairs	Police Officer	17/12/2010	20/01/201 1	25
Health	Residential Child Care Officer	23/12/2010	03/03/201 1	51
Health	Nurses & Midwives	29/12/2010	23/02/201 1	41

NB It should be noted that individual Nurse and Midwives' cases marked with an asterisk are Health Care Assistants.

1.21 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CONSULTANTS IN THE ACCIDENT AND EMERGENCY DEPARTMENT:

Question

Would the Minister advise the number of Consultant posts for the Emergency and Unscheduled Care Department (Accident and Emergency); the number of Consultants currently engaged; whether there is 24 hour coverage, and, if not, explain why and outline what coverage is given?

Answer

There are three full time Consultant posts in the Emergency Department. All three posts are filled with a full time substantive employee.

The three Consultants are required to provide 24 hour cover, 7 days a week, on a rota basis. This includes on-call duty on Saturdays and Sundays and from 5pm to 8am Monday to Friday.

1.22 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE DIRECTOR OF SOCIAL SERVICES' PAY:

Question

Further to the response given on 15th March 2011 to an oral question, when the Assistant Minister advised that the remuneration level for the new Director of Social Services was 'still under negotiation and all these jobs have to be benchmarked', would the Minister advise whether the negotiations have now been concluded, detail what remuneration and benefits, if any, have been agreed and describe what 'benchmarking' criteria were applied?

Answer

HSSD refers to Written Question 6172 asked by Deputy Jeune on 29 March 2011 (extract from Hansard below)

1.19 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PAY OF THE DIRECTOR OF SOCIAL SERVICES:

Question

Would the Minister advise whether the remuneration of the Director of Social Services has now been agreed and, if so give details of the whole remuneration/benefits package and, if not, please identify the cause of the delay?

Answer

The total remuneration for the Managing Director of Community and Social Services has been agreed at £140,000 per year. The postholder will not receive a pension contribution or expenses. The holiday entitlement and relocation allowance are as per States standard arrangements.

The salary, which has been benchmarked against the UK, is commensurate with equivalent posts and is appropriate to the scope and responsibility of the role.

Benchmarking was undertaken by two executive search firms based on an analysis of data in published annual accounts plus salary data. Benchmarking was against UK posts which, whilst broadly comparable, have a narrower remit than the HSSD post due to different UK operational structures.

The business case for the salary was supported by the States Chief Executive.

1.23 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE HEAD OF NURSING FOR EMERGENCY AND UNSCHEDULED CARE:

Question

Further to the response given to my oral question on 17th May 2011 by the Assistant Minister, when she stated that the contracted postholder for the Head of Nursing for Emergency and Unscheduled Care was still in post 'being paid exactly what he was under his fixed term contract', would the Minister state what is the current employment status of this individual, given that his contract expired at the end of April 2011, what salary is being paid and what expenses, if any, are being met?

Would she identify where and when the substantive post has been advertised, the closing date for applications and when and where interviews are to be held?

Answer

The current post-holder was initially appointed on six month fixed term contract which was due to expire at the end of April 2011. This contract has been extended to 25th July 2011 to allow HSSD time to recruit a substantive postholder.

As previously stated in response to Question 6287 on 17 May the current postholder is paid a Nursing Grade 8 salary and has been paid that salary throughout the whole period of employment. The substantive post will also be a Nursing Grade 8.

The Department has been clearly instructed by State's Human Resources not to release information into the public domain which breaches duty of care to an individual employee or creates potential data protection problems. States Members requiring access to such information may wish to seek clarification on best practice from the Chief Minister's Department.

The substantive post has been advertised internally within Health and Social Services with external adverts appearing in *Nursing Standard* and *the Royal College of Nursing Magazine* on 1st June 2011, in addition to the external Jersey Nursing Website www.jerseynurses.org and the www.workingforJersey.gov.je. It was originally envisaged that HSSD would advertise the post the week commencing 16 May but this was delayed to fit the publication schedule of the *Royal College of Nursing Magazine*.

The closing date for applications is 15th June 2011. Interviews will be held on 4th July in Jersey.

1.24 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE DEPARTMENT'S COMPLAINTS PROCESS:

Question

Would the Minister advise –

- (a) the number of recorded complaints received by each Department/Directorate during 2010;
- (b) the number of complaints received by each Department/Directorate during the first 4 months of 2011;
- (c) identify how many complaints were resolved within the agreed 25 day response target;
- (d) the length of time each remaining complaint took to be resolved;
- (e) whether all the unresolved complainants were updated of progress by the Complaints Officer every 20 days in accordance with the advice contained within the Health and Social Services' complaints leaflet ('Raising Concerns/Making a Complaint - a guide for users of the service')?

Answer

- (a) 182 formal complaints were received by HSSD during 2010. Of these:
 - 46% related to medical directorate services
 - 28% related to surgical directorate services
 - 10 % related to mental health services
 - 9 % related to corporate issues
 - 8% related to children's/social services
- (b) 58 formal complaints were received by HSSD during the first 4 months of 2011. Of these:
 - 45 % related to surgical directorate services
 - 40% related to medical directorate services
 - 7 % related to mental health services
 - 5 % related to corporate issues
 - 3% related to children's/social services
- (c) In 2010 and 2011 all complaints were acknowledged in writing within 2 working days.

In 2010 55% of complaints were resolved within 25 days and to date 56% of complaints received in 2011 have been resolved in 25 days. Whilst 25 days is the target resolution time for complaints, HSSD clearly informs people that complex complaints may take longer.

- (d) The length of time taken to resolve complaints that fall outside the 25 days targets varies significantly due to the nature of complaints. For example, if a complaint spans different care settings or relates to a long episode of care it can take significantly longer to resolve.
- (e) Whilst HSSD endeavours to keep complainants informed of the progress of their complaint within 20 days this is not always possible or practical, particularly if the complaint is near resolution. Unfortunately HSSD's complaints management system, Datix, does not allow 20 day progress data to be logged so HSSD is unable to provide a breakdown of this information.

1.25 THE DEPUTY OF ST. MARTIN OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE PUBLICATION OF MEMBERS' INTERESTS:

Question

Following the Privileges and Procedures Committee's comments on P.69/2001 (Standing Orders; Publication of Register of Members' interests), will the Chairman advise -

- (a) the name of the States Member who submitted correspondence;
- (b) when the correspondence was received;
- (c) when was it considered by the Committee and, if a vote was taken on the outcome, detail the vote;
- (d) what were the Member's concerns particularly regarding security implications for States Members and their families;
- (e) how could the published information be misused and what evidence is there of misuse in other jurisdictions;
- (f) why might the publishing of Members' Interests online discourage people from standing for office, when they are available at Morier House already;
- (g) whether the Committee undertook research as to whether risk assessments and data protection implications were undertaken before the States of Guernsey, the UK House of Commons, the Scottish Parliament, the National Assembly for Wales and Eire agreed to publish registers of members' interests on line, and, if so, what was the outcome;
- (h) whether the Committee shares the views expressed to it that a risk management report and review of data implications should be undertaken prior to a decision to publish the register online?

Answer

- (a) The member who raised concerns with the Committee has stated that they did so in confidence. Their identity is therefore confidential in accordance with paragraph 3.2.1(a)(i) of the Code of Practice on Public Access to Official Information, which reads as follows: "Information shall be exempt from disclosure, if – [...] such disclosure would, or might be liable to – constitute an unwarranted invasion of the privacy of an individual;" and paragraph 3.2.1(b) of the Code, which reads as follows: "Information shall be exempt from disclosure, if – [...] the information concerned was given to the authority concerned in confidence on the

understanding that it would be treated by it as confidential, unless the provider of the information agrees to its disclosure.”

- (b) The correspondence was received via email to the Chairman and Senator B.I. Le Marquand on 5th May 2011.
- (c) The correspondence was considered at a meeting of the Privileges and Procedures Committee on 10th May 2011 when it was agreed that a draft comment in respect of the proposition P.69/2011 should be prepared. The draft comment was considered at a Committee meeting on 24th May 2011, at which time it was approved for presentation to the States by Deputy J.B. Fox; Senator S.C. Ferguson and Connétable P.M. Hanning; with the dissent of Deputies J.A. Martin and T.M. Pitman being recorded in respect of the final paragraph.
- (d) Concerns were expressed as follows:
 - putting the information on a website could prevent people from standing for office on the grounds that they would be required to disclose all their interests for world-wide publication on the internet;
 - the internet is not a secure location for placing information in the public domain and could put a member at risk of kidnap, for example;
 - Standing Order 154 also requires the spouse and/or partner of the States member to disclose their assets, although that person did not stand for public office.
- (e) The Committee did not seek to obtain evidence in respect of misuse in other jurisdictions, it rather sought to use its opportunity to comment on the proposition in order to advise members of the concerns that had been expressed by a fellow States member.
- (f) People might be discouraged from standing from office on the basis that they do not wish their interests to be published online.
- (g) The Committee did not undertake research as to whether risk assessments and data protection implications had been undertaken before the States of Guernsey, the UK House of Commons, the Scottish Parliament, the National Assembly for Wales and Eire agreed to publish registers of members’ interests online.
- (f) The Committee did not form a view as to whether a risk management report and a review of data protection implications should be undertaken prior to a decision being taken to publish the register online.

1.26 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CENTRAL ALLOCATION FUND:

Question

Could the Minister please detail the funding that has been released, so far, from the Central Allocation of £15 million to departments, as agreed in the Annual Business Plan 2011?”

Answer

The £15 million of Central Allocation referred to in the question relates to two separate provisions:

1. Provision for Central Reserves (£8.862 million) – to provide for unforeseen expenditure within a financial year; and

2. Provision for Restructuring (£6 million) – to provide investment to facilitate the achievement of the CSR savings proposals.

Central Reserves

There has been one approval for funds from the Central Reserves in 2011, the Ministerial Decision being signed by the Minister for Treasury and Resources on 31st May 2011. This relates to an allocation of £500,000 required to fund the costs of the increased time for teachers planning, preparing and assessing in 2011 which was agreed as part of the negotiations between the States Employment Board and the Teachers Associations concerning the salaries and terms and conditions of teachers in Primary, Secondary and Special Education for the period 1st January 2010 to the 31st December 2011.

Restructuring Provision

The Council of Ministers in January 2011 agreed that all requests from departments for funds from this provision to support the delivery of CSR proposals would be formally approved by the Council except in exceptional circumstances (normally when the time delay would be critical). The actual transfer of funds then requires a Ministerial Decision of the Treasury and Resources Minister.

To date, a total of £5,670,400 has been approved by the Council of Ministers. Not all these funds have yet been transferred to the relevant department. A breakdown by department is as follows:

	£
Treasury & Resources *	3,112,700
ESC	1,326,000
H&SS	851,000
TTS	135,000
Home Affairs	54,600
Environment	85,000
Chief Ministers	79,000
Non Ministerial Departments	27,100
TOTAL	5,670,400

- It should be noted that the expenditure allocated to the Treasury and Resources (T&R) Department reflects two elements:
- The fact that T&R acts as a facilitator to other departments so that they can achieve their savings – for instance, by providing additional HR, Finance and the central CSR Delivery Team; and
- The fact that T&R has the responsibility for achieving the large corporate savings through the Terms and Conditions and Procurement Projects, which comprise over 30% of the total savings target.

The type of expenditure supported can be considered over 3 principal categories:

1. Redundancy and buy out payments to staff
2. Funding in support of major change programmes within departments – this includes support in the following areas: financial, human resources, organisational development, project management, employee relations, procurement and central CSR support to monitor and co-ordinate the programme.
3. Investment related to a specific CSR savings proposal

Case Manager		expenses	2011	
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In addition there are three HR Consultants working on the CSR programme in the specialist areas of Reward, Performance Management and Organisational Development.

Also there are currently two HR consultants focussed on HR Transformation.

The above posts are short term and the daily rates are all less than £750 per day and are inclusive of margins and expenses.

1.28 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TAXES PAID BY 1(1)(k) RESIDENTS:

Question

What increase in tax take would result from 1(1)(k) residents being taxed at the rate of 25 per cent rather than 20 per cent, based on the current number of 1(1)(k) residents?

Answer

Based on advice received and as previously debated following the recent proposition on higher rates of tax, it is felt that increasing the tax rate for 1(1)k's to 25% would result in an overall reduction in tax revenues rather than an increase.

Many 1(1) k residents pay income tax not just through their personal tax assessments but through their companies and in some cases through trusts.

The Comptroller has previously advised that the average effective rate for all 1(1) k's in respect of their personal, corporate and trust income liable to Jersey income tax is in the range of 15% to 20%.

It is not possible to give an estimate of potential tax generated at a 25% rate of tax without each individual's tax file being interrogated to ascertain what their effective rate is across their personal, corporate and trust commitments. This would entail a substantial amount of work and resource cost at the Taxes Office as well as diverting Taxes Office staff from their busy workload. This is especially so at this time of year, when the Tax Returns deadline has just passed, so the Minister does not believe calculating such an estimated additional tax take is a sensible and productive use of Taxes Office staff resource.

1.29 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING 1(1)(k) RESIDENTS:

Question

Does the Minister stand by his statement that historically 'no deals' were or have ever been entered into with 1(1)(k) residents and, if so, would he categorically confirm that at no time has the Treasury set minimum annual tax levels which were met exactly by the prospective resident, irrespective of their wealth?

Answer

Yes, the Minister does stand by his statement that 'no deals' were or have been entered into with 1(1)(k) residents and he can confirm that at no time has the Treasury set minimum annual tax levels which were met exactly by the prospective resident irrespective of their wealth.

Minimum figures previously quoted, for before and since 2005, relate to the *minimum* contribution required by successive Housing Committees and Ministers in order to manage demand on the Island's housing stock.

Prior to 2005 those granted consent were taxable at 20% on all their income liable to Jersey tax and since 2005 the tax liability has been set by reference to the terms of Article 135A of the Income Tax (Jersey) Law 1961. In all cases the tax actually paid has depended on the taxable income of the individual and not on whatever minimum might have applied at the time of application for a housing consent.

1.30 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING SO-CALLED 'GOLDEN HANDSHAKES' PAID TO PROMINENT CIVIL SERVANTS:

Question

Will the Chief Minister clarify whether or not the reported 'golden handshakes' amounting to approximately £800,000 were paid/are being paid to two senior civil servants; what the sums are in relation to each individual; from which fund they are to be paid and under what justification?

Further still, how were these sums determined and who ultimately made the decision to pay these sums?

Answer

I am not in a position to comment on the nature of the terms of any individual settlements. Any settlements which have been entered into have taken proper account of each individual's terms and conditions of employment.

A compromise agreement is essentially private in nature and an employee ought to be able to expect it to be treated confidentially. The total severance payments made to all States employees will be published in the 2011 States Accounts under new Accounting rules but the individuals will not be specifically named.

I will not comment on the specific amounts other than to advise Members that the figure quoted is totally incorrect and the level of payment made to one individual was significantly less than that reported.

The payments have been met from departmental budgets.

The sums were derived from contractual obligations or, through negotiated settlement with the individual concerned.

I can comment on individual cases to the extent that in the case of the previous Chief Officer of Health and Social Services, the decision was ultimately taken by the Chief Executive under powers delegated by the States Employment Board. For the Chief Executive, the decision was taken by the States Employment Board.

1.31 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING LEVELS OF OBESITY AND POOR DIET:

Question

Would the Minister provide figures, on a year by year basis, for the levels of –

- (a) obesity related illnesses treated by her Department over the past 20 years;
- (b) those who have developed diabetes as a consequence of poor dietary choices over the past 20 years;
- (c) other illnesses related to poor diets (listing them in order of frequency) treated by her Department over the past twenty years?

Answer

(a/b) At present, it is not possible to accurately identify how much obesity related illness has been treated locally over the past twenty years. This is partly because this condition is a relatively new phenomenon and the numbers of obese people presenting is likely to have been small in comparison to today. In addition, we know of no national methodology for linking obesity to treated illness within patient records. Anecdotally, clinicians are in no doubt that obesity is contributing significantly to the number of patients they treat, particularly with conditions such as type 2 diabetes and heart disease. This is reflected in the work done by the World Health Organisation on the global burden of disease (see Table 1 below).

Increasingly sedentary lifestyles plus diets that are high in salt, fat and sugar are contributory factors to obesity. Research studies have estimated the increased risk of developing a disease as a result of becoming obese. For example, the table below shows that the majority of type 2 diabetes in a population is due to obesity.

Table 1. Conditions Related to Obesity

	Population Attributable Risk Factor (% of obese people)
Type 2 diabetes	83%
Coronary Heart Disease	33%
Ischemic Stroke (cerebrovascular disease)	35%
Hypertensive Disease	59%
Gall bladder disease	12%
Colon/Rectal Cancer	17%

Source: World Health Organisation (2008) Global Burden of Disease Report

- (c) For reasons outlined in answer to part (a/b) of this question, it is not possible to give accurate figures for conditions treated as a result of a poor diet. The table above gives an indication of best estimates at present.

1.32 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING COST OF ILLNESSES RELATED TO POOR DIETS:

Question

Would the Minister provide an estimate of the cost to the Health Service over the last ten years of treating illnesses and health issues relating to obesity and further still, the costs relating to the treatment of diabetes and illnesses/conditions linked to poor diets?

Answer

No country has accurately identified the exact cost of treating obesity. Even though we have a better understanding of the prevalence of obesity within populations, the associated costs relating to health care and treatment are far from clear. Given these challenges estimates of the healthcare cost of obesity vary according to different studies.

A recent systematic review³ which aimed to assess the current published literature on the direct costs associated with obesity concluded that obesity was estimated to account for 0.7% (from a French study) to 2.8% (from a US study) of a country's total healthcare expenditure.

Estimates for the UK NHS costs also vary. For example in the modelling study⁴ undertaken to inform the Foresight report⁵ a figure of 6% is quoted as the projected proportion of NHS cost for treating obesity in 2007. However in Scotland the treatment cost was estimated at 2% in its Strategy⁶ on preventing and treatment of obesity. Even making crude extrapolations from these estimates to the HSSD budget is problematic as the HSSD budget does not include GP costs (as in the UK) but does include social services expenditure which is excluded from the above studies.

In a previous written question to the minister about the cost of obesity (by the Deputy of St. Mary which was tabled on Tuesday 5th April 2011) a figure of £1.5m was estimated for the direct cost for treating obesity locally. This figure was extrapolated from a report from the National Obesity Observatory 'The Economic Burden of Obesity, October 2010. This figure remains our best estimate.

¹ Withrow D, Alter D. The economic burden of obesity worldwide: a systematic review of the direct costs of obesity. *Obesity Reviews* 2010 Jan 27 (Epub ahead of print).

² Butland B, Jebb S, Kopelman P, et al. *Tackling obesities: future choices – project report* (2nd Ed). London: Foresight Programme of the Government Office for Science, 2007. www.bis.gov.uk/assets/bispartners/foresight/docs/obesity/17.pdf

³ MacPherson K, Marsh T, Brown M. *Tackling Obesities: Future Choices – Modelling future trends in obesity and the impact on health*. London: Foresight

Programme of the Government Office for Science, 2007.

⁴ The Scottish Government. Preventing Overweight and Obesity in Scotland: A Route Map Towards Healthy Weight. Edinburgh: The Scottish Government, 2010. www.scotland.gov.uk/Publications/2010/02/17140721/0 (Accessed 17 May 2010).

1.33 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE EXEMPTION OF ‘HEALTHY’ FOODS FROM G.S.T:

Question

What progress, if any, has been made since the Minister advised the Chamber that her Department had commenced the compilation of a list of healthy foods for GST exemptions?

Answer

Hansard shows no record of the current Minister for Health and Social Services advising the States that HSSD officers were compiling a list of healthy foods for GST exemption. Although the Minister is aware that this issue has been given some consideration in the past, work is not being undertaken at this time.

The Minister has asked the Deputy to advise as to the date this statement was made.

1.34 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING HEALTHY EATING PROGRAMMES:

Question

What healthy eating programmes have been implemented centrally by the Department, for both schools and the Youth Service over the last ten years and which, if any, are currently still in operation?

Answer

Over the last ten years Education, Sport and Culture has worked with Health and Social Services on a wide range of initiatives to support healthy living, including a number of healthy eating programmes.

(a) Schools

There has been a focus on healthy eating in the curriculum for many years. The ESC Department has implemented a wide range of healthy eating programmes in schools over the last ten years, and these are currently still in operation.

They include the following –

Healthy Schools Award: A significant proportion of schools have become involved in the national ‘Healthy Schools’ award scheme. This scheme is recognised by OFSTED as an important contribution to the welfare of pupils, as well as linking up with the Science and PSHE (Personal

Social and Health Education) curricula. The award is extremely effective in helping pupils learn about healthy food and so helps to counter obesity, harmful substances, the early onset of diabetes etc.

Jersey Self Evaluation Document (JSED): As part of the process of self evaluation, Jersey schools are required to ensure they provide a healthy environment for pupils. To assist in this connection, the ESC has developed a systematic audit tool, which helps schools to analyse and evaluate the school curriculum and healthy eating opportunities.

School policies on healthy eating: Each school has a policy on healthy eating (often linked to the evaluation process referred to above). This includes teaching pupils about what they eat, and it encourages pupils to eat healthily, e.g. the choice of food in lunch boxes.

Food standards in school canteens: The secondary school catering contract includes strict guidelines on the quality of food provided by the school canteens, with healthy food options being given priority. Working in cooperation with Health and Social Services, Jersey School Food Standards have been issued which set out clear requirements for the phased introduction of healthy foods over a period of three years.

PSHE curriculum: As part of general health and wellbeing, pupils are encouraged to develop an awareness of what keeps them healthy. All pupils undertake this aspect of the curriculum at several stages during their school career.

Science curriculum: From primary through secondary education, food and healthy eating are used to demonstrate scientific points as well as general education in healthy living. The P.E. and Food Technology curricula complement this area.

(b) Youth Service

The Youth Service has also implemented a range of healthy eating programmes over the last ten years, and these are currently still in operation. They include the following -

Youth Curriculum: In relation to the Youth Service, healthy eating is a key element of the Youth Curriculum introduced in March 2008. Youth projects have discretion as to how they implement this aspect of the curriculum, but in each case they will cover healthy eating, diet and nutrition as part of their annual programme of activities. Young people are given the opportunity to take part in practical cookery sessions, as well as other activities, e.g. food tasting of dishes from other countries, talks on Fair Trade etc.

Prince's Trust: The Prince's Trust was established in Jersey in 2006, with the Youth Service acting as the delivery partner for some of the Trust's programmes. These programmes offer practical support to 14 to 30 year olds who have struggled at school, have been in care, or have experienced other difficulties, and it helps them to develop key workplace skills such as confidence and motivation. Healthy eating is a core element of the programme, together with other related subjects including budgeting, food hygiene, and the planning, preparation and cooking of meals for other participants.

Duke of Edinburgh Awards: The Youth Service also runs the Duke of Edinburgh Award scheme in Jersey, with 420 young people currently enrolled on the scheme. Healthy food is a core component of the scheme, and at Bronze Award level, for example, there is a mandatory 'Camp Craft' section which covers this subject. This is reflected at Silver and Gold Award levels.

1.35 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF FUNDING FOR THE ENERGY FROM WASTE PLANT:

Question

Could the Minister provide a detailed breakdown of the allocation of the £133.69 million remaining from funds of £240 million which were identified by the Treasury Department in the consolidated fund as ‘unallocated’ (P.73/2008 ‘Energy From Waste Facility: Funding’ refers).

What would the current financial position would be as of May 2011 if the Energy from Waste Plant had continued to be funded via a borrowing structure?

Answer

The proposition referred to states that cash balances at that time were “approximately £240 million”. The total project cost of EfW of £106.31 million then appears to have been deducted in the Deputy’s question from the £240 million to give the £133.69 million in the question.

The £240 million cash balance is not the same as the “unallocated” balance on the consolidated fund at that time. As an example, if a capital project for £50 million had been approved by the States in 2007, the whole of that amount would be “allocated” (or earmarked) from the consolidated fund, and could not be used for other purposes. However, actual *cash* expenditure on the project could have been spread over a number of years. So in 2008, for example, £40 million could still have been part of cash balances but none of the £50 million would show as “unallocated” from the consolidated fund. Resource management and cashflow management are both vitally important, but are two different controls.

The second part of the Deputy’s question is hypothetical and any answer could only be speculative as the terms of any loan which may or may not have been taken out are not known. Broadly speaking:

- The “notional” consolidated fund balance would be higher at this point in time by approximately £100 million less loan repayments and interest paid to date - but
- Significant additional States expenditure would be committed for a number of years – for example £5 million per annum for the next 20+ years.
- Loan obligations on the States balance sheet would be higher by approximately £100 million (plus interest) less loan repayments and interest paid to date.
- Cash balances on the States balance sheet would be higher by approximately £100 million (plus interest) less loan repayments and interest paid to date.

1.36 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE WELL-BEING OF THE ISLAND’S POPULATION:

Question

In the light of the UK government’s interest and involvement in this area, can the Chief Minister inform members what steps, if any, the Council of Ministers and/or his own Department has taken to consider different ways of establishing what the levels of well-being, happiness, and fulfilment are across the Island population?

Has consideration been given to using these levels as the supreme measures of the Island’s progress (or lack of it), instead of ‘prosperity’, as evidenced by Gross National Income or Gross Value Added?

Answer

A considerable amount of work has been undertaken in my Department towards the development of meaningful statistics to plot the Island's strategic progress. I am advised that it is impossible to develop a supreme index to cover all eventualities, but indicators measuring the economic, environmental and social aspects can be assessed and monitored. Currently the Policy Unit with the Statistics Unit are looking at the OECD Better Life Initiative (and the interactive Your Better Life Initiative), the UK ONS National Well Being Project and UN Human Development Index. More effort is now being targeted to the OECD model.

The thrust of this work is to meet the requirements of the Istanbul Declaration and the Stiglitz Commission which call "to widen the focus from measuring market production towards more complete measures of societal well-being, including quality of life and sustainability."

Until the output of such work has been assessed, it would be unwise to place too much reliance on these measures as the supreme yardstick. Indeed the objective should be one of having a range of measures rather than reliance on one single parameter.

1.37 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING A DEVELOPMENT AT WOLF'S CAVES:

Question

Will the Minister provide –

- (a) details of the development, as passed, at the Wolf's Caves site, including the number of rooms, facilities etc.;
- (b) elevations of the house;
- (c) plans of the house, the additional facilities, the garden, the planting agreed and the car parking, both private and public;
- (d) details as to who determined the application - the Minister or Panel;
- (e) advise whether letters of objection to the scheme were taken into consideration; and,
- (f) which planning zones the site is in, or adjoins, and what policy constraints applied to this site and the policy references for all these in the Island Plan 2002?

Would the Minister advise the exact increases in footprint (with and without overhang), floor area and height of the development in comparison to the former building and explain how this was justified?

What provision, if any, for public parking was approved and how was the use of a field in the Green Zone justified?

Why was the creation of an area of woodland on this site permitted?

How does the development accord with the goal of the Planning Law 2002 to "ensure that the coast of the Island is kept in its natural state"?

Answer

- The details of the approved scheme including plans and elevations are available to view at the Department at the Deputy's convenience. It would be appreciated if advance warning could be given to ensure all relevant documents are available on site.
- The scheme was approved by The Minister not the Panel.
- Input from Sir Richard McCormack and the close support of the National Trust were instrumental in replacing these visually challenging older buildings with a new one of a smaller size.
- The site lies in the Green Zone on the 2002 Island Plan where Policy C5 applies. Immediately to the north of the building and car park is the boundary with the Zone of Outstanding Character where Policy C4 applies.
- Policy C5 allows for exceptions to the normal presumption against development where the redevelopment of commercial sites achieves significant environmental improvements.
- The approved scheme was reduced from 2 houses to 1 house, achieving a small reduction in floor area, additional landscaping and the construction of a high quality piece of architecture in place of the unsightly existing building and car park which was becoming used as a dump.
- A condition of the Permission is that a small public car park is created. This is a Planning Gain as the existing car park is private.
- Does the scheme accord with the 2002 Law's goal to "ensure that the coast of the island is kept in its natural state"? This site was not in a natural state. The approved scheme will improve existing landscaping and replace an unsightly building with one of exceptional quality. As such it enhances the coast of the island.

1.38 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE NEW SUMMER BUS TIMETABLE:

Question

Will the Minister inform members how many complaints have been received since 2008 by his Department and Connex regarding buses which have gone past full and unable to stop?

Will the Minister outline what the policy is on providing 'relief buses' when buses are full, or explain, in the absence of set policy, what the current practice is?

Answer

Since January 2008 Transport and Technical Services Department has received, either directly or via Connex, eight letters on the subject of fully-loaded buses unable to pick up additional passengers. Although exact figures are not readily available, a similar quantity of e-mail messages has also been received by TTS. It is likely that Connex will have received some telephone calls on the subject from members of the public.

The contract between TTS and Connex makes provision for the supply of adequate passenger capacity. Services departing the bus station are expected to be monitored by Connex supervisory staff. They are able to allocate additional resources, when available, to clear passenger queues. In

the case of buses becoming fully loaded during the course of operating a journey, drivers are expected to report this to supervisory staff via the two-way radio system fitted to all vehicles.

1.39 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE KITCHENS AT QUEEN'S HOUSE AT ST. SAVIOUR'S HOSPITAL:

Question

Can the Minister state whether there are any plans to close the main kitchens at Queen's House at St Saviour's Hospital?

Answer

There are currently no plans to close the main kitchens at Queen's House which are used to provide food for residents and staff at the St Saviour's site.

In early 2011, as part of HSSD's efficiency savings, kitchen facilities at Clinique Pinel were reduced with some tasks transferring to Queen's House. This did not have any impact on patients or clients.

Any future changes to the Queen's House kitchens would form part of a whole site review.

1.40 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING NURSING ACCOMMODATION:

Question

Can the Minister advise what Nursing accommodation is provided in the Island; the age and general condition of the furniture and fittings within the same and what feedback, if any, she has received from staff as to the state of this accommodation?

Are there plans there are to refurbish any of the said areas and, if so, can she provide details?

Answer

(a) Accommodation units

HSSD has 228 units of staff accommodation. Of these:

- 159 units are for nursing staff, paramedical, locum and agency staff include:
- 76 rooms in shared houses
- 23 bed-sits
- 12 x 1 bed-roomed units
- 19 x 2 bed-roomed units
- 34 x 3 bed-roomed units
- 2 x 4 bed-roomed units
- 56 units are for doctors (9 x 2 bed flats; 7 x 1 bed flats; 40 x bedsits)
- 6 units are on-call rooms based in Peter Crill House at the Hospital

- 7 units are for medical students on HSSD/Southampton University student programme (7 bed house)

Registered nurses, midwives and operating departmental practitioners are entitled to occupy A-H category rental accommodation within their 'J' category contract of employment providing increased options across the private sector.

(b) Condition of fixture and fittings

The annual budget for fixture and fittings is approximately £12k per year. Items in a usable condition are not replaced but new furniture is purchased when required. For example, new sofas and some new beds were recently purchased for the Peter Crill House accommodation.

HSSD is financially unable to provide new furniture for every new tenant and is therefore dependent on existing tenants respecting furniture and fittings.

(c) Tenant feedback

HSSD has received both positive and negative comments about the standards of accommodation. This feedback can be about the same unit of accommodation and can be conflicting. The Department's Accommodation Team consider all comments made and work to resolve issues as they arise. A combination of limited resources however, coupled with a quick tenant turnaround times, makes maintenance a challenge. HSSD is, in part, reliant on tenants informing the Accommodation team of problems so they can be attended to.

(d) Completed refurbishment programmes – across all HSSD staff accommodation

£100,000 refurbishment programme of Peter Crill House (30x 1 bed units plus communal areas) completed in February 2011. Included:

- Total redecoration of all rooms and communal areas
- New carpets and vinyl in all bedrooms and communal areas.
- Service of all windows.
- Check and repair all light and electrical points etc and intercom system.
- Service and adjust doors to fire doors.
- Redecoration of stair well and mail box area.
- Replacement blinds, curtains, beds and lounge furniture where needed.
- Replacement of all door locks.

£150,000 refurbishment programme of Marina Cottages (10 x 3 bed houses) completed May 2011. Included:

- Replacement of all kitchen units.
- Replacement of shower cubicles where needed.
- General redecoration where needed.
- Checking and replacing of electrical points, light fittings and smoke detectors.
- Replacement of carpets and vinyl where needed.
- Other general maintenance identified on the condition survey.

(e) 2011 refurbishment programmes – across all HSSD staff accommodation

In 2011 HSSD will be undertaking a £200k refurbishment of the following units:

- Valley Close (6 x 3 bed house + 8 x 2 bed house) replacement of all single glazed windows and patio doors to double glazed units plus minor electrical repairs.
- Marina Court (5 x 2 bed flats + 1 x 3 bed shared flat): Health and Safety maintenance of staircase balustrades, minor window repairs and replacement of 2 kitchens.
- West Park Avenue (4 bed house): Refurbishment and repair to ensure house in a habitable condition.

1.41 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FOUR SEASONS CARE HOME:

Question

Will the Minister give a break-down of all the specializations (e.g. autism, Alzheimer's, cerebral palsy, geriatrics) currently catered for by the Four Seasons Care Home, St Saviour, to include a list of total numbers currently at the home, both resident and those in respite care?

Answer

The Care Home referred to is currently registered for eight nursing care beds (for individuals aged 18 years and above) and 23 residential beds for individuals aged 18 and above under the categories of old age, physical disability, learning disability and past or present mental disorder.

The number of service users in each category varies and is not a condition of the registration.

Whilst it is not appropriate for HSSD to provide a breakdown of the total number of current residents/users, as Four Seasons Care Home is a private company, HSSD can confirm details relating to the beds that it spot-purchases or purchases under contract for use by HSSD patients and clients. The beds include:

- 4 x respite care beds for clients with learning disabilities, physical disabilities, head injuries and conditions such as autism and cerebral palsy.
- 15 x permanent beds for clients with learning disabilities, physical disabilities and conditions, syndromes or illnesses including respiratory disease, down syndrome, autism, early on-set dementia, cognitive impairments and stroke.

1.42 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING LITTER BINS IN ST. HELIER:

Question

Following on from the introduction of some 'separation at source' litter bins by the Parish of St. Helier, does the Minister have any plans to introduce similar bins to areas under his Department's control and, if so, will he provide details?

Answer

'On the go' recycling facilities have an important role to play in incorporating recycling into everyday life by bridging the gap between recycling at home and at work. There is still much work to do in these two areas by working with the parishes to establish household recycling collections and with businesses to develop their waste management solutions. My Department is currently focusing on both of these areas which will have a significant impact on changing behaviour and removing recyclables from the Island's waste stream. In time, once recycling is more established in

the home and work environments, we will investigate ways to maintain behaviour change and on the go recycling facilities will then be considered.

It could be argued that this is a ‘chicken and egg’ scenario and the introduction to increase recycling facilities whether at home, at work or on the go would generate benefits. However, my Department must develop positive sustainable strategies that achieve value for money and we believe that the priority should be developing the areas that will result in the more widespread behaviour change and collect the larger amount of recyclables.

Despite this approach, it is important for on the go recycling to be included in the planning of future amenities so that these facilities can easily be implemented to support the work we are doing to change behaviour at home and in the workplace.

I would also like to comment on the term ‘separation at source’ used in the question which leads onto the second reason for my Department not introducing similar bins at this time.

The bins in use by the Parish of St Helier have three compartments: one for mixed paper (newspapers and magazines), one for plastic bottles and cans and one for litter. The collection of mixed plastic bottles and cans is referred to as a ‘co-mingled’ collection and while this compliments the household recycling scheme implemented by the Parish it is not without issue.

One of the key issues is that the materials that are collected together must be separated in order for them to be recycled. The Parish of St Helier are therefore separating the co-mingled recyclables into individual materials and my Department has so far avoided the associated manpower, equipment, transport and energy costs by asking the public to separate their recycling into different materials before using our bring bank recycling facilities or the household recycling schemes that my Department has developed with the parishes of St John, St Lawrence, St Mary and Trinity.

The importance of segregating different materials at source to minimize contamination was outlined in the Solid Waste Strategy, agreed by the States in 2005. This approach has served the Island well as we were able to sustain secure markets for the Island’s recyclables throughout the market decline in 2008/9 as a consequence of the global economic slowdown. Collecting separated rather than co-mingled materials means that we are exporting a high quality of recyclables and this is essential if we are to maintain a sustainable and robust market for Jersey’s recycling.

1.43 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE HIGH COST OF LIVING IN THE ISLAND:

Question

In view of the continuing high cost of living in Jersey, can the Minister provide Members with details of the Jersey Competition Regulatory Authority’s (JCRA) inquiry into the costs of goods in Jersey, which he announced during the debate on GST on 19th May 2011?

Will the inquiry cover the whole chain of importation?

What powers will the JCRA have?

What are the terms of reference for this inquiry?

Can the Minister provide details of the monitoring carried out by the Economic Development Department into the costs of trading in Jersey compared to the costs in other jurisdictions?

Answer

As I indicated to the Deputy on 18th May I have asked the J.C.R.A. to investigate the level of food prices in Jersey.

Currently the JCRA are conducting two highly involved market studies into road and heating fuel prices, and they are also undertaking a comprehensive review of the merger notification thresholds to enable the JCRA to concentrate its resources on those mergers and acquisitions that have the greatest likelihood of substantially lessening competition in Jersey. These pieces of work are being conducted in conjunction with the JCRA's legal obligations and normal administrative workload. The JCRA are also committed to undertaking further market studies in the energy sector later this year.

Given the importance of the issue to Islanders, both I and the JCRA believe it is essential that the scope of any study is carefully set so that key factors which may be influencing the price charged for food in Jersey are identified and properly assessed. I have therefore asked the JCRA to undertake this scoping work initially so that the terms of reference may be drafted appropriately. Clearly given the very heavy workload in the JCRA at the moment it will be a number of months before I expect this scoping work to be complete. However I expect the study itself to commence in early 2012.

As a study of food prices will be conducted at the request of the Economic Development Minister under Article 6 (4) of the Competition Regulatory Authority (Jersey) Law 2001, powers will be available to the JCRA under the Competition (Jersey) Law 2005 to require that information be provided, to enter premises and if necessary to obtain information from computers etc. While I do not expect that these powers will be required, they will be available.

The cost of trading in Jersey in comparison to other jurisdictions is not the subject of specific ongoing monitoring by my Department, primarily due to and the difficulty inherent in determining these costs. Beyond the publicly available information regarding utility costs, business rates etc, additional costs to businesses in small Island jurisdictions can arise from reduced access to economies of scale, shipping costs, wage costs etc. As many of these costs comprise sensitive commercial information held by many different businesses it would be extremely difficult to assess those costs both in Jersey and in other jurisdictions.

1.44 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE LIMITING OF EMISSIONS FROM THE ENERGY FROM WASTE PLANT:

Question

Can the Minister give members details of the consideration given by his Department to limiting the emissions of particles of PM2.5 size and smaller from the Energy from Waste Plant, what research they have done or have considered in this area, and what measures, if any, they propose to take to monitor and limit these emissions?

Answer

The Energy from waste plant has been designed and will be operated in accordance with the "Waste Incineration Directive (2000/76/EC)" and the "Waste Management (Jersey) Law 2005". The Waste Incineration Directive gives clear guidance as to what emission monitoring is required

and this is further backed up by the requirements of the La Collette Energy from Waste plant Waste Management Licence.

In order to comply with the Waste Incineration Directive (WID) a fabric filter system is fitted to remove the particulate matter. WID sets out a daily emission limit for all particulate matter of 10 mg/m³. Currently the plant is operating with a particulate matter emission consistently less than 1 mg/m³.

Ambient air monitoring for particulate matter, including PM_{2.5} took place prior to the construction of the Energy from Waste plant and will be repeated once the Energy from Waste plant is commissioned.

1.45 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING STIMULATION OF GREEN ENERGY:

Question

What overall co-ordinated plan does the Council of Ministers have for creating jobs and reducing energy bills and fossil fuel dependency by stimulating the ‘green energy’ sector of our economy in all its different forms, and if it does not have such a plan can the Chief Minister give a date by which such a plan might be in existence and what the plan might consist of?

Answer

There is no such plan in existence. A co-ordinated plan across Departments would have to be inserted in the Business Plan cycle which would follow on from the adoption of the Energy Policy.

The Environment Department is bringing forward an Energy White Paper for consultation later this summer which will outline the actions needed to reduce energy use and move towards the long term development of off-shore renewable energy. When the Energy Policy is adopted there will be a far clearer understanding of the actions Jersey wishes to take to reduce energy use and how the ‘green energy’ sector might respond.

A considerable amount of work has been done in developing the Energy White Paper and increased activity in the “green energy” sector has already been witnessed. In particular

1. Work in the energy efficiency sector is being directly undertaken by the ECO-ACTIVE Energy Efficiency Service which has, amongst other things, secured or created local jobs in cavity wall insulation.
2. Business support and innovation grants are available through Jersey Enterprise and the Economic Development Department.
3. The Renewable Energy Commission has put in place steps to facilitate movement into the utility scale offshore energy sector . This includes working on ownership and lease arrangements and the necessary legal and environmental consenting frameworks.

1.46 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING UNEMPLOYMENT FIGURES:

Question

Following the publication of the latest unemployment figures, will the Minister explain what positive signs he saw in them, given that unemployment has risen to its highest seasonally adjusted mark over the period since January 2009?

What additional concrete measures, if any, does he have under consideration, in conjunction with other Ministers, to create jobs rather than train the 2 in 5 of the unemployed who are under 25 years of age for work and if none, why not.?

Apart from an immediate rise in the cost of living as a result of the increase in GST to 5% what impact does he expect this tax rise to have on employment figures especially in the retail sector which accounts for around half the latest rise and one fifth of the unemployed overall?

Answer

We should not read too much into monthly fluctuations in the numbers registered as actively seeking work and the positive sign is that this figure does appear to have stabilised at around 1,300 since July 2010. There are also positive signs in other economic indicators. For example, the most recent business tendency survey showed that expectations for future employment were relatively strong, particularly in the finance sector.

Since the beginning of the recession the Council of Ministers has put an additional £150 million into the economy to support jobs, including more than £40 million of direct support for businesses and individuals in the Island. Together, these measures have helped our economy show remarkable resilience in the face of the worst global recession since the 1930s. This has included funding Advance to Work, Advance Plus, additional places at Highlands and extra careers advice all of which remain in place this year and next.

In addition, by the end of June the Council of Ministers will publish a new economic growth strategy. This will determine how the States will work with business to grow the Jersey economy in a sustainable manner, generate employment opportunities and work with public and private sector providers to equip Islanders with the skills and experience they need to be successful in employment.

I will, of course, continue to monitor the economic situation and consider the advice of the Fiscal Policy Panel to determine whether there is a need for additional measures to support the economy and skills and employment in particular.

The rise in GST is unlikely to have a significant effect on employment. Other influences – cyclical and structural – are likely to be much more significant than a small increase in GST. Further, as part of the Fiscal Strategy Review, a variety of alternative measures to address the deficit were considered alongside GST, of which GST was concluded to be one of the least harmful in terms of its effects on local employment.

While it is true that the retail sector may be going through a difficult time, it is worth noting that in the last quarter of 2010 the Retail Sales Survey showed that the volume of retail sales was up 5% on the year before. Of course the retail sector does face a number of challenges of which the rise in international commodity prices and the move towards online shopping are two of the most significant.

1.47 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING CHANGES TO THE PENSION AGE:

Question

Notwithstanding the responses he gave on 3rd May 2011, will the Minister concede that the case made in his proposition P.58/2011 to raise the pension age is premature in that it commits the States to a very specific set of actions without full consultation on the alternatives and, if not, why?

Does the Minister agree that the reduction in contribution rates for the changes proposed is relatively small amounting to 10% on the 2036 rate and only a 2 year extension to the year in which the fund is extinguished?

Does the Minister accept that over 50 per cent of those responding to the Jersey Annual Social Survey 2010 indicated that they would *need* to work beyond pensionable age rather than expressing a desire to do so?

Answer

I do not accept that the actions I am proposing to raise the pension age are premature. In fact, if anything, the opposite is the case. Many developed economies – including the UK and Guernsey – have already put in place measures to tackle the challenges of an ageing population by raising the pension age.

We cannot afford to wait any longer to address this issue. Inaction would be irresponsible and further delay would only serve to increase the financial pressures we are under and mean any changes would be greater. Pensions are a long-term issue and people need sufficient notice of any changes so they can start planning for it.

Phasing the proposed increases in pension age gives time to ensure that opportunities are in place to encourage the employment of older workers and to encourage people to extend their working lives, to the financial benefit of themselves and the Jersey economy in general.

More of us are living longer and it was never envisaged when the Jersey social security pension scheme was introduced that it would be supporting so many people for so long. Change is essential. A failure to act now would impose unfair burdens on future generations. The proposed changes will mean that people will be enjoying a lengthy retirement, no shorter on average than their counterparts are enjoying today.

As I made clear in my answer to the Deputy's similar question on 3rd May, I detailed my clear and measured strategy to increase the pension age in the 32-page report that accompanied my proposition.

As the benefits paid out of the fund increase faster than the contributions coming into the fund, it will be necessary to raise the pension age and increase contribution rates. However, raising the pension age means that these contribution increases will be less than they otherwise would have been.

In terms of other possible options, I am committed to maintaining the value of the old age pension by retaining the link to earnings, and I have ruled out means testing the pension.

Any initiatives that lessen the necessary increase in contribution rates must be good news and should be welcomed, not criticised.

Every one percentage point increase in contributions for someone on mean average weekly earnings of £630 a week, equates to £6.30 a week or £328 a year. In addition, every increase in the rate of contributions incurs associated supplementation costs for the States – taxpayer – on behalf

of the two-thirds of workers (around 32,000 people) who do not pay at the maximum level. Someone on mean average weekly earnings currently has their contributions supplemented by around £1,195 a year. Each one percentage point increase equates to a rise in supplementation for someone on mean average weekly earnings of around £113 a year.

The 2010 JASS survey shows that, in fact, just under half (48%) of people aged under 65 agreed to some extent with the statement that they would need to work beyond the age of 65 to maintain their standard of living. 30% disagreed with the statement, while 22% did not know.

My proposals are intended to encourage people to work longer, encouraged by a supportive environment where there is more scope to work flexibly and for perhaps fewer hours a week. Working longer is key to our economic success. The potential contribution of older workers is essential. Without their fuller participation in the labour market, there will need to be more inward migration to fill available vacancies, which, in turn, will put increased pressure on the Island's infrastructure.

1.48 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ADVICE FROM THE GOVERNMENT ACTUARY REGARDING CHANGES TO THE SOCIAL SECURITY FUND:

Question

To what extent does the Minister accept the disclaimer contained on page 17 of the Government Actuary's (GAD) Supplementary Report dated 15th September 2009, has been properly heeded in presenting an increase in the pension age as the best option for maintaining the Social Security funds?

Will the Minister agree to release the content of this report in readable form, in order to fully consult over the options for change with the Jersey public?

Answer

The disclaimers to the Supplementary report are as follows:

- 5.1 This report has been prepared for the Department for Social Security. GAD understands that in the normal course of consideration of this report, it may be shared with other departments of the Jersey Government. The report should only be disclosed outside the Jersey Government with the prior written consent of GAD. However, GAD does not accept any liability to third parties, whether within or outside the Jersey Government., in relation to this report.
- 5.2 GAD relies on the accuracy of data and information provided by the Client (in this case the Department for Social Security). GAD does not accept responsibility for advice based on wrong or incomplete data or information provided by the Client.
- 5.3 Clarification should be sought if the Client has any doubt about the intention or scope of advice provided by GAD. GAD is not responsible for any decision taken by the Client, except to the extent that the decision has been made in accordance with specific advice provided by GAD.

5.4 Advice provided by GAD must be taken in context. Advice is intended to be read and used as a whole and not in parts. GAD does not accept responsibility for advice that is altered or used selectively.'

I recognise that this is a complex area and I am producing a table summarising the effects of increasing the pension age in line with increases in longevity. I will also clarify the assumptions that have been made.

The GAD Supplementary Report provides supplementary data requested by the Social Security Department around the financial effect of a number of possible changes to the Social Security fund. These included possible changes to supplementation and possible changes to the pension age. The Report supplemented the main report setting out the actuarial review of the fund as at 31 December 2006. Both reports were sent to States Members in September 2009.

The GAD figures form only one element of the detail that has informed the pension age proposals.

As set out in my detailed Report and Proposition, people are living longer and the intention is to link the increase in longevity to increases in pension age, taking 2010 as the baseline.

Raising the pension age helps the sustainability of the social security pension scheme; helps the economy by encouraging workers to remain economically active, reduces the need for inward migration and militates against larger future contribution rates; and enhances 'intergenerational solidarity' by balancing the liability of existing and future workers to support the elderly.

The Deputy's contention is that an increase in the pension age is seen as the best option. In fact, a number of measures will be required to maintain the social security fund. Changes in the pension age will need to be combined with future increases in contribution rates.

I have ruled out the options of reducing the value of the pension or subjecting it to means testing.

Consultation over possible changes to the pension age has already taken place through Imagine Jersey 2035 and JASS annual surveys, as referred to in the answer to the Deputy's question 1240/5 (6239) of 3rd May 2011.

States Members have already had a copy of the GAD Supplementary Report.

1.49 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE ISLAND'S ECONOMY:

Question

What measures, if any, does the Minister have under consideration to boost confidence in the Island's economic situation especially in the retail sector following the pessimistic views expressed by Islanders within the Island Analysis survey?

To what extent does the Minister attribute the results, in which 58% of Jersey respondents believed the economy would get worse, to the imposition of the rise in GST at the end of May 2011?

Answer

While the research publicised by Island Research serves as one helpful indicator of the perceptions of business people in the Island, there is a degree of danger in interpreting the results of one particular such survey as an accurate indicator of economic activity. This is because as much of the

source data is subjective and is qualitative, rather than quantitative in nature. Surveys like this, while useful, tend to be only loosely correlated with economic activity, and need to be considered in conjunction with a wide variety of other information and indicators.

As such, the Economic Development Department works with the States Statistics Unit and Economics Unit to monitor a number of economic indicators from a variety of island sources and in 2009, introduced its own Business Tendency Survey as a means of monitoring the local economic situation.

The forthcoming increase in GST is not expected to have a noticeable impact on the economy or employment, in the retail sector or elsewhere. While it is true that the retail sector may be going through a difficult time, this is due to a number of influences, not merely the recent increase in GST. Other factors such as international commodity price increases and the trend towards online shopping are likely to be more significant factors in the current pessimistic projections. It is also worth noting that in the last quarter of 2010 the Retail Sales Survey suggested that volume of retail sales was up 5% on the year before.

As ever, it is the States role to adopt a 'watching brief', monitoring and entering into dialogue with the retail sector, in order to ensure that appropriate and timely measures are put in place to support local business.

1.50 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF THE COUNCIL OF MINISTERS' POLICIES ON LOW AND MIDDLE-EARNING FAMILIES:

Question

Does the Chief Minister have any figures for Jersey households relating to the real earnings and standards of living for both low and middle earning families and, if not, will he undertake such research in the light of the Jersey Annual Social Survey 2010 figures which reveal that 2 in 5 of all families except those in the top quintile report financial difficulties?

What measures, if any, does the Council of Ministers have under consideration to research the impact of the following on household finances and, if none, would he explain why:

- (i) Costs of childcare
- (ii) Mortgage availability and costs
- (iii) High rents
- (iv) Taxation policy

Will the Chief Minister outline what scope there is for action to ameliorate the impact of the above factors on family finances in the 2012 Business Plan and Budget?

Answer

A considerable amount of the income and expenditure information to which this question refers is already in the public domain, or will be imminently. This information underpins the impact assessment of potential policy initiatives on household finances.

The Jersey Income Distribution Survey 2009/10, published by the Statistics Unit in September 2010, analysed the income of households. The Index of Average Earnings enables an annual uprating of these household income levels whilst the quarterly Retail Prices Index, including a price index for the lowest income quintile, allows analysis of household income in real terms. Furthermore, the Statistics Unit publishes the Private Sector Rental Index on a quarterly basis in its report on the Jersey House Price Index.

The Statistics Unit is currently finalising the analysis of the expenditure data recorded by the Household Spending Survey, conducted in parallel with the Income Distribution Survey. The Unit aims to publish this analysis in the summer of 2011. This report will include measures of the cost of childcare, mortgages and rent, averaged over all resident households and also broken down by household income, tenure and structure.

Senator Ozouf in his budget speech and in recent briefings to States Members announced that a dedicated tax policy unit has been established within the Treasury department. That unit is tasked with reviewing Jersey's tax system to ensure it delivers what the Island needs, the impact on household finances and targeting of relief.

The Treasury and Resources Minister is considering all options for the 2012 Budget, including those to help households. As always his proposals will be open to discussion and amendment during the debate which is the proper time to consider financial impacts and assistance to all households.

1.51 DEPUTY S. PITMAN OF ST. HELIER OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE COSTS OF THE VARIOUS DEBATES RELATING TO THE ROLE OF SENATORS AND FUTURE COMPOSITION OF THE ASSEMBLY:

Question

Will the Chairman clarify what has been the approximate cost to the taxpayer in holding the five debates relating to the reduction of Senators and the related debates on rescindment and public referendum?

Answer

Members will undoubtedly appreciate that it is extremely difficult to give any accurate estimate of the costs involved in any particular debates in the Assembly. Nevertheless in an attempt to respond to the question as far as possible the following calculations have been undertaken.

In a written answer given on 12th September 2006 the then PPC was asked to calculate the approximate hourly cost of running States' meetings. The Committee's estimate in 2006 was that a States' meeting cost the taxpayer approximately £657.90 per hour which, uprated for inflation, gives an approximate 2011 cost of £756 per hour.

The various debates referred to in this question took place on 13th October 2010, 19th & 20th January 2011 and 3rd March 2011. They lasted for a total of 15 hours and 18 minutes so, using the estimate above, the cost would have been some £11,566. This figure does not, of course, take account of any time spent by members and officers in preparing for the debates or in drafting comments etc.

Although PPC has answered this question as requested, the Committee would re-iterate a comment made in its 12th September 2006 answer, namely that *“PPC does not believe that democracy, and in particular the ability of private members to bring forward propositions for debate, should be related to cost and would not wish the fact that it has responded to this question to be seen as an indication that the Committee believes debates could in future be ‘costed’ against a notional hourly rate.”*

2. Oral Questions

The Deputy Bailiff:

Well, in the happy anticipation that Members’ questions are not exhausted, we now come to oral questions, the first of which is Deputy Jeune who will ask a question of the Minister for Health and Social Services.

[9:45]

2.1 Deputy A.E. Jeune of St. Brelade of the Minister for Health and Social Services regarding waiting time targets at the Pain Clinic:

Would the Minister advise what the waiting-time target is at the Pain Clinic from receipt of referral to being seen by the consultant? What percentage of referrals are seen within this timeframe and what is the current waiting time from receipt of referral to an appointment with the consultant in this clinic?

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

The target waiting time from receipt of referral to being seen by a consultant at the Pain Clinic is 13 weeks. The latest analysis from May 2011 indicates that approximately 30 per cent of patients are waiting over 3 months. As of June 2011, the waiting time for one of the Pain Clinic consultants is 11 weeks; for the second consultant it is 19 weeks. This particular consultant manages cancer patients who are in pain and, understandably, urgent cases take priority.

2.1.1 Deputy A.E. Jeune:

Does the Minister accept that 30 per cent of people in pain not being seen within 3 months is acceptable?

The Deputy of Trinity:

If patients are in severe pain then it is always advised that they can contact their G.P. (general practitioner) who will be in contact with the relevant consultants. Once they have been referred to the consultant each patient is sent a questionnaire for completion prior to being given an appointment and sometimes there are some delays; but there is a high volume of priority cases and it can take longer than the 13-week target, unfortunately.

2.1.2 Deputy A.E. Jeune:

Would the Minister accept that, having completed the form, as she correctly points out, somebody is still waiting after 6 months?

The Deputy of Trinity:

If the Deputy has a concern about a patient, then I suggest that perhaps she emails me and we will see what we can do; but the patients are clinically assessed by the consultant when the referral letter is sent.

2.1.3 The Deputy of St. John:

Given that I am aware of parishioners in my own Parish who have been waiting for at least 5 months, and probably going on to 6, and they cannot get an appointment at the Pain Clinic until August at the earliest (and I believe it is late August; I believe people were referred in February and they had correspondence in March) does the Minister consider that satisfactory for an Island that has always in the past praised itself on dealing with these things in a very short period of time; weeks, not in months, as is happening at the moment?

The Deputy of Trinity:

I can understand the Deputy's concerns and we look at waiting lists very carefully but, unfortunately, 70 per cent are seen within a 13-week timescale. The number of patients waiting over 13 weeks has reduced slightly over the last 5 months, but the number of referrals has increased and, where we had an average of 144 per month in 2010, there is now an average of 166 per month; that is referrals per month.

2.1.4 The Deputy of St. John:

A supplementary, Sir? Given there are 30 per cent of those people who are having to wait longer than the 4 or 5 months as given by the answer, does the Minister really think that her department should not be getting another locum in to assist so that these people are dealt with much quicker?

The Deputy of Trinity:

I hope the situation will improve because there has been a post vacant for a nurse specialist since the beginning of this year, because nurses are able to hold clinics in their own right. So that could be causing us some delay. The vacancy has been advertised and the recruitment is under way and there are a number of candidates short-listed for the interview.

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

The Minister spoke of a recent review. Can she state whether this review covered other areas of expertise and specialism and whether waiting lists in those areas are under similar pressure to the Pain Clinic?

The Deputy of Trinity:

As I think I have said on many occasions and also in answers to written questions about waiting-list time, waiting lists are difficult at times because of the number of referrals. It continues to increase, as I have said, and we do keep a watch on waiting list times in all areas.

Deputy G.P. Southern of St. Helier:

May I politely ask the Minister to answer the question? Does the survey cover other areas and are other areas under similar pressure?

The Deputy of Trinity:

I am not too sure we are talking about a survey.

Deputy G.P. Southern:

You talked about a survey.

The Deputy of Trinity:

No, I did not. I said a review. We look monthly at all reviews of all waiting-list times.

Deputy G.P. Southern:

Would the Minister agree to publish those review lists?

The Deputy of Trinity:

I did do; I think. The last one was 2 or 3 months ago.

2.1.6 Deputy A.E. Jeune:

Would the Minister accept that if the G.P. was able to deal with the pain control he would not be referring the patient to the Pain Clinic and, therefore, to say that the patient should return to their G.P. is not necessarily correct?

The Deputy of Trinity:

If the pain has increased or got worse, then it is always advisable to return back to the G.P. because it needs to be reviewed and a G.P. can write to the consultant with a specific update on their concerns.

The Deputy Bailiff:

Before we come to question 2, can I say to Members that there are 25 questions today and, from the Chair, I am going to be more ruthless than usual about supplementary questions? Supplementary questions from the questioner will be permitted but supplementary questions from any other Member will not; so it will be one question only and then it will return for further supplementaries at the end to the first questioner. It is the only way I think we are ever going to stand a chance of getting through the bulk of these questions. Question 2, Deputy Le Claire, I understand you wish to withdraw?

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

Yes, please, Sir.

The Deputy Bailiff:

Do you wish to say anything to the Minister about that?

Deputy P.V.F. Le Claire:

I have spoken to the Minister, Sir.

The Deputy Bailiff:

Question 3: the Deputy of St. Martin will ask a question of the Minister for Health and Social Services.

2.2 The Deputy of St. Martin of the Minister for Health and Social Services regarding locum doctors:

Given that a hospital consultant and 2 middle-grade doctors have performed no clinical work since October 2006, December 2008 and August 2009 respectively and a fourth middle-grade doctor is undertaking restricted duties only, will the Minister state how many different locum doctors have been employed to the work of the 4 affected doctors and what is the cost of these locums to date?

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

Health and Social Services have engaged 32 locums to cover these 4 doctors while they have been on restricted duties or unable to undertake clinical work. I have been advised that the cost of this locum cover since 2006 has been approximately £1.77 million.

2.2.1 The Deputy of St. Martin:

Is the Minister aware of the impact on patient safety as a result of the use of so many locums?

Deputy A.E. Pryke:

Patient safety is always paramount in a hospital which is busy and provides many services and now, with locums, they go through a set recruitment process which has been since one of the recommendations of Verita. So, yes; I do rate patient safety very highly.

2.2.2 The Deputy of St. Martin:

Bearing in mind the difficulties one had with a locum way back in 2006, what responsibility or who has responsibility for assessing the work of these locums to ensure that they are fully briefed as to their role and carrying out their role in an efficient manner?

Deputy A.E. Pryke:

I would think it is joint with the Human Resources Department and the area that the locums are going into.

2.2.3 Senator S.C. Ferguson:

Would the Minister have a note of how many serious untoward incidents have occurred with the locums since 2006 and, if she has not got it with her, will she circulate it to Members?

Deputy A.E. Pryke:

No, I have not got that list. Serious untoward incidents range over different areas. If I can get that list, I will kindly give it to the Senator.

2.2.4 The Deputy of St. John:

Within that list of suspended doctors, et cetera, are any of these Pain Clinic doctors or consultants?

Deputy A.E. Pryke:

They are restricted doctors and I think it would be totally inappropriate to give which area they work in.

The Deputy Bailiff:

Is there a final supplementary, Deputy of St. Martin?

2.2.5 The Deputy of St. Martin:

I am particularly interested about the doctor or the consultant who has not been employed since, or not doing his clinic work since October 2006 and I think the Minister knows who that person is. Can the Minister inform Members why this person is not performing his full clinical duties?

Deputy A.E. Pryke:

It would be totally inappropriate to go down the route of one specific doctor, but just to generalise; if they are restricted they can do other work like office-based work, rota management, education. They can do some clinics or some training at another hospital. But as I said, at the end of the day, patient safety is the most important thing.

The Deputy Bailiff:

We come on to question 4 which the Deputy of St. John will ask of the Minister for Transport and Technical Services.

2.3 The Deputy of St. John of the Minister for Transport and Technical Services regarding an appeal procedure for the new summer bus timetable:

Will an appeal procedure be available to anyone who is adversely affected by routes amendments by the new summer bus timetable?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

Persons who disagree with any such decision can appeal under the provisions of Article 25 of the Motor Traffic (Jersey) Law 1935. However, this should be seen as a last resort and I would always

encourage anyone who is dissatisfied to approach me or my officers in the first instance and we will work with them to explore all possible solutions.

The Deputy Bailiff:

Is there a supplementary?

2.3.1 The Deputy of St. John:

Where a person does not wish to approach your officers directly and has done so through his Parish representative or Senator, is the Minister happy that the responses that have been given by his department to that elected representative are sufficient to be able to pass them on to a member of the public?

The Connétable of St. Brelade:

While I am not quite clear what the Deputy is alluding to, I am sure that if any States representative is dissatisfied with answers given by officers a reference to me will hopefully clarify the issue.

The Deputy of St. John:

I thank the Minister for his reply. I will talk to him outside again later.

2.3.2 Connétable J. Gallichan of St. Mary:

Can the Minister confirm whether the same right of appeal is available to changes for the school bus timetable?

The Connétable of St. Brelade:

I see no reason why not.

The Deputy Bailiff:

Very well. Is there nothing further from you, Deputy of St. John?

The Deputy of St. John:

No, Sir; thank you.

The Deputy Bailiff:

Question 5, Senator Perchard will ask of the Chief Minister.

2.4 Senator J.L. Perchard of the Chief Minister regarding severance packages for employees of the States of Jersey:

As Chairman of the States Employment Board what action, if any, will the Chief Minister be taking to limit the level of payment granted in a severance package to any employee of the States of Jersey who, for whatever reason, is leaving their position?

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

Earlier this year the States Employment Board consulted upon and implemented revised policies for voluntary severance and compulsory redundancy that are significantly less generous than those that existed in the past. These policies strike the right balance between good employment practice and value for money. In addition, the States Employment Board has responded to the proposition P.59/2011 brought by Deputy Le Hérissier in which the States Employment Board will be approving the appointments of all senior posts with a salary in excess of £100,000. At that point, the States Employment Board will be in a position to stipulate any particular contractual conditions.

[10:00]

2.4.1 Senator J.L. Perchard:

That is encouraging to hear indeed and I know many members of the public will be encouraged by that. Therefore, the Chief Minister should have no problem in releasing but will he release to Members draft copies of the contract of employment that he is proposing to offer to the yet unappointed new Chief Executive Officer of the States of Jersey?

Senator T.A. Le Sueur:

I would have no difficulty in releasing the terms of reference of the appointment and, in terms of some of the contractual arrangements, those can be disclosed. Other matters of employment relations are traditionally and typically confidential and so it would not be necessarily a blanket release. I think it more appropriate that if people have concerns about those contracts, firstly, we need to ensure that there are robust procedures within the States Employment Board for those contracts and, secondly, the right for them to be reviewed in confidence by an appropriate body such as, perhaps, one of the scrutiny panels. But I do not think it would appropriate as a general principle for everyone's contract of employment to be publicly available.

Senator J.L. Perchard:

Yes. I fully appreciate that and I am sure Members will agree that it would not be appropriate for everyone's or anyone's contract of employment to be publicly available. The point about my question was there is not at the moment an employee filling this position. I will ask again: will the Chief Minister release to Members and the wider public draft copies of the proposed contract of employment that he is going to offer to the yet-unappointed Chief Executive Officer of the States of Jersey?

Senator T.A. Le Sueur:

I can certainly provide Members with a draft copy of the proposed contract; but the nature of contractual arrangements is that those may well change between the draft and the final situation, depending on negotiations entered into with the prospective employee.

2.4.2 Deputy T.M. Pitman of St. Helier:

I have tried to stray from my own question 18. The Minister for Treasury and Resources said in the media that details such as Senator Perchard is referring to would only be released in exceptional circumstances. Can the Chief Minister clarify that all recent sums are not in any way directly attributable to pension entitlements and, if not, will he take some firm action to confront growing public perception that these huge payments can only be what many call "hush money"?

Senator T.A. Le Sueur:

I can confirm, firstly, that this is not any question of hush money. This is a negotiated settlement and, in one case certainly, is in full accordance with the contractual obligations which the States entered into. As far as other matters raised by the Deputy are concerned, it does not relate to pension matters. This is purely in respect of a normal payment at the end of contractual arrangements. As far as the concerns of the Deputy and other Members, and indeed the general public, I fully appreciate there is concern and I have had the concerns myself, as did members of the States Employment Board. I would be happy for these particular instances to be looked at in confidence by an independent body such as the Comptroller and Auditor General or some other persons, but I do not believe it is a matter which should be aired in public and, in particular in these cases, there are clauses of confidentiality in the contracts which would give rise to a further claim against the States should those details be publicised unnecessarily.

2.4.3 Deputy M. Tadier of St. Brelade:

Does the Chief Minister agree that all contracts for public employees should be public as, after all, they are employed by the public?

Senator T.A. Le Sueur:

Basically, no.

2.4.4 The Deputy of St. John:

Will the Minister, when he puts in place his new arrangements for our new C.E.O. (Chief Executive Officer) when he comes along, make it known that any settlement that might be put in place for early retirement or early moving on and a golden handshake that ... as we have seen recently published in the *Evening Post* the golden handshake of 2 senior officers, but we were not given details that have now come out in our latest book which is on our desks this morning on page 44. There was also a pension entitlement for 6 years' work of £414,000 for one of the officers who has retired. Will he make sure that all that is known to Members, what is in that package when it comes to the House, or is he is going to send us this information, please, prior to employing anybody?

Senator T.A. Le Sueur:

I have already said in my original answer that there are now revised policies and that any contract over £100,000, assuming that the States accept the P.59 response, will be reviewed and the details will be published in accordance with the amendment lodged by Deputy Le Hérisier.

2.4.5 Senator S.C. Ferguson:

Will the terms and conditions review that the Chief Minister referred to also be affecting the existing contracts of employment of existing chief officers?

Senator T.A. Le Sueur:

Potentially, yes.

2.4.6 Deputy R.G. Le Hérisier of St. Saviour:

Would the Chief Minister not acknowledge that - in line with business practice and, for example, with some of the States-owned utilities - it is the practice to publish full details of salaries of senior staff? Would he not wish to be in the vanguard and follow that solid business practice?

Senator T.A. Le Sueur:

Yes. Indeed, in the States Annual Accounts we publish every year salary details of all staff of that nature. What I was asked earlier was full contractual details, which is considerably different from the base salary.

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

This follows on from Senator Ferguson's question. We have had 2 alleged big golden handshakes for contracts that were drawn up at least over 5 years ago. Can the Minister please let us know - we do not need the names; we need the people who are waiting in the wings with these same similar or contracts; we could even say: "Let us start at £100,000" - if they walk away tomorrow, how many people would have a £100,000 golden handshake and will the Minister please supply the details? I do not want the names, just the amount. Also, will he endeavour to make sure that whoever drew up these contracts, if they are still around, is severely dealt with?

Senator T.A. Le Sueur:

Firstly, I should point out to Members and the public that these are alleged golden handshakes and I am not commenting on the accuracy of that statement. In terms of any other payments of a similar nature, I did make inquiries following these 2 incidents to see whether there were any other situations where similar payments or any such payments might be made in the future. I am advised that there are no other cases where any person is likely or liable to receive any contractual or other payments such as might be implied by the Deputy's question.

2.4.8 Deputy D.J.A. Wimberley of St. Mary:

The Chief Minister used the phrase: “negotiated settlement.” I would like to know when that negotiation took place. Was it early or was it right at the end of the time of work? Secondly, what was that negotiation based on? Was it based on the original contract?

Senator T.A. Le Sueur:

I am straying into delicate territory here because a negotiated settlement is, by nature, confidential and, in disclosing any such details to the Deputy, I am in danger of breaching that confidentiality and exposing the States to liability. On that basis, I would prefer not to answer that question in public but I would be, as I said earlier, happy for this to be investigated confidentially.

Deputy M. Tadier:

Sir, a point of order. Could I ask for the States to go in camera so that the Chief Minister can tell us all in confidence and answer the question of the Deputy of St. Mary, please?

The Deputy Bailiff:

If I may suggest, Deputy, we will come to that at a later stage when we come to question 18, or thereabouts, will we not? I think that is a more convenient time to do it. Is there a final supplementary?

2.4.9 Senator J.L. Perchard:

Does the Chief Minister agree that the promise of high levels of severance package has created a perverse incentive for tired senior executives to willingly preside over failing departments, safe in the knowledge that their departure will be the subject of a purchase by the States of Jersey for hundreds of thousands of pounds?

Senator T.A. Le Sueur:

Simple answer: no.

The Deputy Bailiff:

Very well, we now come to question 6 which Deputy Vallois will ask of the Minister for Transport and Technical Services.

2.5 Deputy T.A. Vallois of St. Saviour of the Minister for Transport and Technical Services regarding funding for the Energy from Waste plant:

Given that the funding proposition for the Energy from Waste Plant put forward by the Minister for Treasury and Resources and debated in 2008 established funding of £106,310,000, of which £2,080,000 was determined as the required amount for the decommissioning of Bellozanne in 2012, would the Minister advise whether he has had to bid for further funding and, if so, explain why?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

The Deputy is correct that the budget for decommissioning was in the 2008 budget for £106,310,000 for the Energy from Waste project. This was estimated to be the amount required to decommission the Bellozanne plant when the new La Collette Energy from Waste Plant has been completed. It is known that the final cost of decommissioning will be influenced by the value of steel when the decommissioning is undertaken. It was not possible to put this work out to tender in 2008. The funding has not yet been used and remains in the original budget. It will not be possible to predict whether further funding will be required for this decommissioning until a competitive tendering process has been undertaken.

2.5.1 Deputy T.A. Vallois:

Could the Minister advise when the tendering process will be completed?

The Connétable of St. Brelade:

That will be dictated by the signing over of the new plant. Until such time as we are content with its full operation, we cannot decommission the old plant; so we would like to think probably during the course of 2012.

Deputy T.A. Vallois:

Does the Minister have any indicative estimate at this present time?

The Connétable of St. Brelade:

No, nothing further than during the course of 2012.

The Deputy Bailiff:

Is there a final supplementary, Deputy? Thank you very much. We come to question 7 which Deputy Le Hérisier will ask of the Chairman of the Public Accounts Committee.

2.6 Deputy R.G. Le Hérisier of St. Saviour of the Chairman of the Public Accounts Committee regarding enforceable accountability within the structure of government:

Given that a recent report from the Public Accounts Committee had cited the absence of enforceable accountability as a major weakness in the structure of Government, would he outline what reforms, if any, the Committee proposes?

Senator B.E. Shenton (Chairman of the Public Accounts Committee):

The P.A.C. (Public Accounts Committee) has made 16 recommendations dealing with the specifics of these problems since 2009. However, the Committee has no remit for the creation of policy or reforms and this could be considered another problem related to Ministerial Government. Strangely, there is no one position responsible for rectifying these problems either. Again, there is no line of accountability to which the States can point and require that these changes be made. That is because the States Assembly holds the responsibility themselves and have elected, by agreeing to the Clothier amendment of the former Senator Stuart Syvret, not to defer such power to an individual position. However, the P.A.C. has been involved with the P.76 Machinery of Government Review and will be giving input into this process to make sure that further accountability is added to the States system.

2.6.1 Deputy R.G. Le Hérisier:

Given that a similar experience occurred in Guernsey where the Welsh Audit Office reported in very similar terms about a system which again has very limited if no accountability, does the Chairman believe that simply by removing corporation sole and introducing collective responsibility we would have a much more effective system of accountability, or are we barking up the wrong tree?

Senator B.E. Shenton:

I think the P.A.C. believes that not necessarily the removal of the corporation sole but the collective responsibility and the ability of the Council of Ministers to overhaul an individual Minister would be a way forward; but I think we as politicians have to understand what we mean by "accountability." I personally brought a proposition last year that dealt with political pay, which would have paid Ministers more than other Members, and this was wholly rejected. So we now have a system within this Assembly that if a Minister does lose his position, we turn round and say: "You have lost your position but we will carry on paying you the same amount money." Is that really accountability? The penalty for doing badly as a Minister is that you get the same pay with much less workload. The penalty for accountability for the Chief Executive is you get a massive pay-off. Is this the sort of accountability we really want?

[10:15]

2.6.2 The Deputy of St. Mary:

Leaving aside that interesting notion that Ministers have it tougher than the Back-Benchers, **[Laughter]** “accountability” is a dangerous word and I want to ask the Chairman about his report because it seemed to me that he was suggesting in that report that the unelected Chief Executive of the States and the unelected Treasurer of the States should be given powers of coercion over Ministers and over departments. I just wanted him to comment on that, because that seemed to be where some of his recommendations were going.

Senator B.E. Shenton:

At the moment the chief executive of an individual department reports to the Minister. What the P.A.C. wanted to have was a clear structure where the States Assembly is responsible for policy and the chief executives of the individual departments, with an overall chief executive, is responsible for the implementation of that policy. For example, when we spoke to the recently-departed Chief Executive of the States of Jersey, he felt that his powers were very limited and, in fact, he had no control over the actions of the chief officers of the departments; therefore, he could not be held accountable for anything that went wrong in, say, Education or Health or anything else, because he did not have the power over that chief executive because that chief executive reported to the Minister.

2.6.3 Senator S.C. Ferguson:

The Comptroller and Auditor General’s report on the Public Finance Law recommended changes to that law to improve accountability. Where does the Chairman see this fitting into the Machinery of Government?

Senator B.E. Shenton:

There is an overlap there. We have been speaking to the Treasury Department on the basis that they would be the best body to bring forward any changes to the Public Finances Law and there are some changes already being lodged. The Public Finances Law would have to be part of the Machinery of Government Review because accountability has to go all the way down the line and cover the financial side of management as well.

2.6.4 Deputy G.P. Southern:

Does the Chairman accept that the real lack of accountability results from the fact that no Minister and no Chief Minister has ever presented his or her programme to the public to vote on?

Senator B.E. Shenton:

The P.A.C. is very concerned that the way the Council of Ministers is set up is as a group of individuals and the Ministers themselves have overarching power. We saw that very much in the last debate where the Minister for Social Security said that he would have to decide what to do about the G.S.T. (Goods and Services Tax) rebates. It would be down to him. It would not be down to the Council of Ministers. It would not be down to the States Assembly. I think the P.A.C. used an example in one of their reports of: “What will the future of the Odeon be?” It was very much down to: “Whoever is the next Minister for Planning. If it is Senator Perchard, it will get knocked down. If it is Deputy Lewis it will stay.” That is not proper Government. That is Government by individuals.

The Deputy Bailiff:

Is there a final supplementary, Deputy?

Deputy I.J. Gorst of St. Clement:

Sir, sorry; could I just correct a statement that the Chairman has just made?

The Deputy Bailiff:

No. It is not your turn, Deputy, if I may so say so.

Deputy I.J. Gorst:

Well, he has made an incorrect statement, Sir.

The Deputy Bailiff:

No doubt you be able to take that up at some point. Deputy Le Hérissier, is there a final supplementary?

2.6.5 Deputy R.G. Le Hérissier:

Could the Chairman outline whether he is optimistic that if these proposals are put into play they will, in fact, work as the P.A.C. intends them to?

Senator B.E. Shenton:

I think they would work and we would be in a better place than we are now but I think (and this is only my own personal opinion) because of structural weaknesses of Ministerial Government it would never be perfect.

The Deputy Bailiff:

Very well, we come on to question 8, which Senator Ferguson will ask of the Minister for Planning and Environment.

2.7 Senator S.C. Ferguson of the Minister for Planning and Environment regarding the disposal of solid waste:

The 160 acres of land reclaimed in St. Helier has been economically beneficial to Jersey. Why does the new Island Plan say the preferred option for disposing of solid waste, such as building rubble, is to fill in disused quarry workings: “because the marine habitat is of higher importance and more sensitive than terrestrial habitats”?

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

Sir, the Assistant Minister with specific responsibility will respond to the question.

Deputy R.C. Duhamel of St. Saviour (Assistant Minister for Planning and Environment - rapporteur):

I would personally argue that both environments are equally important, but an Island Plan has to seek to balance social, economic and environmental aspects of all planning and land use options. The clause 11.91 should be read in conjunction with the question, because it is taken slightly out of context. In discussing land reclamation at La Collette (so this is not necessarily exclusively to a land reclamation site, but also perhaps to harbour facilities in the future or whatever), 11.91 states: “That, notwithstanding the above” ... which does say in 11.90 that: “there could be significant long-term strategic advantages in relocating a commercial port to the La Collette area” et cetera. It states in 11.91: “That, notwithstanding the above, there are some major disadvantages in pursuing the land reclamation option. There will be considerable expense involved in engineering a new site and some potentially serious environmental aspects or impacts including potential detrimental visual impact of landfill for many years in a sensitive coastal location, further loss of areas of ecologically-valuable marine habitat,” and it goes on to say: “which is arguably of higher importance and more sensitive than terrestrial habitats.” So there is still an argument to be made in both cases.

The Deputy Bailiff:

A crisp answer, please, Assistant Minister.

Deputy R.C. Duhamel:

Yes. There are 2 more bullet points, Sir: “Less predictable impacts such as on tidal flows and sedimentation patterns around the coastline,” and, finally: “Potential incursion into a Ramsar site.” So for all those facts, it has been felt that the better way forward is to perhaps use some of the landfill sites or the disused quarry workings as they present themselves for future use and that is deemed to be an equitable balance.

2.7.1 Senator S.C. Ferguson:

Yes. This is all very well and so on, but the statement was made that the marine habitat is more important. What scientific evidence has led the Department for Environment to that view? Is this perhaps not something where we should have a balanced pro and con view and, perhaps, bring it to the Assembly for debate?

Deputy R.C. Duhamel:

If the questioner goes on to read the policies a little more carefully than perhaps she has done she will see that, in any consideration of the use of disused quarry sites for further land reclamation purposes or landfill purpose, this will be in relation to other policies which seek to substantially minimise the overall materials that are arising in the first place. It is instructive to be told that Transport and Technical Services, indeed, in August 2009 presented a billboard in Providence Street when clearing the Ann Court site and they indicated that 96.3 per cent of the waste rubble and other materials had been recycled and only a very small element of it had been sent to landfill. This, indeed, is part of the policies of the Island Plan and, in that respect, any future restoration of La Gigoulande or any other quarries will, in my view, be not as extensive as perhaps the questioner considers.

2.7.2 The Deputy of St. Mary:

The questioner clearly belongs to the school of thought that thinks of the environment like a disposable wipe. Is the Minister aware of the new national ecosystem assessment commissioned by and drawn up by D.E.F.R.A. (Department for Environment, Food and Rural Affairs) in the U.K. (United Kingdom) which will lead to a *White Paper* and legislation? Is the Minister aware of this document and can he confirm that such an awareness of the true economic value of the ecological systems which sustain all life will apply to decisions made by his department in this Island?

Deputy R.C. Duhamel:

I do not use and never have used disposable wipes and I do not consider that that behaviour should be applied to my principles on the environment. I would have expected the questioner to have known better.

The Deputy Bailiff:

The question was: are you aware of the D.E.F.R.A. forthcoming report?

Deputy R.C. Duhamel:

Fair enough. The short answer is yes and, in the comments that I made about the requirements for further reductions of materials that can be landfilled, I think that I have answered that point. The final thing is that, as I said, any restoration of a quarry area will not necessarily imply that we are just dumping large quantities of materials which could otherwise be valuably recycled or reused. Indeed, if we look at the quarry restorations and the sand pits in St. Ouen’s Bay, and indeed the very good work of Ronez Quarries, we can see potential as to how things should be done properly.

The Deputy Bailiff:

Is there a final supplementary, Senator Ferguson?

2.7.3 Senator S.C. Ferguson:

Talking to local fisherman, the existing reclaimed sites at La Collette are, in fact, better nurseries for fish than the natural reefs. Putting a statement like this into the Island Plan, which is a judgemental decision and without any evidence supporting it ... does the Assistant Minister think that an unevidenced opinion has a place in a document such as the Island Plan?

Deputy R.C. Duhamel:

I certainly do. But the evidence says under 11.9(1): "Further loss of areas of ecologically-valuable marine habitat, which is arguably of higher importance and more sensitive than terrestrial habitats." That is the statement made. The questioner has taken out the word "arguably" and ignored the further considerations as to the quality of the environmental impact assessment statements and, indeed, she has ignored the things that will have to be done before permission might be obtained to restore a quarry. I do consider that, in natural systems, nature does tend to throw quite a lot into a vacuum and perhaps in the short-term period the fishing might well be better in a landfill site, or at least on the site. But that is not necessarily the only point and all of these factors will be weighed up when a potential application is brought forward, which is not at this stage.

The Deputy Bailiff:

Very well, we come to question 9 which Senator Shenton will ask of the Minister for Health and Social Services.

2.8 Senator B.E. Shenton of the Minister for Health and Social Services regarding health risks connected with mobile phone use:

Given the announcement of the World Health Organisation's International Agency for Research on Cancer that mobile phones may cause glioma, a type of brain tumour that starts in the brain or spine, will the Minister give assurances that she will keep Islanders fully informed of any health risk connected with mobile phone use?

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

I can assure Senator Shenton and Members that my department will keep Islanders informed of any identified and known risks associated with the use of mobile phones.

2.8.1 Senator B.E. Shenton:

Does the Minister monitor incidences of cancer tumours to identify possible clusters around mobile phone masts locally? Do they keep a location map of where the tumours are occurring?

Deputy A.E. Pryke of Trinity:

I do not have that information, but I would very much doubt it. I can check for the Senator.

2.8.2 The Deputy of St. John:

Is the Minister aware among their records at the hospital or through the Planning Department that I objected to telephone masts on the ground of brain tumours and the like through evidence given to an inquiry, so much so that the company concerned withdrew their planning application - I presume on the grounds that they did not want this to get into the public domain - and does she work closely with Planning and Environment to agree the location of any of these mobile telephone masts?

Deputy A.E. Pryke of Trinity:

It is straying a bit, but I would have thought Health and Social Services is a statutory consultee in any planning applications and I would assume that that information will be given.

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

The Minister, in her reply to the second question from the proposer of this question, replied that the department probably do not do mapping. Will the Minister ensure that she goes back to her department and makes sure that this mapping is done so that we know if there are clusters of cancer cases around telephone masts?

Deputy A.E. Pryke of Trinity:

I can ask and I could come back to you but just to quote from the Interphone Study of the World Health Organisation, which has been quoted in the media. It concludes: "Overall, no increase in risk of glioma or meningioma was observed with the use of mobile phones. There were suggestions of an increased risk of glioma at the highest exposure levels but biases and errors prevent a causal interpretation. The possible effects of long-term heavy use of mobile phones require further investigation." I know the department works with the U.K.'s health promotion agency which, in turn, gets advice from the W.H.O. (World Health Organisation).

[10:30]

The Deputy Bailiff:

Senator Shenton, do you have a final supplementary?

Senator B.E. Shenton:

It was just to point out to the Minister that one of the reasons I asked the question is because I am aware of a high incidence of cancer cases around one particular mobile phone mast and I will have a chat with the Minister afterwards concerning this.

The Deputy Bailiff:

We come to question 10, which Senator Le Gresley will ask of the Minister for Social Security.

2.9 Senator F. du H. Le Gresley of the Minister for Social Security regarding the long-term unemployed:

What additional measures, if any, are being put into place to assist the 190 people who have been unemployed and actively seeking work for more than 52 weeks and how many in this group as at 30th April 2011 were aged between 16 and 19 years?

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

Significant resources have been targeted towards assisting this very group, principally through the Skills Executive. At the last count, some £4.3 million of fiscal stimulus funding had been provided to strengthen the career service to provide 160 extra places at Highlands and assist 419 young adults today through the Advance to Work Scheme. In addition, the Social Security Department has invested another £500,000 this year to enhance the employment services available, led by personal advisers. Analysis of the service indicates that the intervention of advisers is having the desired impact, with a good level of customers returning to work after interventions from an adviser. Forty-nine people have returned to work during April, following interaction with this new service, and 87 in May. The department has also been providing an employment-skills strengthening programme, including C.V. (curriculum vitae) workshops, mock interviews and interview skills support. At the end of April 2011, 20 of the total number of long-term unemployed were aged between 16 and 19.

2.9.1 Senator F. du H. Le Gresley:

This is a supplementary. Does the Minister have any confidence that the Control of Housing and Work (Jersey) Law, if approved by the States, will help to alleviate the growing problem of long-term unemployment?

Deputy I.J. Gorst:

I am not really sure that that falls within my remit. I am doing everything that I can and we are at the Department. We are constantly monitoring unemployment because, although by international standards the I.L.O. (International Labour Organisation) tell us it is around 3 per cent and that is not very much, every person out of a job is of concern to me and I want to see everyone getting into work. Perhaps this question will be better addressed to the Assistant Minister in the Chief Minister's Department.

2.9.2 The Deputy of St. John:

Given a large number of foreign nationals arrive in the Island weekly and monthly and get employment more or less straight away - and I have first-hand evidence of 7 young people from off-Island getting employment and therefore they must have a social security card and I.T.I.S. (Income Tax Instalment Scheme) cards - how come we have such a high number of our own local people out of work, when these other people can walk off the boat or off a plane and get employment?

Deputy I.J. Gorst:

Unemployment is quite a complex issue. The reasons that people are not in work also can be numerous and each individual must be taken as an individual and helped through the barriers that they have to employment. The Deputy knows that jobs licences are issued by the Population Office, which comes under the remit of the Chief Minister. If he is concerned about particular employees and the licences that they hold, I would suggest that he takes those issues up with the Population Office. They do come forward for renewal every 3 years and perhaps that is the area that he needs to be addressing. There is no doubt that there is a direct correlation between jobs available and the licences that are issued. My Assistant Minister attends the Migration Advisory Group to outline these very issues and we try to work very closely with them to link the people on our register with those employers saying they require extra licences in the non-local area and we have become much stricter in ensuring that those licences are not extended unnecessarily.

2.9.3 Deputy G.P. Southern:

Does the Minister consider that it is time to move from training for jobs to actual work schemes in order to keep people working during this recession and what discussion has taken place at Ministerial level surrounding this sort of issue?

Deputy I.J. Gorst:

In any scheme that Ministers or the Assembly brings forward, one must be careful about unintended consequences. I think we can say without a doubt that the Advance to Work Scheme is working; people are getting training, they are going into the workplace and they are finding that jobs are being created where they were not necessarily previously. The Deputy and I do disagree. I believe, and have long been a believer (and this is where Senator Shenton is perhaps incorrect) that we should have a youth minimum wage. This Assembly in the past has said it does not want a youth minimum wage; therefore, I have not brought it forward. My personal belief is we should have one because that would help, to some extent, to alleviate some of these issues. Contrary to what Senator Shenton believes, I am acting as directed by the States and not as an individual.

Deputy G.P. Southern:

Will the Minister answer the question about what discussion has taken place at Ministerial level over the possibility of creating work schemes?

Deputy I.J. Gorst:

We have previously considered lots of options: work schemes, wage subsidies, et cetera has been put into that melting pot. As I said, we have also considered a youth minimum wage. As I also said, we have got to be careful of unintended consequences. There is evidence and there is suggestion that perhaps, in doing that, one puts out of work others and employers make decisions

around taking on those who are on a subsidised scheme rather than taking on people to whom they would be paying the full rate. So it is a very difficult area and we have to move very carefully but, as I say, the training schemes are working. Advance to Work is working, people are getting into work and the new enhanced Workzone is working because we are getting people into Workzone and that is what the aim of everything that we do should be.

2.9.4 Senator P.F. Routier:

My question has been just touched upon because my question was: does the Minister think the lack of a youth rate exacerbating the situation? Will he now reconsider and really bite the bullet and come back with a youth rate for us to consider again, because there was a wrong decision we made last time?

Deputy I.J. Gorst:

Perhaps the Senator should have a word with his colleague. I am not sure whether I should be acting independently or I should be taking the lead of the States Assembly. Different Members seem to be directing me in a different direction. I do have a personal view. I have outlined that this morning. The States have outlined and asked me to go away and act in a different direction and that is what I have done, but I am of the opinion that we could help young unemployed people if we were to introduce a youth rate.

2.9.5 Senator F. du H. Le Gresley:

I must say that I despair, really, when the Minister tells us that there are 20 people in this group between the ages 16 and 19, which is effectively one class leaving school. Given that the number of long-term unemployed has increased by nearly 60 per cent in the last 12 months, does the Minister consider that we are in danger of developing, particularly for young people, a culture of worklessness and benefit-dependency?

Deputy I.J. Gorst:

We have a responsibility in this Assembly not to categorise individuals. Being out of work, I do not believe, is something that people knowingly choose. There might be some of that happening around the edges, but we have to act responsibly and that responsible way is ensuring that our benefits system is appropriate for those individuals. As the Senator knows, I am coming forward with some changes along those lines and they are going to be lodged today. But we also need to encourage these individuals and make sure that they can overcome the barriers that they have to gaining employment.

The Deputy Bailiff:

Very well; we come on to question 11, which the Constable of St. Mary will ask of the Chief Minister.

2.10 The Connétable of St. Mary of the Chief Minister regarding the future of the BBC's Channel Island news service:

Further to reports that the BBC's Channel Island news service could be under threat in the wake of the broadcaster's aim of making multi-million pound savings across its entire operation, will the Chief Minister advise whether he considers this to be a matter of concern and whether this has been discussed at the Council of Ministers and, if so, has any representation been made to the Corporation?

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

Any reduction in the media's coverage of issues that are relevant to the Island's political, social and cultural life is a matter of concern to Ministers. Furthermore, Jersey's distinctive constitutional,

political and cultural context means more weight is placed by Islanders on local media services than might be the case in the English regions. Ministers have discussed this issue and agree that the withdrawal of BBC Channel Islands news would limit locally-produced T.V. (television) coverage of major political and cultural events and would reduce the opportunities for Members to engage in public debate. Accordingly, I have recently written, on behalf of the Council of Ministers, to the BBC Director General, Mark Thompson, and to the Chair of the BBC Trust, Lord Patten, expressing concern at the proposed closure of the local T.V. service and any dilution of BBC Radio Jersey's local output. The letters appeal to the BBC to rethink its station's proposals as it is important that Islanders have access to a diversity of news coverage, which reflects their lives, interests and experience, if informed debate and community involvement is to be stimulated. I have not yet received a reply to those letters.

2.10.1 The Connétable of St. Mary:

I was going to ask about the response. I know there has not been one. Has the Chief Minister taken any opportunity to raise this at a political level with the United Kingdom Government?

Senator T.A. Le Sueur

Not at this stage. I am awaiting a potential reply from the BBC before taking any further steps.

2.10.2 Deputy R.G. Le Hérissier:

Would the Chief Minister not admit that the issue is not removing one purveyor simply because they extend the coverage, but it is ensuring that there is a lively difference between the 2 purveyors of television news who, at the moment, look awfully like each other? Secondly, would he not agree that if he is committed to the extension of media coverage, he should be committed to a much more exciting investigative approach to this coverage and that, for example, the withdrawal of Talkback and programmes such as this (admittedly tired in their current format) was a disaster and has, if anything, cut back on the very things he seeks to generate, for example, an intelligent interest in issues?

Senator T.A. Le Sueur:

I have absolute confidence in the BBC local service to keep up to date with whatever the customers or listeners/viewers may require. I do appreciate and I did indicate the need for a diversity of views being expressed in the local media; that is a matter which clearly concerns us to some extent. The argument may be a little bit lost on the BBC, which is why I was anxious to write to them and reiterate just why a local service is more important to us than it would be in any other local area.

Deputy R.G. Le Hérissier:

Sir, a supplementary. Has the Chief Minister analysed the content of the news and found out that, on both commercial and public, they are the same?

The Deputy Bailiff:

I am sorry. No, Deputy I am sorry. Please sit down; new rules, no supplementaries for non-questioners. Connétable, do you have a final supplementary?

2.10.3 The Connétable of St. Mary:

In light of the fact there has not yet been a response, will the Chief Minister undertake to follow this up with a further communication after a suitable interval has expired?

Senator T.A. Le Sueur:

I certainly will.

The Deputy Bailiff:

Very well; we come to question 12, which Deputy Shona Pitman will ask of the Minister for Education, Sport and Culture.

2.11 Deputy S. Pitman of St. Helier of the Minister for Education, Sport and Culture regarding CCTV cameras at Springfield Stadium:

Following his response to my question on 17th May, would the Minister advise whether the C.C.T.V. (close circuit television) cameras at Springfield Stadium are now in operation and, if so, when are they switched on and for how long?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

There are 6 C.C.T.V. cameras monitoring the external areas of Springfield, all are operational and are permanently on 24 hours per day.

The Deputy Bailiff:

Do you have a supplementary?

2.11.1 Deputy S. Pitman:

I am afraid, I believe that answer to be untrue because when I recently went to the Stadium and had a look around the cameras were off.

The Deputy Bailiff:

You mean incorrect?

Deputy S. Pitman:

Sorry?

The Deputy Bailiff:

“Incorrect” rather than “untrue” would be better, I think.

Deputy S. Pitman:

Yes, Sir. Could the Minister comment on that and could he also comment, regarding the recent vandalism incident, whether or not the cameras were on at that time?

The Deputy of St. Ouen:

First of all, I must report that the information I have been given is from my officers and I have no reason to doubt that the information that I have been given and provided to this Assembly is absolutely true and correct. With regard to the time when the seats were vandalised in the grandstand at Springfield Stadium, all cameras were in operation.

2.11.2 Deputy S. Pitman:

Would the Minister then inform Members just how long the cameras are on for; are they on 24/7, 24 hours a day?

[10:45]

The Deputy of St. Ouen:

Yes. The cameras are on 24 hours a day, 7 days a week.

The Deputy Bailiff:

All right, no further questions? Then we will go on to question 13, which Deputy Lewis will ask of the Minister for Home Affairs.

2.12 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the use of the Criminal Offences Confiscations Fund:

Further to the statement in the *Customs and Immigration Services Annual Report 2010* that the complement of Customs and Immigration Officers is 3 below minimum operating effectiveness due to funding cuts in previous years, will the Minister be applying for funds from the Criminal Offences Confiscation Fund to enable the department to be brought back up to strength?

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

I have not been able to locate the statement in R.62 despite my best efforts, but I am going to assume that the number 3 relates to the fact that the Customs and Immigration Department have been operating with one person less per shift than they should really have for a number of years. This is not a consequence of the C.S.R. (Comprehensive Spending Review) process because that was the situation when I arrived. The answer to the question is no for 2 reasons: firstly, because (my colleague to my left will approve of this answer) the Criminal Offences Confiscation Fund is not a self-service buffet. It is not available to meet general departmental expenditure. It is now being used primarily to cover exceptional costs in relation to criminal investigations and prosecutions - major ones - in relation to court and case costs. But, secondly, the answer is no because for me to do so would be a sideswipe on the C.S.R. process and on the financial savings target of £65 million agreed by the States. I would, in effect, be cheating under that system. I would, however, bring to the attention of the Members of the Assembly that the Home Affairs Department has committed itself to £1 million a year less than was originally requested by the Council of Ministers in order to safeguard frontline services and it has also protected itself against the effects of staff costs due to increments.

2.12.1 Deputy K.C. Lewis:

With the Criminal Offences Confiscation Fund, I can think of no better or morally-right use than employing extra Customs officials to stop further amounts of drugs coming in. Does the Minister not agree?

Senator B.I. Le Marquand:

Well, it could potentially be used for that purpose but, for the reasons I have already given, that would cut across the C.S.R. process and the current application of the Fund.

2.12.2 Deputy K.C. Lewis:

I will refer again to the *Customs and Immigration Report 2010 - R.62* - in which it is stated that in 2010 over £500,000 of heroin was seized; over £41,000 worth of cocaine, £32,000 cannabis; Methadone £23,000 and others £17,000. Surely any reduction in the Customs and Immigration Department is a false economy; does the Minister not agree?

Senator B.I. Le Marquand:

Well, as I said before, if the question refers to the one person per shift down (I could not find that, I read the report through over and over again this morning and I could not find those words anywhere) then that has been the situation for a number of years. It is not something that has recently changed.

2.12.3 Deputy A.E. Jeune:

Could the Minister advise whether he is aware of any officers having left this Department in the last 2 years under V.R. (Voluntary Retirement) or V.E.R. (Voluntary Early Retirement)?

Senator B.I. Le Marquand:

There is one post in relation to which it possibly was a fixed-term contract and I am trying to remember exactly where we are in relation to that. I do not think they have left the department as

yet, but I cannot go into too much detail because I would be dealing with the individual case of a person. But there was one such proposal which might have led in that direction, although it was initially a fixed-term contract.

2.12.4 The Deputy of St. Mary:

Given that we now have a joined-up Government, I wonder if the Minister could answer whether his colleagues will also be coming forward with cuts that have put services below their minimum operating effectiveness in terms of the number of people employed?

Senator B.I. Le Marquand:

I do not know where the words: “minimum operational effectiveness” have come from. I could not find them in the report and neither could I find the number 3 anywhere. My view in relation to the matter is that, ideally, the Customs and Immigration Service should have one additional person per shift. I have said that repeatedly. I am also of the same opinion in relation to the Fire and Rescue Service, that they should have one additional person per shift. But we have to be real at times in relation to the resources which are available and how we can effectively function. The department continues to be an excellent department which continues to function excellently, notwithstanding the pressures.

2.12.5 Deputy D.J. De Sousa:

Going back to the Minister’s original answer to the original question, that answer was alarming for me because he said in his answer that the Criminal Confiscation Fund is used to fund court and case costs. The Article 11(8) requests of last year were to fund court and case costs; so where does the Minister get his information from?

Senator B.I. Le Marquand:

That was court and case cost funding for last year; that is my clear understanding of that. I am talking about 2011 and years thereafter. Now, one of the uncertainties of the Criminal Offences Confiscation Fund is how much money there is going to be in it. In fact, it dried up for one year, which caused some difficulties. Potentially, there may be very large sums. I am not sure if “serendipitous” is the right word, but it is uncertain as to how much there is going to be from time to time. But at the moment, as I understand it from my colleague, the Minister for Treasury and Resources, there are no spare funds available which can be clearly allocated.

2.12.6 Deputy G.P. Southern:

Is the Minister content that the current strength of the Customs and Immigration force is sufficient to protect our borders from the import of illegal drugs?

Senator B.I. Le Marquand:

Yes, I am. We have an excellent system which consists both, of course, of the Customs and Immigration Service - and, of course, of the States of Jersey Police - and a very effective system which I think even a very experienced drug dealer, who recently lost his appeal at a high level, discovered to his cost.

The Deputy Bailiff:

Do you have a final supplementary, Deputy Lewis?

2.12.7 Deputy K.C. Lewis:

Immigration has been touched on. At present, it is very rarely that any criminal checks are taken on people coming to Jersey and in the far east of Europe it is virtually impossible as they do not exist. Does the Minister think this is a satisfactory situation?

Senator B.I. Le Marquand:

Sorry, I was distracted by somebody pointing out to me where the words did exist in the report. I apologise for not having found them. Could the question be asked again, because I was assimilating the fact that it is there and I failed to find it this morning.

The Deputy Bailiff:

It is something to do with Eastern Europe.

Deputy K.C. Lewis:

Further to the points raised earlier regarding immigration, it is very rare that anyone coming to the Island from the U.K. has a criminal record check and in Europe, and especially far Eastern Europe, they are virtually impossible as they do not exist and there is no computer link at all. Does the Minister think this is a satisfactory situation?

Senator B.I. Le Marquand:

We have no effective controls from an Immigration point of view on people either coming from the common travel area or from the European Economic area. In relation to places outside that, people have to apply for entry permits and things of that nature and we are able to make appropriate checks.

The Deputy Bailiff:

We come to question 14, which Deputy Southern will ask of the Chief Minister.

2.13 Deputy G.P. Southern of the Chief Minister regarding employees on work permits and the overall immigration total:

Further to the information in the *Customs and Immigration Services Annual Report 2010* that 178 work permits were issued in 2010 for non-E.U. (European Union) citizens to work in the finance, medical and legal sectors, will the Chief Minister state whether the Strategic Plan aim of capping inward migration at 150 heads of household is being achieved and confirm whether these employees on work permits are counted in the overall immigration total?

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

The 2009 Strategic Plan committed to a maximum inward migration target of an average of plus 150 heads of household over 3 years and we expect this to be achieved. For example, the economic downturn has led to a reduction in the number of unqualified persons in the local workforce. The net change in persons on work permits is included in the count of resident population. I stress the word “net” because there is an inflow and outflow of people amounting to several thousands each year and, while 178 may have come in, the report does not identify how many left. Recent trends in migration figures suggest a reduction in net inflow due to the state of the economy. These figures, however, will be confirmed or otherwise when the census results are published later this year or early next year.

2.13.1 Deputy G.P. Southern:

Does the Minister know what length of permits are issued to these highly-qualified workers and, secondly, can he assure the House that the combination of the number of J-cats ((j) category licences) permitted in 2010 along with these work-permit individuals from non-E.U. countries is under the 150 target for heads of household?

Senator T.A. Le Sueur:

No. I do not know the length of any permits. It is a matter which Customs and Immigration will do on an individual basis. As far as the statistics on J-cats are concerned that, of course, is published regularly by the States and we can see the trends on that and the number of (j) category

licences being issued has been quite static over recent years. So I do not think that the figures raised by the Deputy are a matter of significant concern.

2.13.2 Deputy G.P. Southern:

Is it the fact that the figures that he refers to, which have been static for J-cats, are around the 150 mark?

Senator T.A. Le Sueur:

The figures are published and they are as published.

2.13.3 The Deputy of St. Mary:

Can the Chief Minister explain how the process works in relation to work permits so that they do come under the constraints of the population policy? If they are being done by a different department to the Immigration Department, then how can they be brought into the wider picture at the Migration Advisory Group and so on? So how does it work that these work permits are taken into account in terms of the broader picture of immigration control?

Senator T.A. Le Sueur:

Because a person who has a work permit is, nonetheless, an employee and the manpower figures give details of the total of all employees, whether employees on work permits or employees with other qualifications. So the information is quite clearly collected in the normal course of collection of manpower details.

The Deputy of St. Mary:

No, but at the point of entry?

Senator T.A. Le Sueur:

Not at the point of entry; at the point of employment.

The Deputy Bailiff:

Do you have a final supplementary, Deputy Southern?

2.13.4 Deputy G.P. Southern:

These figures have been deliberately chosen to examine the private-sector professionals for these work permits. We are not talking here about the inflow of unskilled workers in and out of the Island. Can the Minister assure the House now that the target at 150 heads of household is being kept at this present time and is not exceeded by 178 work permits in this particular example?

Senator T.A. Le Sueur:

I can certainly assure Members that, on the basis of the information to date, the average of 150 over a 3-year period will be achieved. The 178 figure which he speaks about, as I said earlier, is clearly counterbalanced by the number of people leaving, which may well be more than 178. The outcome will be known at the end of the 3-year period.

The Deputy Bailiff:

We now come to question 15, which the Deputy of St. Mary will ask of the Chief Minister.

2.14 The Deputy of St. Mary of the Chief Minister regarding the enforcement of debt repayments by the Democratic Republic of Congo:

Would the Chief Minister confirm whether FG Hemisphere is using the courts in Jersey to enforce debt repayments by the Democratic Republic of Congo in a way which has just been outlawed by the U.K. Parliament and, if so, does the Chief Minister think it is appropriate for the Jersey courts

to be used in this way and what actions, if any, has he taken and does he propose to take on this matter?

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

The judgment in the case of *FG Hemisphere and Associates LLC v the Democratic Republic of Congo and Others* of October 2010 is a matter of public record. I am advised that the plaintiff in that case is the assignee of 2 arbitration awards against the Democratic Republic of Congo and the case concerned whether or not the plaintiff, which is not a Jersey company, could recover Jersey-based assets of a Congolese mining company, in satisfaction or part satisfaction of those arbitration awards. As I understand, this judgment is subject to appeal.

[11:00]

It would not be appropriate of me to make any comment about it. I would not want this Assembly to be seen in any way as influencing any such appeal. As I understand it, the U.K. legislation the Deputy refers to is the Debt Relief (Developing Countries) Act 2010 and it deals with limitation on the extent of possible recovery of debt of countries qualifying for relief under the Heavily Indebted Poor Countries Initiative. It prevents creditors recovering an amount in excess of that, consistent with what the I.M.F. (International Monetary Fund) and the World Bank calculate to be a sustainable level under the initiative. I am advised that the U.K. legislation, which is not widely mirrored in other jurisdictions, was recently given permanent effect. Although we have been aware of it for some time, we wanted to see what conclusions would be drawn from the review of the U.K.'s temporary legislation of last year before considering our position. Accordingly, we have now established a high-level working party to actively consider our own position on vulture funds in the knowledge that the U.K. has also undertaken to share its expertise in this matter. We hope to soon be able to submit our proposals for consultation.

The Deputy of St. Mary:

I am glad to hear that there is a high level working party. I am concerned, however, that the Chief Minister is trying to say that there is an appeal going on and, therefore, we should not really be discussing this. The fact is the question concerns a matter of principle and I would like the Chief Minister to confirm that he thinks that to transfer \$80 million, as in this case, from the poorest people in the world to investors in the rich world is morally abhorrent and that he is personally committed to making sure that Jersey acts appropriately in this matter.

Senator T.A. Le Sueur:

I confirm I am personally very committed to ensuring that Jersey acts appropriate in this matter. I was careful to point out to the fact that there was an appeal in train and I, therefore, did not want to make specific comments in relation to the facts pertaining to that particular case and that particular appeal.

2.14.1 Deputy G.P. Southern:

Can the Minister tell Members who constitutes this high level-review board and is he content that the reputation of the Island is protected when it becomes obvious that we are a safe haven for these so called vulture funds?

Senator T.A. Le Sueur:

At this stage this has been a very hastily produced answer and I do not have details of the composition of that working party, other than to know it is in existence and it is working. In due course I hope to be able to present those details to the Members.

Deputy G.P. Southern:

The reputation question for the Island?

Senator T.A. Le Sueur:

The reputation of the Island is clearly of paramount importance to me and it should be to all Members. We also have to do what is right, irrespective of what our reputation might be. I believe that we can do what is right and maintain and enhance our reputation.

2.14.2 Deputy K.C. Lewis:

The Chief Minister will immediately recall that I asked him this very question on Tuesday, 19th of June 2007, whereby a company operating out of the British Virgin Islands purchased a debt owed to Romania, I believe it was for agricultural equipment, owed by Zambia for a few million dollars and then went on to charge Zambia \$48 million; thereby negating much of the good work done by our own Overseas Aid Committee. Is the Minister satisfied that companies of this nature no longer operate in or through Jersey?

Senator T.A. Le Sueur:

Yes, I am satisfied that companies of that nature do not operate in Jersey. As far as through Jersey is concerned, as this case does indicate, there are instances where assets will be located in Jersey and, therefore, come within the jurisdiction of the courts.

2.14.3 The Deputy of St. Mary:

I want to ask the Chief Minister whether the goal of this working party which has been set up, which does not have any members yet, is to talk or whether it is to act. Can he confirm that the goal of this working party is to establish how to outlaw vulture funds from being able to use the Jersey Courts and once they are found out that they will act on that? Also, will he include on the working party representatives of civil society who have a track record of concern with developing of poor countries?

Senator T.A. Le Sueur:

I will be happy to ensure that there is a balanced representation on that working party, including people with civil interests, as I am sure we all do. It is not fair to say that there are no members in the working group. I just do not have at the moment details of their names. Whether the discussions will lead to legislation or not is a matter which would be premature to say at this stage. I hope it does lead to legislation in some form or some other measure which will ensure that such activities are not permitted to take place in Jersey.

2.15 Deputy M. Tadier of the Minister for Education, Sport and Culture regarding disabled facilities and access for students at Highland's College:

Will the Minister update the Assembly on the current state of disabled facilities and access for students at Highlands College, including any future upgrades and refurbishment?

The Deputy of St. Ouen (The Minister for Education, Sport and Culture):

Highlands College works closely with my department and others to ensure that all students' needs are identified, assessed and met. As a result, disabled facilities have been upgraded over the years, including significant improvements made as part of the recent refurbishment of the Turner Building completed in 2009. There are presently no new buildings planned for Highlands; however, the college will continue with its approach of working to meet individual needs and in this way continue improving accessibility year on year.

Deputy M. Tadier:

Firstly, will the Minister comment on the availability of minibuses for those disabled and impaired young people who are accessing the Life Skills programme? Will he comment on first of all

whether such a minibus exists that can transport them and, if not, if such a facility can be introduced to facilitate their transport?

The Deputy of St. Ouen:

Every effort is made to support individuals with disability, including ensuring that appropriate transport is available where the need arises. We do aim to make use of facilities that are available at other provisions that the department is responsible for, although at this time there is no minibus that is designed to meet disabled needs based at Highlands.

Deputy M. Tadier:

I thank the Minister for the answer. Lastly, will he take on board the concerns that I have raised with him directly over the last few days and try and examine first of all the issue of the mini bus, if that can be introduced viably; and also take on board the other concerns that I have raised about perhaps areas in which Highlands College is not necessarily fully up to speed with disabled access in all areas?

The Deputy of St. Ouen:

Like the Deputy, I am very keen to make sure that those that suffer with disability are not disadvantaged in any way and I will do all that I can to make sure that they are provided for in whatever facility I am responsible for.

The Deputy Bailiff:

Very well, we now come to question 17, which you will see from the Order Paper has been redirected from the Minister for Economic Development to the Minister for Treasury and Resources and will be asked by Deputy Higgins.

2.16 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the generation of jobs within the private sector:

Could the Minister explain how and where he expects the private sector to generate the jobs required to provide employment to those currently unemployed, to meet the needs of our school leavers, and to replace the jobs expected to be lost in the public sector; as a University of Manchester study regarding employment shows that the public sector has been responsible for nearly 60 per cent of the growth of jobs in the U.K. since 1997?

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

If I may, first of all, tackle the issue of the University of Manchester study. That study conducted by the Centre of Research on Social Cultural Change shows that 60 per cent of the growth in employment in the U.K. since 1997 was public employment. That is an entirely different picture from here in Jersey where growth in the public sector employment has been about 20 per cent of the total employment growth since 1997. In other words, we are dealing with an entirely different situation. Recent statistics show that the economy is beginning to improve. The latest Business Tendency Survey showed that expectations for future employment - particularly within the biggest employment sector, finance - were up. The Council of Ministers has given a firm commitment that by the end of June we will issue a new economic growth strategy and this will set out new plans to grow the Jersey economy, generate employment, work with the public and private sectors to provide jobs and equip Islanders with the skills and experience necessary to secure permanent employment. States support for business encourages economic growth and employment opportunities, I am confident, will be generated. That is the way that we can help those who are out of work and about to leave education, or may be affected by the changes in the public sector.

Deputy M.R. Higgins:

Obviously the finance sector is the biggest industry within the Island and it is showing, according to the latest business survey, they were 26 per cent more positive about future prospects in the last survey. However, the rest of the economy was minus 18 per cent and in fact we see in all these surveys finance seems to be more bullish than the rest of the economy. However, with interest rates remaining low and certainly banking in particular generating two-thirds of the revenue for the finance industry, does the Minister see any growth in the banking sector and, if so, where? Basically the economy is just not moving at all.

Senator P.F.C. Ozouf:

Well I am first of all grateful that the Deputy has not attempted to argue against the point that the University of Manchester report is completely different from that which is in Jersey. I am confident that finance - and indeed other areas of the economy, but I will tackle the finance issue - is going to create more jobs. The investment that this Assembly has wisely made in Jersey finance in terms of opening the new offices in the Gulf region, in India, in Hong Kong and the other endeavours that are being done in London, is raising the profile of Jersey and attracting as there is a flight to quality, a flight to good regulation, opportunities for Jersey. The Members are shaking their heads; those that do not believe in finance, I think, probably do not believe that there will be job opportunities. There will be job opportunities. They are coming and we need to maintain our confidence and give the finance industry the support, and the rest of the economy.

Deputy M.R. Higgins:

The Minister goes on about Jersey finance going out and trying to get new business in India and China, et cetera. How quickly will that business come? Building up relationships is a long term enterprise. We have 1,300 people unemployed at the present time. We have school leavers who will be leaving school in about six weeks' time. Where are they going to find the employment in the immediate future? Where are the returning graduates going to find their work in the immediate future? Can the Minister come up with answers to that?

Senator P.F.C. Ozouf:

I would encourage the Deputy to look at the statistics. While the unemployment numbers ticked up by 40, overall the number of people seeking work is down from the January number and I am confident that, while there will continue to be ups and downs on a month to month basis, we are going to see a picture of an improving economy. There is confidence in the Jersey economy. The States Accounts that have been published this morning show a picture of confidence, of stable public finances, and it is that sort of environment, together with the support, together with the long term relationships that we are building in the growing areas of the world, that is going to generate jobs. The Chief Minister is just about to visit China in the next few days. We have visited the Middle East recently, representing 20 per cent of our jobs in banking, and there is more to come and we should be confident about that.

2.16.1 Deputy G.P. Southern:

The Minister for Treasury and Resources mentioned that his Minister's economic growth plan will create jobs in the private and public sector. Is that additional to the number of redundancies that £65 million of cuts in the public sector will produce and what is his latest target for the number of redundancies in the public sector this year and to 2013?

Senator P.F.C. Ozouf:

I think I have answered 6 questions in the last few months about exactly the impact of the C.S.R. and how that will affect employment. The Deputy, I think, chooses to try and characterise the fiscal squeeze in the U.K. which is 6.3 per cent of G.D.P. (Gross Domestic Product) by cutting public sector jobs. In Jersey it is less than 2 per cent. I have already been clear of how many jobs that I think are going to be affected by the C.S.R. and indeed I did not say that is going to be the public sector that is going to create jobs. I said that it is going to be the public sector working with

the private sector that is going to create jobs and create the opportunities and the environment for enterprise. So I do not know whether the Deputy heard the interview last night with the Shadow Chancellor, Ed Balls. I have to say that the Deputy, in his question, appears to be running the Balls line. I appear to be running the I.M.F.-endorsed Osborne line which is about private sector job growth. That is the solution for Jersey.

[11:15]

2.16.2 The Deputy of St. Mary:

The Minister is leaving out the fact that the U.K. Government has a 'Green Deal' proposal to create masses of jobs very quickly to reduce energy bills and fossil fuel dependency. Now, I asked a written question today - written question 45 for Members who might like to look at it - asking whether such a plan exists in Jersey and the answer, in a word, was no. I am really concerned that the Minister is still wedded to thinking that finance, which is a high risk occupation now in the world as it is now, will get the 1,000 unemployed back to work. I would like him to comment on the idea of a green deal to increase our resilience to future oil price rises and to make a better future for all Islanders.

Senator P.F.C. Ozouf:

In the limited time that I have got to answer oral questions I cannot comment in relation to the green issues that the Deputy raises. But I want to be clear that, while financial services is the biggest employer and I am confident and this Assembly should have confidence that we have a great future in terms of finance as we grow the different areas geographically, we also must be, of course, concentrating - and the Deputy is right - on other areas of the economy. The Assistant Chief Minister and the Minister for Economic Development have just recently returned from Israel where I think they have been impressed by the clean tech industries that are being built in Israel. There are lessons to be learned about how we can also develop other areas of the economy - green tech industries, intellectual property and other areas in terms of I.T. (Information Technology) - and that is going to be an important feature in the economic growth plan that the Council of Ministers is going to be publishing in a few weeks' time.

2.16.3 Senator J.L. Perchard:

The Minister rightly spoke about diversifying the economy in order to reduce the levels of unemployment. Does the Minister agree that, while we now have legislation in place to support e-gaming, e-commerce, intellectual property, data storage and protection, we do not have the premises - the clean tech premises that he just referred to - to facilitate these emerging industries and will he do everything he can to support the development of suitable facilities, clean tech facilities, to support such industries?

Senator P.F.C. Ozouf:

I think the Senator raises an important point about the capacity that we have in data capacity. I do not entirely agree with the Senator that we do not already have very significant data capacity storage facilities that have been invested at Queens Road. Also Jersey Telecom has invested; in fact they acquired a business which required Treasury authorisations a few months ago. But I do agree that it is something that we need to be vigilant on. I can say to the Senator that I have been in discussions with Jersey Telecom just in the last week about further investments that they are going to be making to expanding the exciting area of data capacity and data speed in terms of the Island, which I think is going to be an important feature of the economic growth plan. The Island has finance to be proud of, but I hope in the years to come we will also have information technology businesses. At the heart of that is data capacity and data storage which will facilitate that and I am sure it is going to happen.

2.16.4 Deputy M.R. Higgins:

I am very interested in obviously seeing where the growth in private sector jobs is going to come from, especially when considering that the biggest generator of economic growth is consumption by members of the public. According to the latest figures, 58 per cent of responders anticipated no change in the earnings of their employees, whereas a further 6 per cent expected a decrease; so 64 per cent no change whatsoever at a time when we are getting higher prices through, commodity prices and so on. What this means is that people are going to have less disposal income and, therefore, they will be buying less in the shops and so on. I might add, the policies of this Council of Ministers are adding to that by increasing the tax burden on the personal as opposed to a corporate customer. Where does the Minister think the growth is going to come from?

Senator P.F.C. Ozouf:

The first thing I think the growth is going to come from is being confident about what we have in Jersey. He and some of his colleagues keep on talking Jersey down. There are statistics being released tomorrow morning, which Members already have seen, about retail sales. That is an entirely different picture than the Deputy seeks to characterise. **[Aside]** It is not one month. He keeps on talking it down. I am confident that we are going to see job creation across the economy as confidence returns. If he is not confident, then what is the Deputy and the others that are questioning the policies of the Council of Ministers, going to do? Is their solution not to go ahead with the necessary adjustment in terms of public spending and does he really think that the solution for the Island is to create more public sector jobs which is unsustainable? We have strong public finances and we can have a strong private sector which is going to support jobs and create jobs and keep our unemployment numbers down. I would encourage him to be confident and to be talking Jersey up rather than constantly talking Jersey down.

2.17 Deputy T.M. Pitman of The Chief Minister regarding 'golden handshakes' paid to two civil servants:

How ironic that this follows on talk of controlling public expenditure. Will the Chief Minister clarify the exact sums paid as golden handshakes to 2 civil servants; clarify who was paid which sum and explain why such large payments were considered justified?

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

As I have already stated in my written answer, I am not in a position to comment publicly on the nature of the terms of any individual settlements. Any settlements which have been entered into have taken proper account of each individual's terms and conditions of employment. I will not comment publicly on the specific amounts other than to advise the Deputy and other Members that one of the figures quoted in the media is totally incorrect and the level of payment made to that individual was significantly less than that reported. I would be happy for these matters to be looked at in confidence by an independent body or a person such as the Comptroller and Auditor General, as I have already stated.

Deputy M. Tadier:

May I raise a point of order? The Minister has stated that he would not give the information publicly. I did ask before whether it would be possible to go into camera, even though I do not generally like to do that; but it is better to have information rather than not have it and if it needs to be done confidentially within the confines of the States I think that would be preferable.

The Deputy Bailiff:

Do you wish to make the proposition that we go into camera?

Deputy M. Tadier:

I do, and if we could have the vote.

The Deputy Bailiff:

Before we come to that, Chief Minister, if we do go into camera will you be in a position to answer the questions in any more detail or not?

Senator T.A. Le Sueur:

If we go into camera I will be prepared to disclose the amounts of money paid to the 2 persons concerned. I do stress concern that past experience has shown that matters disclosed in camera do not always, regrettably, remain in camera and I do give Members warning that if disclosure is made out of an in camera position, it could give rise to a claim for damages which may or may not be successful.

The Deputy Bailiff:

Deputy Tadier, do you wish to maintain your proposition?

Deputy M. Tadier:

I maintain it and I am sure that all States Members are honourable and they would never ever consider disclosing such information.

The Deputy Bailiff:

The purpose of going into camera under Standing Order 81: "A Member of the States may propose, without notice, that the States conduct any part of the debate on a proposition or any other part of its business in camera for a specified purpose." This is clearly not debate on any part of a proposition but it would have to fall under any other part of its business for a specified purpose and the purpose, it appears to me, will only be to receive the information which the Chief Minister has said he would be prepared to give. Thereafter we would then go out of camera and back into public session. So that is the proposition. Is it seconded? [**Seconded**] Chief Minister, you have already said what you have to say I think?

Senator T.A. Le Sueur:

I have said what I wanted to say, other than maybe to advise Members that I believe a preferable route might be to have an inquiry which could be done in total confidence without running the risk of exposure, but it is up to Members to choose which way they believe in to go forward.

The Deputy Bailiff:

This is a very straightforward matter, I am sure we are not going to need a debate on it.

Deputy M. Tadier:

If no one wants to speak I would be asking for the appel; that is all.

Deputy T.M Pitman:

I want to object to going into camera because I think it is an absolute insult to the public of Jersey. This is public money and it is absolutely right that they should know what is going on when everyone else has got to tighten their belts. I think it is disgraceful.

Deputy R.G. Le Hérissier:

Just to confirm that I believe it is totally wrong. It will obviously leak; let us have no doubt about that. But on principle, it is a public issue; it should be discussed publicly.

The Deputy Bailiff:

It is a matter for Members, Members can vote on it. The appel has been called for.

Deputy M. Tadier:

Can I just add to that? Clearly I do not want to go in camera either. If the Chief Minister is willing to give that information publicly then that is the preferable course.

The Deputy Bailiff:

The Chief Minister has already explained why he is not prepared to do that. The proposition is made. I would invite Members to return to their seats, the vote is on whether to go into camera for the specified purpose of receiving information from the Chief Minister as to the 2 payments which are alleged to have been made. I ask the Greffier to open the voting.

POUR: 14	CONTRE: 30	ABSTAIN: 1
Senator B.E. Shenton	Senator P.F. Routier	Senator T.A. Le Sueur
Senator F.du H. Le Gresley	Senator P.F.C. Ozouf	
Deputy R.C. Duhamel (S)	Senator T.J. Le Main	
Deputy J.A. Martin (H)	Senator F.E. Cohen	
Deputy G.P. Southern (H)	Senator J.L. Perchard	
Deputy of St. Ouen	Senator A. Breckon	
Deputy of St. Peter	Senator S.C. Ferguson	
Deputy J.A.N. Le Fondré (L)	Senator B.I. Le Marquand	
Deputy K.C. Lewis (S)	Connétable of St. Ouen	
Deputy I.J. Gorst (C)	Connétable of St. Helier	
Deputy M. Tadier (B)	Connétable of Trinity	
Deputy of St. Mary	Connétable of Grouville	
Deputy A.T. Dupré (C)	Connétable of St. Brelade	
Deputy M.R. Higgins (H)	Connétable of St. Martin	
	Connétable of St. Saviour	
	Connétable of St. Peter	
	Connétable of St. Lawrence	
	Deputy of St. Martin	
	Deputy R.G. Le Hérisssier (S)	
	Deputy J.B. Fox (H)	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy S.S.P.A. Power (B)	
	Deputy S. Pitman (H)	
	Deputy of St. John	
	Deputy A.E. Jeune (B)	
	Deputy T.M. Pitman (H)	
	Deputy A.K.F. Green (H)	
	Deputy D.J. De Sousa (H)	
	Deputy J.M. Maçon (S)	

2.17.1 Deputy T.M. Pitman:

Bearing in mind all we have just heard, does the Chief Minister genuinely believe that figures - derived from taxpayers' money, let us not forget - that equate to what someone on minimum wage will likely earn in a lifetime of work, can justifiably be swept under the carpet with the excuse of confidentiality? Does he really consider that is acceptable?

Senator T.A. Le Sueur:

Sadly I do, because the alternative of unnecessary public disclosure would lead to the payment of an even greater sum which would be even more detrimental to the taxpayers of the Island. I have weighed-up very carefully and, in the interest of taxpayers, I believe that this is the preferable route to adopt.

Deputy T.M. Pitman:

I just have to find that statement absolutely mind-numbingly unbelievable and I would ask that the Minister really lay his cards on the table and at least tell us what was the justification for these sums. That much he can certainly tell us.

Senator T.A. Le Sueur:

Firstly, I should say that these were 2 very different situations, although they are both significant amounts of money. In the one case it was a negotiated settlement and in the other case it was a contractual obligation. The terms of the contract had been in existence for a number of years and the States Employment Board merely honoured the terms of the contract.

2.17.2 Deputy M. Tadier:

Will the Minister comment on how the unwillingness or inability to release very important information which is in the public interest marries with statements in the Strategic Plan which says that we will work openly and inclusively with all sections of the community to embrace a progressive culture of openness, transparency and accountability to the public, and that we will try to establish as system of greater transparency, public participation and collaboration? How does that ideal and the lack of information we are getting, even as States Members, marry to that very laudable aspiration?

Senator T.A. Le Sueur:

Simply because we have a legal and contractual obligation in the arrangements which were entered into with the parties concerned. There was a clause of confidentiality and the potential for a penalty for damages should that confidentiality not be maintained. That confidentiality enables a satisfactory settlement to be achieved at a potentially better figure than might otherwise have happened. So I am quite confident that, in achieving that and accepting the position of confidentiality, we were working in the public interest.

2.17.3 Deputy G.P. Southern:

The Minister has revealed that one of the figures suggested is incorrect. Will he state now whether that is the higher or the lower figure and will he state which of the higher or the lower figures was contractual and which negotiated?

Senator T.A. Le Sueur:

I am surprised that the Deputy is not capable of solving problems for himself.

Deputy G.P. Southern:

Will the Minister answer the question please?

Senator T.A. Le Sueur:

Frankly, if it needs answering, I think it should be obvious that the higher figure related to the contractual arrangement.

[11:30]

2.17.4 Deputy S. Pitman:

Yesterday it was reported in the *J.E.P. (Jersey Evening Post)* that the Minister for Treasury and Resources said that there would have to be exceptional circumstances if detailed information was to be released on contractual agreements. Could the Chief Minister tell the Assembly what constitutes exceptional circumstances?

Senator T.A. Le Sueur:

No, only to state that in my view the circumstances here are not exceptional. They are circumstances which are unusual, but not such as would be likely to be a satisfactory defence should the litigation arise.

2.17.5 The Deputy of St. John:

Will the Minister confirm that, given the higher figure that has been spoken about already and the £414,000 pension agreements that the person concerned can walk away with, it is close to £1 million of States' money, one way or another, that is going to one particular former employee?

Senator T.A. Le Sueur:

The pension obligations under the Public Employees Retirement Scheme are such that would apply to any employee. It is not a pot of money that the person can walk away with. It is a pot of money which is available to pay a contractually entered into pension at the appropriate time and is partly funded by the States and partly funded by the employee.

2.17.6 Deputy M.R. Higgins:

I am going to ask a question I hope the Minister can tell me, because I am not asking about specific sums. I would like to know who was involved in the negotiation of these contracts. So, in other words, the contractual one; did the Ministers know who employed these individuals in their jobs, what their salaries were? Were they involved in the negotiations? You mentioned the States Employment Board. Was it the entire States Employment Board or was it particular Ministers? Please tell us who knew what, when and who was involved in the decision-making.

Senator T.A. Le Sueur:

The written answer makes it quite clear that for the Chief Executive the position was taken by the States Employment Board. It was taken by the whole States Employment Board as a duly constituted meeting of the States Employment Board. As the written answer also says, the decision in respect of the other employee was taken under delegated powers by the former Chief Executive of the States.

Deputy M.R. Higgins:

Can I follow up on that? Just to confirm, it was a civil servant determined the salary of another civil servant?

The Deputy Bailiff:

Chief Minister, I understood the question to relate to the position when the contract was offered and not when it was terminated.

Senator T.A. Le Sueur:

Well, the contract terms in respect of the previous Chief Officer of Health would have been done under the delegated powers by the Chief Executive of the States at that time. The contract of the Chief Executive was entered into by the former subcommittee of the Policy and Resources Committee prior to the introduction of Ministerial Government.

Deputy M.R. Higgins:

Can I just clarify on that, did Ministers know ...

The Deputy Bailiff:

Not under the new rules, Deputy.

2.17.7 The Deputy of St. Mary:

The negotiated settlement, we are told by the Chief Minister, comes under confidentiality and that made the settlement cheaper. I would like the Chief Minister to explain why and I would also like to know about the negotiated settlement, what it was based on. I am still in the dark.

Senator T.A. Le Sueur:

A negotiated settlement requires negotiation and agreement on both sides and part of the terms and the ability to reduce any sum in a negotiated settlement is the desire by one party or both parties to maintain confidentiality. So it is, by its very nature, a negotiation. As to the other part of the question, I have forgotten what the ...

The Deputy of St. Mary:

What the settlement was based on, what are we negotiating about? I also wish to find out why confidentiality makes it cheaper; what is being hidden?

Senator T.A. Le Sueur:

I have tried to explain that it can lead to a cheaper outcome if there is an agreement not to disclose, which may be of benefit, for example, should the employee wish to pursue further employment opportunities and not wish details of a private transaction to be publicly disclosed.

2.17.8 Deputy R.G. Le Hérisier:

Would the Chief Minister not acknowledge that the culture of secrecy has led us into this situation and that he is utterly dissatisfied with what happened in the Government's name a few years ago and will ensure it never happens in this way again?

Senator T.A. Le Sueur:

One has to distinguish between a culture of secrecy and an obligation of confidentiality. In respect of what happened a few years ago; yes, I am anxious to ensure that does not recur and that is why the States Employment Board has changed its policies recently and is also discussing and implementing the proposals raised in respect of employees over £100,000.

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

Is the Chief Minister able to tell Members whether the terms of either of the contracts changed while the employee was in post which resulted in these massive pay-outs and if so, who made the decision to amend the contract?

Senator T.A. Le Sueur:

To the best of my knowledge, there was a significant change in all contracts when the employee became the States Employment Board back in 2005 and that would have applied to all employees of the States, including people at that time. There was an additional change to the contract of employment of the former chief executive at that time in 2005.

2.17.10 Deputy C.F. Labey of Grouville:

If there are contracts are in existence - which I gather there probably still are an awful lot of them - that run contrary to the ideals of the Strategic Plan for an open and transparent Government, how is the Chief Minister going to marry these up or should there not be some renegotiation so that contracts now conform with the Strategic Plan?

Senator T.A. Le Sueur:

I do not believe that any contracts of employment are in opposition to the Strategic Plan. As I said earlier in answer to another question, I do not believe there are any other situations which would give rise to similar payments. Other than that, the contractual arrangements with employees are standard contractual arrangements that have been in place for many years, irrespective of Strategic Plans. They do not change when Strategic Plans change.

2.17.11 Senator J.L. Perchard:

What message would the Chief Minister like to give Members, and thereby the general public, to assure them that this golden parachute leading to huge severance packages no longer features in any of today's contracts of employment? Would the Chief Minister outline briefly the new policies he

referred to in the contracts of employment in this respect that can assure us that these golden parachutes no longer are included?

Senator T.A. Le Sueur:

The message I would like to give to other Members and to the public is my appreciation of the concerns over the level of these payments and the reassurance that, so long as I am Chief Minister and the current States Employment Board is in post, such contractual arrangements would not occur with any current employee or future employee. I cannot bind future States Employment Boards, but I would hope that would happen. In respect of the arrangements to be made, I have already indicated in response to a previous question arrangements in respect of voluntary termination and severance pay and the arrangements whereby any contract over £100,000 would come to the States Employment Board were there any peculiar terms and conditions in the contract such as would give rise to what the Senator refers to as a golden parachute. So I am satisfied that situation will not recur in the past and is not contained in any existing contracts and I hope that Members and the public can appreciate that these are isolated incidents which I am sure we all regret having to pay; but we believe and I believe that the payments made, nonetheless, were the least that were capable of being paid in those particular situations.

2.17.12 Deputy T.M. Pitman:

Deputy Hilton did ask my excellent follow up. Nevertheless, isolated incidents viewed against the £255,000 shared out between 6 other employees: does the Chief Minister think that it is any way appropriate to the people who leave very much under a cloud merit such payments, rather than being faced down and sacked. What does the Chief Minister say to this and does he think his position following his comments is in any way tenable?

Senator T.A. Le Sueur:

People who are deserving of being dismissed will be dismissed. It is very often quite difficult to determine satisfactorily the difference between actions warranting dismissal and actions warranting disciplinary measures or other measures short of dismissal. Employment relations will be a matter for each individual employee at that particular time. Termination in respect of severance or dismissal follow guidelines and set sums laid down by the States Employment Board and are not exceeded. Therefore, employees are well aware of those contractual arrangements which are no greater, or in fact in many cases less, than would apply in the public sector and are clearly published and understood by all concerned. I believe that the actions taken by the States Employment Board in recent months have been realistic, responsible and timely and I have every confidence that they will lead to far better procedures. I have no doubt that we are doing the right thing by doing that and I have no feelings of remorse or regret whatsoever.

The Deputy Bailiff:

We come to question 19, which Deputy Tadier will ask of the Minister for Transport and Technical Services.

Deputy M. Tadier:

Before I do that can I inquire, I conveyed a message asking whether it would be within Standing Orders to ask the Solicitor General in relation to something that the Chief Minister said. Is that an order?

The Deputy Bailiff:

It is not an order. This is question time for Ministers, not to the Law Officers. Question 19.

2.18 Deputy M. Tadier of the Minister for Transport and Technical Services regarding the Island-wide kerbside collection of recyclables:

Will the Minister advise what plans, if any, he has to introduce kerbside collection for recyclables on an Island-wide basis?

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

T.T.S. (Transport and Technical Services) has no plans to introduce kerbside collection for recyclables on an Island-wide basis as this is undertaken by the Parishes and paid for by the ratepayers.

Deputy M. Tadier:

On 15th March 2010 - so over a year ago - the Minister, when asked a similar question, said that in St. Brelade, with regard to the development of kerbside recycling collection, the issue was being discussed. He also stated that other Parishes, he was in no doubt, would be equally enthusiastic to develop such schemes by the end of the year. Could the Minister give feedback on the progress that has happened in St. Brelade in the last year and a half and also which other Parishes are moving towards a recycling scheme of kerbside collection?

The Connétable of St. Brelade:

While it is clearly a matter for Parish Assemblies to approve additional expenditure where it is needed to put kerbside collections in place, I can confirm that a proposal will be put to the St. Brelade Parish Assembly when it takes place in July.

The Deputy Bailiff:

Minister, you are answering questions as Minister and not as the Connétable of St. Brelade.

The Connétable of St. Brelade:

Indeed, I am trying to answer the Deputy as best I can. In overall terms, I cannot answer for other Parishes at the moment, but I would say that the T.T.S. have the funding from the V.E.D. (Vehicle Emissions Duty) charge which the States agreed to earlier on this year and that will be applied specifically to the cost of recycling.

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

The Minister has said that it is for the Parishes to do the kerbside collecting. Given that twice in the last 3 years I have been told that, due to a lack of funds, T.T.S. could not guarantee to be able to afford to recycle what we collect at the kerb, can the Minister give a long-term guarantee that what we collect - at considerable extra cost - will not end up in the incinerator as, in view of the C.S.R. cuts, I am reluctant to ask my Parish to spend extra money if it means it is a gamble on market values of the materials. Can he give a long term guarantee?

[11:45]

The Connétable of St. Brelade:

That is dependent on funding allocated to the department by this Assembly. In practice we applied for the V.E.D. charge to be applied to recyclables and this was not being done, I think it is absolutely imperative that what we say we recycle is recycled and that is the case. I would not put myself in the position to collect for recycling and then have it be put in the incinerator. I think that would be totally inappropriate.

2.18.2 Senator J.L. Perchard:

I have an interest in this question, particularly with regards to aluminium drinks cans. Will the Minister confirm that all aluminium drinks cans that are loaded - and there are many millions of them per annum - into the incinerator are melted down and not recoverable in any way?

The Connétable of St. Brelade:

In terms of aluminium, they are not; whereas steel tins are taken out by magnets after the process.

2.18.3 Deputy M. Tadier:

Will the Minister confirm whether, in his educated opinion, he thinks that up to 12 different recycling schemes operating throughout the Island in the 12 Parishes would be more cost effective than one kerbside collection scheme operating throughout the Island; whether that be organised by T.T.S. or in collaboration with all of the 12 Parish Constables?

The Connétable of St. Brelade:

My opinion is that the Parish system works remarkably well and if it is not broke I suggest we do not fix it.

Deputy M. Tadier:

With respect, that was not the question I asked. It related to cost not whether the Parish system, in some nebulous fashion, works well or not.

The Deputy Bailiff:

I think he answered no. The Deputy of St. Martin has a question of the Chief Minister.

2.19 The Deputy of St. Martin of the Chief Minister regarding the cost of the investigation into a complaint against a senior civil servant:

Will the Chief Minister inform Members of the cost of the investigation into my serious complaint against a senior civil servant and, given that the *Wiltshire Report* was put into the public domain, will the investigator's report be made public and, if not, why not?

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

In view of the fact that there were allegations that I could be conflicted in in this matter at the time of the investigation, I delegated the investigation to the Deputy Chief Minister and I think it is more appropriate that he responds to this question on my behalf.

The Deputy of St. Martin:

With respect, the question is being asked of the Chief Minister. I believe the Chief Minister should answer it, particularly as he is the Chairman of the States Employment Board.

Senator P.F.C. Ozouf (The Deputy Chief Minister- rapporteur):

I dealt with the entire disciplinary matter as the Deputy Chief Minister and it is appropriate, I think, that the Chief Minister does not answer questions of which he has no knowledge, because I dealt with the matter.

The Deputy Bailiff:

On the face of it, it, unless specific request for the Chief Minister is made, it would be normal to allow the question to be delegated.

Senator P.F.C. Ozouf:

The cost of the independent investigation into the complaint in question was £6,013.91. The investigator's report cannot be made public because the investigation was commissioned under the terms of the Chief Officer's Disciplinary Code. Under that Code proceedings are confidential which is in accordance with the employer's contractual duty of care to the employee. As the Deputy knows, the circumstances relating to the *Wiltshire Report* were entirely different. I should also say that the investigator found that there was no substance to the complaint that the Deputy made.

The Deputy of St. Martin:

I feel it is rather unfair that the Minister for Treasury and Resources is answering this question because I think the question should be to the Chief Minister. Will the Assistant Chief Minister then inform Members what was the difference between the *Wiltshire Report* which itself was highly confidential, why was that able to be put in the public domain and not the investigator's, because I do not see the difference?

Senator P.F.C. Ozouf:

I am answering this question as in my capacity as the Deputy Chief Minister, nothing to do with Treasury. Also the Deputy will know that the issue with the *Wiltshire Report* was not a matter for the Chief Minister's Department. That was a matter for the Minister for Home Affairs. The Deputy will know that was different, as I am advised by the Minister for Home Affairs, that he had complete discretion as to what he did with the *Wiltshire Report* once the disciplinary process has been completed. The Minister chose to exercise his discretion in favour of openness and that was the reason why it was put into the public domain. They were an entirely different set of circumstances in relation to the issue of the disciplinary procedure which the Deputy is asking and unfortunately he continues to pursue his accusations against this senior individual in the States where I have commissioned an independent report and there has been no substance found in the complaint and that I think should be the end of it. I regret the fact that there is a continued attempt to cast aspersions on this particular individual.

The Deputy of St. Martin:

The complainant made some serious allegations and, despite what the Deputy Chief Minister saying, 2 of them were in actual fact substantiated. Given the seriousness of the allegations and also the person's position, has the matter been referred to the States Employment Board? If not, why not?

Senator P.F.C. Ozouf:

The matter is very simple. An allegation was made. An independent investigator was appointed. The investigator found that there was no substance in the complaints and, therefore, a decision to refer it to the States Employment Board was not relevant. There was an investigation; no substance in the complaint. That ends the matter.

The Deputy Bailiff:

It also ends oral questions and we now come ...

The Deputy of St. John:

On that point I have an oral question at 22. Could that question be answered by a written response, please?

The Deputy Bailiff:

That will be a matter for the Minister.

Senator A.J.H. Maclean:

Yes, I will answer that.

3. Questions to Ministers without notice - The Minister for Planning and Environment

The Deputy Bailiff:

We now come to questions without notice. The first period of question time is to the Minister for Planning and Environment and we will open the questions.

3.1 Senator F. du H. Le Gresley:

Why have the ruinous and dilapidated buildings on the Plémont headland been allowed to remain when the Minister has powers under Article 84 of the Planning and Building Law to require their demolition and removal of the resulting rubble?

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

As I understand it, the Minister's powers are restricted to wind and watertight and it is my understanding that the owners of the site do go to some effort to meet this requirement. I have looked at this issue and I am satisfied that there is little opportunity for the department to progress it further.

3.2 The Deputy of St. Martin:

The Planning Department gave consent to demolish and construct a new house down at St. Catherine's. That construction has been going on for some time. There has been hoarding around that construction for some time. Is the Minister able to inform Members why that hoarding is still around and when will it be removed?

Senator F.E. Cohen:

As usual, it is inappropriate for me to comment publicly on a particular planning application. I will look into this matter and I will respond to the Deputy privately.

3.3 Deputy R.G. Le Hérisier:

Notwithstanding the report by outside consultants on the use of planning time, would the Minister not accept that applications to do with the repositioning of signs - a recent application to do with the movement of the flagpole in the grounds of the General Hospital - are absorbing an unbelievably disproportionate amount of planning time as they are subject to the full majesty of the planning law? Would he not agree that this is an area in need of dire reform?

Senator F.E. Cohen:

Absolutely, the current policies are an utter nonsense and we are in the process of revising them. In fact I have sent an email this morning. They will be revised under the changes to the General Development Order. I have asked if this can be signed before I leave for China at the weekend. I am hoping that they will be finished by that time, if not they will be signed off as soon as I return.

Deputy T.M. Pitman:

I am hoping, as we are near lunch, that you are still in lenient mood. As the Minister is a key player within the Executive, being Minister for Planning and Environment and Minister for Foreign Relations, could the Senator reveal if he was involved in any way at all in being asked to resolve the question of Zero/Ten?

The Deputy Bailiff:

I think these are questions to the Minister for Planning and Environment. I am not quite sure what Zero/Ten has got to do with that.

Senator F.E. Cohen:

It has been in my area peripherally.

The Deputy Bailiff:

As Assistant Minister?

Senator F.E. Cohen:

Yes.

The Deputy Bailiff:

For Foreign Relations?

Senator F.E. Cohen:

As Assistant Chief Minister, yes.

The Deputy Bailiff:

So not as the Minister for Planning and Environment. I may be in a lenient mood, but this is too much.

3.5 Deputy S. Power of St. Brelade:

My question is directed to the Minister of Planning and Environment and it is another question in relation to Plémont. Does the Minister consider that the owner of Plémont has a legal right to restore the existing buildings at Plémont and convert them to unqualified accommodation should he so wish?

Senator F.E. Cohen:

I am not a lawyer and I think that is a technical question that would have significant implications in relation to possible forthcoming applications, and I think it would be more appropriately addressed in writing and I can obtain legal advice on the matter.

3.6 Senator B.E. Shenton:

Does the Minister consider it appropriate to specify which architect applicants should use, especially if it is a U.K.-based architect, and how does this comply with the impartiality of planning when the plans come before the panel or the Minister?

Senator F.E. Cohen:

I have emailed the Senator on this matter. He was kind enough to impart the content of certain rather salacious rumours that had been spreading about me in relation to this matter and I have already informed him that we do not require particular architects to be used in the case of any particular application, but that does not mean that I do not have my favoured architects. There are a variety of architects presently working in the Island, who are both locally based and non-locally based, who are delivering fabulous schemes. I would point particularly to schemes such as the Ogier building at 44 Esplanade, and 50 Colomberie; both of which are exemplar buildings of exactly what I am trying to deliver and they were delivered by a local architect. But we do not specify particular architects for particular applications.

3.7 Senator T.J. Le Main:

Due to the very, very clear need for sheltered homes - accommodation for elderly people - could the Minister make an up-to-date statement in the next sitting on why the Lesquende site at St. Brelade has still not received planning permission, has still not received any kind of development when it has been owned by the States and re-zoned by the States and is sitting there empty for the last 20-30 years?

Senator F.E. Cohen:

With respect to the Senator, the question is not when the Planning Department will issue a consent; it is when the applicant will make an appropriate application and there have been ongoing discussions. There are numerous problems with many States-owned sites where I am sure many Members and many Islanders find it rather frustrating that little progress has been made. That is not a criticism of the departments involved. It is an unfortunate fact that the public bureaucracy moves much more slowly than the private development world. But I would urge those departments involved to do their very best to bring forward not only this site but other sites such as the Ladies College site and a number of others including the St. Saviour's site. There are enormous opportunities in this area.

Senator T.J. Le Main:

Could I ask a supplementary on that, on the basis that the Minister ...

The Deputy Bailiff:

Senator, I will add you to the list and if we get to you for your supplementary ... I have a long list of Members wishing to ask questions.

3.8 Deputy K.C. Lewis:

After it being altered many times, will the Minister inform Members whether the final plans are in for the St. Saviour over 55s village and when the plans will be determined?

Senator F.E. Cohen:

There is never such a thing as a final set of plans. There are constant revisions throughout schemes. There is a current set of plans and I think that they address many of the problems that have been raised by the Deputy and others. They are in. The department are keen to bring this to a conclusion soon because it does deliver essential housing for retirees and I would hope to bring a decision forward relatively soon. But that does not mean that consultation is closed. If the Deputy has a particular interest, please come to the department. I am more than happy to see him and to go through the file with him.

3.9 The Deputy of St. Mary:

In view of the series of controversial decisions concerning sites along our beautiful coastline, and in view of a somewhat equivocal answer to a similar question at the last sitting, can the Minister assure Members that, when and if the Island Plan is agreed, he will stick to what it says and not find endless loopholes through which to flout the wishes of the public and Members?

[12:00]

Senator F.E. Cohen:

I think that is a somewhat naughty question. The Deputy knows full well that the consents that I have given are in accordance with the principles of the Island Plan in every case. The Island Plan allows for exceptions to be made. I am proud of the decisions that I have made in relation to the coastline and, if the Deputy is getting at Portelet, I stand by that decision. It was the right decision. There was a consent in place for a rather poor quality scheme. The current scheme is a huge improvement over the previous scheme. It was going to happen anyway and the current scheme that is under construction, which is not finished yet, is 15 per cent smaller than the old building. I do not know what else he would have done in the circumstances.

3.10 Senator J.L. Perchard:

Is the Minister satisfied that the environmental section of the Planning and Environment Department is run in a slick, efficient manner and that the operation at Howard Davis Farm provides good value for money for the taxpayer?

Senator F.E. Cohen:

I have absolute confidence in both the Director of Environment and the Assistant Minister with responsibility for the environment - Deputy Duhamel that is - both of whom do an absolutely first-class job. The environment and care for the environment is often a slow process. It is not something where one can make snap decisions very often. Long periods of consultation and research have to be gone through before one can come to a conclusion and developing policy is, at times, frustrating. But that does not mean that the department is in any way slack. I have absolute confidence in the department. They are doing a first-class job.

3.11 Deputy A.E. Jeune:

Does the Minister consider that there is a risk that plans are going to be submitted in order to beat the new Island Plan if adopted by this Assembly and does he also accept some of the beatings that he gets are about issues that were not decisions of his?

Senator F.E. Cohen:

It is not a question of a risk, it is happening. There are a number of applications that have been rushed in, in advance of the new Island Plan, and there is a complicated question over how the Planning Department deals with an application that would be dealt with in one way under the old 2002 plan and another way under the plan which, of course, has not yet been approved by this House and, indeed, may not be. The current policy is that we balance the 2; but yes, there has been a rush and I understand why applicants have rushed to provide some certainty. But we are taking into account the principles of the, as yet to be approved, Island Plan.

3.12 The Deputy of St. John:

Of the I think approximately 38 amendments plus sub-amendments to the new Island Plan, could the Minister give us an indication, given we have many days' debate ahead of us, of the number that he is likely to accept prior to the debate coming ahead so we can get our ducks in a row?

Senator F.E. Cohen:

I have already sent out a provisional list to States Members - and I hope States Members have received it - of an analysis of which amendments I am proposing to accept. The matter will not be finalised until the E.i.P. (Examination in Public) second report comes out. I was expecting to receive a draft of that yesterday. I have not received it yet. The moment I have it, it will be sent out to States Members and I will be able then to give the total numbers of what is accepted. The instructions I have given to officers is to accept as many amendments and sub-amendments as possible; those that do not affect the principles of the Island Plan. But, to be very clear, I will be resisting vigorously all amendments to rezone land in the countryside. The plan was built on the premise of high-quality accommodation in the urban areas, the protection of the countryside, and I am not budging.

3.13 Deputy S. Power:

This is a third question in relation to Plémont. If the owner of Plémont applied to the Minister to refurbish the existing buildings, would he consider approving it?

Senator F.E. Cohen:

I would certainly consider the application, but I cannot say whether I would approve it.

3.14 Senator T.J. Le Main:

Does the Minister agree that Lesquende has had at least 8 or 10 schemes, many of them approved by Property Holdings, Housing and Planning officers, yet seem to be thwarted at every stage? Does he not agree that this is now a matter of urgency with the current need of finding homes for elderly people?

Senator F.E. Cohen:

There are a number of developments to deliver high-quality accommodation for elderly people. Indeed, there is some concern that there may, in fact, be too many coming on to the market at one time. That is a concern to Parishes that I am aware of. Lesquende is somewhat of a sad case and I agree that it is a great shame that we are not there, but I would urge those departments involved with Lesquende to ensure that they bring forward a worthwhile application as soon as possible.

4. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

That brings question time for the Minister for Planning and Environment to a close. We come to questions without notice to the Chief Minister.

4.1 Senator F. du H. Le Gresley:

In answer to question 18 today, the Chief Minister said that there was a change in the contract of the former Chief Executive Officer in 2005. Could he tell us who negotiated this change and whether the change affected the final pay-out?

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

The change in contract was negotiated with the former Chief Executive and was approved by a meeting of the Human Resources Sub-Committee of the Policy and Resources Committee at some date in 2005. I do not have the date to hand. The contract variation did have the effect of increasing the amount of money which would be paid in the event of termination.

4.2 The Deputy of St. Martin:

The Chief Minister will recall the question I was going to ask him before it was passed on. The Chief Minister will have seen the complaint that I made because it was made to him and, quite correctly, because he was conflicted it was passed on. As Chairman of the States Employment Board, has he seen the result of the report or seen the report and, if so, will he then be forwarding it to the States Employment Board for consideration?

Senator T.A. Le Sueur:

As the Deputy Chief Minister has already indicated in his answer, having found that there was no substance to the complaint there was no purpose in forwarding it to the Chairman of the States Employment Board.

The Deputy of St. Martin:

But has the Chief Minister seen the report?

Senator T.A. Le Sueur:

I do not believe I have. I do not recall the content and certainly it was not a matter that was relevant to me since I was assured that the report contained no basis for the allegations.

4.3 Deputy T.M. Pitman:

Given his position as leader of the Government, will the Chief Minister be requesting his Minister for Home Affairs to initiate an independent committee of inquiry to discover how it can apparently be possible that a U.K. journalist was able to quote from an interim BDO Alto report only days after it was allegedly commissioned?

Senator T.A. Le Sueur:

I have every confidence that the Minister for Home Affairs has his department fully under control and will take such action as he considers appropriate.

4.4 The Deputy of St. John:

Over the last couple of years Condor Ferries, our local shipping operator, has had a lot of mechanical problems and, in particular, in the last few days where vessels are arriving here at 2.00a.m. or 3.00 a.m. and have to depart. What is the Chief Minister's Department doing with E.D.D. (Economic Development Department) to make sure a proper service is put in place and will he be putting a new tendering process in place for this route?

Senator T.A. Le Sueur:

The Economic Development Department and the Assistant Minister are acutely aware of the problems which Condor have been facing in recent times and are as anxious as I am to ensure that a

proper service is maintained and that any mechanical problems are reduced to a minimum. I was speaking to representatives of Condor yesterday and they are as concerned as I am about those ongoing difficulties. But we have a service level agreement in place for the time being and until that expires and is renewed we have to abide by it, unless there was performance of such an unsatisfactory nature which would give us cause to terminate that agreement and replace it with something else which may or may not exist at this stage. When we come to renew that contract, I have no doubt that the Minister for E.D. will take note of the difficulties that have been experienced in recent weeks by that current operator.

The Deputy of St. John:

A supplementary. Given the very poor performance over the last 2 years ...

The Deputy Bailiff:

I shall add you to the end, Deputy, if we get to you.

4.5 Deputy G.P. Southern:

The Chief Minister will be aware of the increase in revenues from salary and wage earners revealed in the financial report and accounts for 2010; £21 million, mostly due to the shareholder taxation provisions of the Zero/Ten regime. This is look-through under the zero tax regime for non-finance companies. Is the Chief Minister disappointed that it only produced £21 million when as recently as 2003 the sum from non-finance companies was £64million? This constitutes a loss of £40-something-million through the zero of Zero/Ten.

Senator T.A. Le Sueur:

We are in a very different economic situation from where we were at the time in question. I am grateful for the fact that these taxpayers have contributed another £21 million, which will enable us to deliver some of the services the Island desperately needs.

4.6 The Deputy of St. Mary:

The Chief Minister earlier today talked about the damage that would be done if the BBC withdrew some of its services, and I completely agree with that. Plurality is really important, especially on a small Island. Would the Chief Minister undertake to take this a step further and to ask the BBC to formally let us know what services are under consideration for cuts? Because there were different versions; some people were talking about just a television service and other people were talking about cutting the BBC Radio News. So could the Minister ask the BBC to clarify what is under consideration?

Senator T.A. Le Sueur:

Yes, I think it is important that we do understand that. I believe that the matter is still flexible and the BBC is considering their options in all sorts of areas, but we do need to be advised and we do need to be able to have an ongoing dialogue with them. I will ensure that that does happen.

4.7 Deputy J.A. Martin:

We have heard a lot this morning from the new States Employment Board and the question follows on from Deputy Higgins. It is about the golden handshake contracts that were put in place before S.E.B. (States Employment Board) and by Policy and Resources. Would the Minister not agree the let-down is the fact that we still have the same people in Human Resources who are looking at contractual laws which are competing with consultant employers who are expert in contractual law that we are getting our top people from, from the U.K. and elsewhere, and this is the problem? However many promises the Minister puts in place, until we have experts on our side - the people's side - we will carry on to find out we are still in the golden handshake land.

The Deputy Bailiff:

Was that a question?

Deputy J.A. Martin:

Will the Chief Minister admit we still have exactly the same people in top jobs in Human Resources who negotiated these contracts in 2003 and 2004 and still there today?

Senator T.A. Le Sueur:

It is true to say that there are some employees still in place now who were in place in 2004 and 2005, but that is irrelevant. The fact of the matter is that a contract was entered into at whatever the appropriate date was and that contract remains in force, irrespective of who may be employed in Human Resources at the time. In terms of interpreting that contract, should it be required, there we have the ability to acquire up-to-date specialist employment lawyers and we do, indeed, do so.

4.8 Deputy A.E. Jeune:

Does the Chief Minister endorse the answers that Members are given in their written questions which state that the States Human Resources Department has instructed that information is not to be given to this Assembly in relation to contracts that are being given out currently, using the excuse that it could potentially breach data protection or their duty of care to an individual, when what you are asking for is the terms of a contract that have been given to somebody; what expenses are being paid, et cetera? Does he endorse his States Human Resources Department reacting in this way?

[12:15]

Senator T.A. Le Sueur:

I think the Human Resources Department are acting in a very responsible way in ensuring that we do not unwittingly breach any duty of care to the employees of the States. To the extent that disclosure needs to be required for particular circumstances and particular purposes, then that may be done, but blanket disclosure just for the sake of it is not in the interests of employment matters.

4.9 Deputy M. Tadier:

It has been said that contractual information will only be released under exceptional circumstances. Does the Chief Minister agree that, at a time when austerity measures are being introduced, when standards of living are going down in real terms for many people and when public confidence in our Government's ability to spend in a sensible and accountable way is at an all-time low, these are exceptional circumstances and in this case the public interest for disclosure outweighs any confidentiality clauses which I believe the Minister may, due to his parliamentary privilege, be able to make a judgment call on and release to the Assembly now?

Senator T.A. Le Sueur:

Yes, I believe that there is a public interest matter here and that is why I have made it quite clear that I would welcome the investigation in confidence by an independent person looking at these particular matters in order that other Members and the public can be satisfied that the activities and arrangements put in by myself and the States Employment Board were in fact the most appropriate ones to follow in that particular situation. I have every confidence we can achieve and deliver that public confidence in a way which does not, on the other hand, breach the duty of confidentiality and care we have to employees and former employees.

4.10 Senator B.E. Shenton:

Does the Chief Minister agree that it is the job of Ministers to carry out the wishes of the States Assembly and does he also agree that it would set a very dangerous precedent for any Minister or committee to openly disagree to implement their wishes simply because they disagreed with them?

Senator T.A. Le Sueur:

Ministers, like any Member, have personal views which they are entitled to express, but having received a clear direction from the States Assembly they are equally obliged to follow the wishes of the States Assembly. It is not Ministerial policy to keep bringing back propositions to the States irrespective of whether they like them or not. They accept the fact that the democratic will of the States is such and until that democratic will is changed by some future decision, they abide by that decision.

4.11 The Deputy of Grouville:

Does the golden handshake scenario not suggest that this episode has made a complete nonsense of the Strategic Plan and the aims in it?

Senator T.A. Le Sueur:

No, I do not. The Strategic Plan is a long-term future direction for the Island. The payments which the Deputy refers to as “golden handshakes”- and I make no comment about that - are done in accordance with a contractual obligation.

4.12 Deputy M.R. Higgins:

Recent figures from the United Kingdom have shown that the gap between the rich and poor has widened considerably over the last decade. Does the Chief Minister believe the gap between rich and poor in the Island has also widened and, if he does, what does he think has been the cause?

Senator T.A. Le Sueur:

I believe that the gap between rich and poor in Jersey has probably widened as it has in the U.K. and tends to happen in highly developed economic circumstances. What one does about this is to ensure that, while there is increased prosperity as a result of an economic benefit, that economic prosperity is shared with all sections of society and, therefore, appropriate benefits can be provided to the less well-off in society so that even though they may be in relative poverty they are still in a situation of being able to survive.

Deputy M.R. Higgins:

Does that mean that the Chief Minister supports ...

The Deputy Bailiff:

I will add you to the list, Deputy, but I do not think we will get to you.

4.13 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge, in relation to the infamous golden parachutes, that it was wrong for the Chief Executive to set the terms for another of the senior executives of the States and that, by so doing, it is like spreading a virus throughout the system?

Senator T.A. Le Sueur:

The powers delegated to the Chief Executive by the States Employment Board are within certain parameters so that that Chief Executive does not have carte blanche to do exactly what is required. It has to be within certain standards and contracts of employment have been and are within those set standards.

4.14 Senator F. du H. Le Gresley:

In answer to an earlier question the Chief Minister said that the amended contract for the former Chief Executive Officer was negotiated by a Human Resources Sub-Committee. Could the Minister tell us if any politicians sat on this committee and who signed the final amended contract?

Senator T.A. Le Sueur:

The Human Resources Sub-Committee was a committee of Members of the States. They were all States Members on that sub-committee. The contract, I believe, was signed by the Chairman of the Human Resources Sub-Committee, which I think was Senator Walker but I cannot be certain at this stage. That may not be the case.

4.15 The Deputy of St. John:

Given Condor Ferries have performed very badly over the last several years, will the Minister give an undertaking that a full tender process will be put in place? If not, does he want a States Member - a Back-Bencher - to put a proposition to this House so we spend the time having to debate it when these things can happen within his department?

Senator T.A. Le Sueur:

Yes, I will endeavour to do that and ensure that we have the best level of service that we can possibly achieve on both the north and south routes going forward. While I am on my feet, in response to a previous question about the Human Resources Sub-Committee, I am advised, although I cannot confirm, that the chairman at that time was probably Deputy Dubras.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. Statement by the Chairman of the Privileges and Procedures Committee regarding the proposal to introduce a time limit for speeches

The Deputy Bailiff:

Very well, that brings questions without notice to an end. We now come to J; there is nothing under J. K, Statements on a Matter of Official Responsibility, the Chairman of the Privileges and Procedures Committee will make a statement about the proposal to introduce a time limit for speeches.

5.1 The Connétable of St. Mary (Chairman of the Privileges and Procedures Committee):

On 3rd March 2011 the Assembly voted by 23 votes to 22, with one abstention, to adopt paragraphs (a) and (c) of P.1/2011, Standing Orders: time limits on speeches during debates, lodged by Senator Paul Routier. In doing so, the States agreed that Standing Orders should be amended to introduce maximum time limits for speeches made by Members during debates and ask the P.P.C. (Privileges and Procedures Committee) to bring forward for approval the necessary amendments to give effect to the proposal. Paragraph (b) of the proposition proposed a series of time limits and was rejected by 33 votes to 13. Accordingly, the actual time limits were left to be determined by P.P.C. Before considering what the appropriate time limits might be, the Committee discussed how any such time limits should be managed. This raised considerable difficulties. Firstly, time limits would need to be monitored by the Presiding Officer, who would advise Members when their allotted time had elapsed. During the course of a debate - if the advice of Her Majesty's Attorney General was sought on a particular point, for example - it would be reasonable to expect that the countdown on the Member's speech would be paused during the Attorney General's response. If this was the case, it would follow that the countdown should also be paused if a Member's speech was interrupted for a point of clarification or a point of order. The Presiding Officer and/or the Greffier would, therefore, spend a significant amount of time pausing and restarting the countdown or attempting to monitor the number of interruptions in order to allow for additional time at the end of the speech, a calculation which could then be disputed by Members. A similar difficulty would arise if a Member summing up a debate had used all his or her allotted time but was then asked for clarification by another Member at the end of the summing up speech. If the Member was allowed extra time, this could easily be used to circumvent the time limit as Members supporting the proposition could raise numerous points to give the Member who had summed up additional time. In addition, there is no practical way to guard against Members sharing speeches in order to

circumvent time limits. This could not be restricted under Standing Orders as there would be no way to prove that such an approach had been taken. There is also the risk that Members would speak to the given time limit, causing an increase in debating time instead of the intended reduction. States Members agreed to introduce time limits on speeches with a view to improving the efficiency of the States. However, P.P.C. has always taken the view that it would be irresponsible for the Committee to bring forward proposals to change procedures that it did not consider would improve matters and the Committee does not feel able to recommend a suitable mechanism to enable time limited speeches. Also, the Committee is aware that speeches made in the States Chamber can have a significant influence upon Members' decisions and, while many other jurisdictions employ time limits on speeches, almost all of these jurisdictions also operate under a system of party politics where the outcome of most votes is known in advance. The Committee accepts that the States Assembly asked it to bring forward a proposition to amend Standing Orders to introduce minimum time limits. However, it does not feel able to do so at the present time. Accordingly, while it notes the request of the Assembly, it does not intend to bring a proposition to the Assembly to introduce time limits in speeches at this time.

The Deputy Bailiff:

The statement is made. It is now open for questions. Senator Routier.

5.1.1 Senator P.F. Routier:

I have to say I am very disappointed with this statement this morning. **[Approbation]** The excuses which are given for not being able to administer such a scheme, I think, are pretty flawed really because other jurisdictions manage to do it and I cannot see that they have got it wrong totally. The question I would like to ask is why does the Committee consider that all other jurisdictions that do have time limits have it wrong and why have they come to that decision?

The Connétable of St. Mary:

Well, I would like to say that I am also disappointed that P.P.C. have not been able to resolve this matter because, of course, it is a matter of pride that we do respond well to States instruction. However, it is futile to bring forward things that, even on committee we cannot come to a consensus on; because, of course, by nature of the Committee's make-up, we have a broad span of the Assembly. I would point out to Senator Routier that the States Assembly was unable to come to a decision on time limits and so, therefore, simply telling P.P.C. to go away and do something that the Assembly itself is not able to support seems really quite difficult. P.P.C. has tried to do this and, as I have explained in the statement, most of the jurisdictions that use a time limit system have a different makeup to the way that the States Assembly works involving party politics. That has a considerable effect on the way that speech timings could be implemented.

5.1.2 Deputy R.G. Le Hérisier:

Given that this was not found to be the way forward, would the Chairman outline what the Committee's views were as to how debates can be made more effective in this Assembly?

The Connétable of St. Mary:

The task we were given was to introduce time limits and that is the task upon which we focused. Various statements were made during the debate which we looked at, Members saying that self-regulation was best, that Members were learning, and P.P.C. hopes that that will be the case and that Members will regulate themselves. But we stuck here to our specific task of trying to find a way of introducing a time limit, which we were, sadly, unable to do.

5.1.3 Senator A. Breckon:

Does the Chairman agree with me that quality is more important than quantity and the worst offenders for waffling on a bit are Ministers in speeches and answering questions?

The Connétable of St. Mary:

Yes and no. I do agree that quality is often much better than quantity. As for the second point, I have no opinion. [Laughter]

5.1.4 Deputy M. Tadier:

Will the Chairman advise why these comments were not delivered in advance of the initial debate on time limits, as it seems that they are particularly germane and would have set the tone for the debate? Many of these arguments given here show that time limits themselves, rather than necessarily the actual time limit in terms of minutes, is problematic in the first place and it would have been useful if we had known P.P.C.'s position more clearly at the start of that debate. Does the Chairman agree?

The Connétable of St. Mary:

What was important here was to get not P.P.C.'s initial position but the position of this Assembly. P.P.C. took cognisance of the points raised during that debate. It would not have been possible to have done that without the debate and I think this is the right time to make this statement.

5.1.5 Senator B.E. Shenton:

Is the Chairman aware that this may set a precedent for Ministers to ignore the policy of the States on the basis that P.P.C. can ignore the policy of the States and, therefore, Ministers can? I do not believe - ask the S.G. (Solicitor General) - there is a legal imperative for the Committee to carry out the wishes of the States, which they frankly refuse to do.

[12:30]

The Deputy Bailiff:

It is not a time for questions to the Law Officers. Chairman?

The Connétable of St. Mary:

I would respectfully remind the Senator that we have not refused to consider this issue. We have considered it at length. It has been some time since this was given to us in March and we have looked at things. It is simply naïve, I think, of Members of this Assembly, when they cannot conceive of a solution to a problem that they perceive, to simply say: "P.P.C., sort this out." P.P.C. is used as the dumping ground for things that States Members cannot achieve and, wherever possible, we adhere to the instructions we are given. In this case, regrettably, that has not been possible. It has not produced an outcome which we would be happy to bring to the Assembly.

5.1.6 Senator F. du H. Le Gresley:

Given that this Chamber has a habit of debating issues time and time again, may I suggest to the Chairman that she might wish to bring a proposition to the Assembly to revoke the decision made on 3rd March given that it was only approved by one vote?

The Connétable of St. Mary:

Although I appreciate the Senator's sentiment, I do not believe that would be a useful way forward. We have made the statement. May I just say that the challenge is always down: if a Member has a real, fundamental way forward that they think this could work, they could bring it to P.P.C., but that did not emerge during the debate and it did not emerge during our deliberations.

6. Statement by the Chairman of the Corporate Services Scrutiny Sub-Panel regarding the States of Jersey Development Company selection process

The Deputy Bailiff:

Very well, the time for questions to the Chairman has now expired and we come on to the next statement, which is to be made by the Chairman of the Corporate Services Scrutiny Sub-Panel on the Jersey Development Company selection process. Deputy Le Fondré will make the statement.

6.1 Deputy J.A.N. Le Fondré of St. Lawrence (Chairman of the Corporate Services Scrutiny Sub-Panel):

As Members will be aware, it is the procedure these days to do a statement when a report is issued from scrutiny and the statement is in front of them. Members have received their copy of the Corporate Services Scrutiny Sub-Panel's review of the Jersey Development Company selection process. The report follows our review of States Members' concerns over the selection process for the non-executive chairman and non-executive directors, who I shall refer to as N.E.D.s (non-executive directors), for the States of Jersey Development Company, S.o.J.D.C., following referral to scrutiny during the debate on P.32. I would like to make the point that Senator Ferguson and Deputy De Sousa were both members of the Transition Advisory Panel and, therefore, have not taken part in the proceedings as members of the main Corporate Services Scrutiny Panel. I would also like to note that the report should not be construed as bearing any criticism on either the candidates or the Jersey Appointments Commission, the latter of which has co-operated with us in a very open and transparent manner. The report explains that there were certain shortcomings in the process and in expectations held by States Members concerning their roles. Administrative failures outlined in this report were, it appears, the responsibility of the States Human Resources Department and/or the Chief Minister's Department and not the Jersey Appointments Commission. To the extent we have been able to conclude on this matter, the sub-panel is of the view that while these shortcomings would have been perceived as unprofessional, they were not of a magnitude that meant they would have rendered the overall appointments recommendations defective. It is, however, understandable why some members of the transition advisory panel felt aggrieved about the process and the way in which their feedback was dealt with by the recruitment panel. The sub-panel considered it unfortunate that the Deputy of St. John was unwilling to attend a public hearing in front of the sub-panel despite being reassured that there would be a later opportunity to go into private session. Before concluding, I would like to give some examples of the key findings identified in the report. The first one, the successful candidate for chairman took part in the short-listing for the N.E.D.s and also chaired the second set of interviews for the N.E.D.s on the recruitment panel. Procedurally, the sub-panel is of the view that the States Assembly should have been given the opportunity to approve the successful candidate for chairman before allowing that individual to engage in the short-listing and interviewing process for N.E.D.s. Personal information was not collected at the end of the process and we were surprised that every witness who attended before us was able to bring with them hard copy folders containing all of the information they had gathered. There was an administrative error resulting in the first advert being placed locally before the recruitment consultants were ready. This resulted in a formal complaint being made. Again, although a minor error, the sub-panel is of the view that this was unprofessional. Members of the transition advisory panel were not provided with written terms of reference as to what their role entailed. Indeed, this seemed confused from the outset. It appears that declarations of interest were known about by the individual panels to which they were made but not to any other panels involved in the selection. Therefore, this could have given rise to the perception to any party interested in the process that such issues were not properly dealt with, when in fact they had been. As I think we will all agree, the States of Jersey Development Company has been a contentious issue. We therefore consider that any significant matter concerning W.E.B. (Waterfront Enterprise Board) or S.o.J.D.C. should be dealt with in as open and transparent manner as possible. We were, therefore, disappointed that having made a request to the Treasury and Resources Department for access to general correspondence, this was not forthcoming. We were tasked to look into the concerns expressed during the start of the P.32 debate. Based on the limited evidence available there have been some shortcomings identified and we have been able to make some evidence-based key findings and recommendations. However, it must remain very clear that we have not received all

of the information or explanations we have requested, which has proved to be of significant frustration to the sub-panel and restricted the review from an early stage. We therefore commend our report to the Assembly and encourage Members to read it.

The Deputy Bailiff:

The statement has been made. It is now open for questions. I call on the Connétable of St. John.

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

I have had time to have a quick scan through the document and there has been mention in the document around planning powers. I would like the Chairman of the panel to expand on that if he may.

Deputy J.A.N. Le Fondré:

To an extent, it was something that arose during some of our interviews - and I am just looking for some notes - in that on possibly 3 occasions in public submissions it was alluded to. Essentially, the reason we thought it of merit mentioning it and bringing it to Members' attention is obviously it was very clear in the debate on P.73, which instigated S.o.J.D.C., the clear role and clear definition of the role between S.o.J.D.C. and, for example, the Regeneration Steering Group and, if you like, the States Assembly, i.e. the States have primacy and the company was basically a developer. There were some indications within some of our early hearings that that had possibly become slightly less clear, which is why we felt it was worth mentioning it to Members. In fact, there is a public quote from a member of the technical panel, I believe, in relation to some comments made by one of the candidates, which I will just go to in case I misquote. What I would say is, in saying that, this was obviously raised with the Minister for Treasury and Resources later on who was very clear in the responsibilities. The quote is on page 39 of the report and essentially what it was saying is the candidate they preferred in terms of advising the main panel would have adopted what they called a more collaborative approach.

6.1.2 Deputy M.R. Higgins:

I have 2 questions. First, will the Chairman explain further the problems he experienced in obtaining information from the Minister for Treasury and Resources and the reasons that were given for not complying with his request? Secondly, why did the sub-panel not hear the evidence of the Deputy of St. John in private, even though it could not use what he said in the written report, as it could have at least directed their questioning of other parties?

Deputy J.A.N. Le Fondré:

Thank you for that. I will deal with the last part first, if that is okay. The issue about the Deputy of St. John did cause a slight divide on the panel, and that is detailed in our report. But in the end we did have a private briefing, or I should say I had a private briefing with the Deputy with the scrutiny officer present, so we were able to use some of the information he gave us to inform some of our decisions. There was obviously a concern on the panel that they felt that it would have been far more appropriate for the Deputy to come to us in public. I will say that was a majority view of the panel. To deal with the issue about information from the Treasury Department, again it is detailed in the report in section 6. The reason I just want to quote is because there have been some exchanges of emails more recently. We want to make it very clear that P.73... again the proposals that were put to the States and approved, actually identifies the role of the Assembly. The role of the Assembly is, among other things, to appoint the non-executive directors of the States of Jersey and also, 2 bullet points further down, is to ensure that all elements of the process are open and responsive to scrutiny. There were various exchanges of emails going on, but the key one is one on 8th April when we quote that there did not seem to be any reason to delay the release of any general information, any general documentation or correspondence. That is what Treasury was not forthcoming on. To elaborate slightly further, because I want to make it very clear, we are not interested in curriculum vitae - C.V.s - not interested at all. There may be some information, we

have said in the email, that might have required redacting, but general correspondence was the key thing we were after. To give you some examples, we have been provided from other sources with a letter from the Chief Minister to the panel members inviting them to come on. That is general correspondence. That is not private information. We have been given an email from the Appointments Commission which is clarifying the role of the members. Again, that is general correspondence. That is not private data. Finally, we have also been given an email, I think by an officer in the Chief Minister's Department, that gives evidence of, firstly, the very short notice of the exact dates of scheduling for the second lot of interviews, which obviously has a knock-on effect in terms of people able to attend, and also the fact that the reason given in that email was because it was due to half-term. That obviously is something that has been in the diaries for a long time.

The Deputy Bailiff:

Can I say to Members that the report is in the public domain and, therefore, there is no purpose in questions which are seeking information which is already in the public domain. The purpose of question time is to put questions in relation to matters which are not in the public domain.

6.1.3 Senator P.F. Routier:

Does the Chairman agree with me that the most important sentence in the statement and the report is: "To the extent we have been able to conclude on this matter, the sub-panel is of the view that while these shortcomings would have been perceived as unprofessional, they were not of a magnitude that meant they would have rendered the overall appointments recommendations defective"?

Deputy J.A.N. Le Fondré:

I think it is an important statement. The difficulty is the first bit: "To the extent we have been able to conclude." It should not outweigh the rest of that sentence.

6.1.4 Senator P.F.C. Ozouf:

Will the Chairman accept that the Treasury acted in accordance with advice from Data Protection and that handing the information that he requested would have broken the Data Protection Law? While welcoming the report and welcoming the fact that the Appointments Commission and the candidates have been cleared from any wrongdoing, as a member of the recruitment panel, for the avoidance of doubt will he confirm that the panel has no evidence of anything improper or wrongdoing on my part as a member of the recruitment panel and the Constable of St. Peter, who was also part of the recruitment panel? It is important that he does confirm no wrongdoing and he clears the name that has been cast over us as a result of this review.

Deputy J.A.N. Le Fondré:

Some Members will be aware there has been an exchange of emails more recently. I think the best point to answer the second part of that question, which I appreciate is a matter of frustration for the Minister, I am just going to quote from an email that we sent him late yesterday, and this can be applied to any member of the recruitment panel: "This in no way should be seen as impugning the integrity of the individuals mentioned. What we are saying is we found no evidence of bias but, because we have not received all information that has been requested, we cannot conclude fully and finally on this." I am sorry, that is the problem. It is that if we have not ... we do not know what we do not know. If we are aware that there is a significant chunk of general correspondence out there that we have not been given access to, then we cannot conclude. We believe on what we have seen that there is not an issue, but I cannot say 100 per cent that it is all fine because I am not in a position to conclude because I have not had all the information. Do not infer anything in that of maligning anybody or anything along those lines. It is a position that we are in that we have not had all the information. To lead us into the issue about data protection, I am sorry, I think we have to go back to my original response.

[12:45]

We also took advice from the Data Protection Commissioner, so obviously I cannot comment on the advice that the Minister for Treasury and Resources will have because that will be specific to them. But the email that is in the report was agreed with her before it was sent. So, as far as we are concerned, the request for general correspondence of the type of that I have asked for, which obviously assists in putting that report together, was not unreasonable.

The Deputy Bailiff:

As I understood your answer, you said that there was no evidence whatever of any lack of integrity on the part of any members of the panel. Now, you do not wish to leave hanging the question that there might be some issue of integrity, do you?

Deputy J.A.N. Le Fondré:

No, Sir. I would not wish to leave hanging any question of integrity but, Sir, I am saying we cannot complete what ...

The Deputy Bailiff:

You either leave it hanging or you do not and that is why I asked you that question. If I may say so, your first answer left it hanging and that is why I followed it up. You either leave it hanging that there is a question over the integrity or you do not.

Deputy J.A.N. Le Fondré:

Sir, we have not had the information. The information we have seen leaves us satisfied.

The Deputy Bailiff:

Very well. So you do not leave it hanging; that is correct. Thank you.

Deputy M. Tadier:

Would I make an observation, Sir, and ask that the Chair be so zealous when Ministers do not give answers and seek equal clarification. I do not have a question, Sir, because it has been answered already.

6.1.5 The Deputy of St. John:

Would the chairman agree that it would have been inappropriate for the Deputy of St. John to attend an interview where details of individuals who had been interviewed could have been identified in the public interview and will he give reasons or the names of his panel members who refused to meet the Deputy of St. John in private session and does he agree that the whole issue would have been better dealt with in an in-camera debate as was requested by the Deputy of St. John in the first instance?

Deputy J.A.N. Le Fondré:

I think I have lost track of all the questions in there.

The Deputy Bailiff:

They are about the Deputy of St. John. **[Laughter]**

Deputy J.A.N. Le Fondré:

I got that part. The issue of whether the Deputy of St. John should give evidence in public or private did split the panel and I will give the panel's view, which is that they were of the view that, particularly as a scrutiny chairman, he should have been aware - this is the majority view - that a witness cannot set the terms under which they come to a scrutiny panel. However, I will also give my personal view, which is why it split the panel, which is that my understanding of Members in the debate on P.32 was that they expected the Deputy of St. John to come to us in confidence. As it

was, we managed to eventually marry-up the two conflicting views by having a private briefing to me with a scrutiny officer present. However, yes, there are diverging views within the panel and I hope I managed to express that.

The Deputy Bailiff:

Very well, time for questions to the chairman has now expired. The time is past 12.45 p.m.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed and we reconvene at 2.15 p.m.

[12:48]

LUNCHEON ADJOURNMENT

[14:15]

PUBLIC BUSINESS

7. States of Jersey Development Company Limited: appointment of chairman and non-executive directors (P.32/2011) – amendment (P.32/2011 Amd.) – amendment

The Deputy Bailiff:

We come to the first item of public business. Senator Ozouf, before I ask the Deputy Greffier to read the proposition I am taking it that you would like to propose it as amended, would you?

Senator P.F.C. Ozouf:

I think that would be most sensible, Sir, in terms of the orderly conduct of the debate.

The Deputy Bailiff:

Thank you. Deputy Greffier, would you read the proposition as amended, please, by Senator Ozouf's amendment.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 13th October 2010, in which they approved the Memorandum and Articles of Association of the States of Jersey Development Company Limited (the "New Memorandum and Articles") and authorised the Greffier of the States for and on behalf of the States to pass, together with the Treasurer of the States, one or more special resolutions of the company to adopt the New Memorandum and Articles, and (a) to appoint the following persons as non-executive directors of the States of Jersey Development Company Limited for a period of 3 years in accordance with the New Memorandum and Articles to take effect from the delivery to the company of the notice referred to in paragraph (b) below - Mr. Mark Boleat (Non-Executive Chairman), Roger Lewis (Non-Executive Director), Nicola Palios (Non-Executive Director), Jurat John Tibbo (Non-Executive Director); (b) to authorise the Greffier of the States for and on behalf of the States to deliver a notice to the States of Jersey Development Company Limited in accordance with Article 21(b) of the New Memorandum and Articles immediately following the adoption of the New Memorandum and Articles to give effect to such appointments.

The Deputy Bailiff:

There is a hum coming from the Connétables' Benches. I should be grateful if that could be removed, thank you.

7.1 Senator P.F.C. Ozouf:

May I first of all thank my Assistant Minister who, in my absence in India, started this debate a number of weeks ago and he made a valiant attempt in order to progress this and bring this matter to a conclusion. Members will perhaps want to just be aware that when a scrutiny review has been called for a matter that has already commenced in debate ... I have been advised by the Greffe that the debate starts again. So I will start again, as it were, from the beginning. Members will recall that last October the Assembly agreed to establish the new States of Jersey Development Company. After much discussion, many drafts, numerous scrutiny reviews, the new arrangements were agreed and were that the Waterfront Enterprise Board be restructured and a new entity be created for the purposes of property and related infrastructure regeneration in the Island. Members will be aware, of course, that there was a recruitment process and that resulted in the original proposition, as un-amended, for the appointment of a chairman and for individuals for the position of non-executive director. We have obviously now had the panel statement and, without going into the details of the matters that we rehearsed before lunch, the last debate was, of course, put on hold while a scrutiny panel conducted a review into the recruitment process. I am pleased and I am grateful to the panel, despite our differences of opinion on some aspects, for having completed their review and I am sure that Members will have had a chance and now this morning heard the important main conclusion of that scrutiny panel. That was that the panel has not, importantly, come up with any recommendation to change the appointments that were proposed. Having been part of that process, I believe that that recruitment process did originally result in the selection of an outstanding chairman and a really excellent line-up of non-executive directors; if I may say, probably in its original form one of the strongest boards that Jersey would have ever seen. However, unfortunately, as Members will be, of course, aware, with great regret, in the intervening period Baroness Ford, the original chairman candidate, withdrew her own candidacy and, similarly, Mr. David Pretty, the ex-chief executive of Barrett Homes, also withdrew his candidacy. I am sure that Members will understand that a permanent recruitment process could not be completed or at least recommenced until the scrutiny panel and this whole issue that we have heard today was completed. Given the circumstances and the time that has passed, the Appointments Commission decided that the sensible and perhaps only way to proceed was to appoint an interim chairman. The Appointments Commission supported the view that the new entity does need, after such a long period of time now since the original decision was made, to become operational and that a robust recruitment process should now follow for a permanent chairman and that process should start as soon as possible. For the terms of the interim chairman, the Recruitment Panel was reconvened and progress was made. Mr. Boleat will be known to many Members. He is highly regarded and has a very strong track record in a number of previous roles, including positions, importantly, endorsed by this Assembly. Mr. Boleat recently went through a process by the Appointments Commission and that is one of the reasons why he was approached. Born and educated in Jersey, he graduated with a first-class Honours Degree in Economics. He then joined the Building Societies Association in 1974 and held a number of positions in that body before becoming their Director General in 1986. It was perhaps in that capacity that he became known, as a Jerseyman, in the U.K. media as almost a household name in the 1990s as the major commentator on building society matters. Since having moved on from the Building Societies Association he has been in a number of important roles. He has helped establish, merge and re-organise trade associations in a number of sectors. He has held a number of non-executive positions, including being a non-executive director of a property development company called Countryside Properties and indeed Scottish Mutual and Abbey Life. His C.V. is impressive and it is impressive that he is a Jerseyman. As Members will know, he is also the chairman of the Jersey Competition Regulatory Authority and my own amended proposition is the subject of an amendment and we will come to a discussion on that later. Suffice it to say I want to make it clear to Members that I am clear that there is not today, or expected to be, a conflict of interest during Mr. Boleat's position in his tenure as interim chairman. I may say, even if a conflict were to arise that would be dealt with, of course, by both boards and

Mr. Boleat will, of course, as a commensurate professional, act in a proper manner as his letter sets out, which I have distributed to States Members last night. In addition to that, following the withdrawal of the other non-executive director, I wish to recommend that Jurat John Tibbo be appointed to the other vacant role of non-executive director that arose. Members will be aware, of course, of Jurat Tibbo's distinguished public service and also his tenure on the Waterfront Enterprise Board in fact since it was set up in 1995. So I can say that it was my intention to appoint Jurat Tibbo as the Treasury-nominated non-executive director to allow a degree of continuity between the old body and the new.

The Deputy Bailiff:

Minister, can I just say he is Jurat John Tibbo. There are a number of Tibbos on the Island, so it is important that you make it clear.

Senator P.F.C. Ozouf:

I do apologise if my pronunciation has been ... I do apologise and thank you for picking me up on that, Sir. He will be able to, in his capacity as one of the non-executive States members, provide the board with strong experience and guidance as one of the States appointed non-executive directors. The Appointments Commission supports both of these amended appointments. While we are in a difficult position, we are confident that this proposed board will provide a strong balance of skills, experience and technical background that will contribute to the success of the new entity. The appointments provide an outstanding mix of local and U.K. experience and will assist in the local complex environment and ensure that the local environment is well understood, represented and articulated at the strategic level. The Appointments Commission have supported the recruitment process throughout and it has been satisfied and I am pleased that they have been cleared by the scrutiny panel. In accordance with the S.o.J.D.C. (States of Jersey Development Company) Memorandum and Articles of Association, the appointments must be for a period of 3 years. However, I do want to make it absolutely clear that there is no other way for the proposition before Members to be in any other way, but Mr. Boleat will only act as interim chairman for a considerably shorter period than the 3 years and that is the agreement that has been reached with him. His appointment will be offered on a 9-month basis in order that the permanent recruitment can commence. I should, of course, perhaps rehearse what my Assistant Minister already explained in the original proposition in terms of the other 2 non-executive directors which we are fortunate to be able to propose. Firstly, Mr. Roger Lewis; he was born and raised in Jersey. Mr. Lewis has been involved in residential and commercial property development for nearly 40 years. Between 1991 and 2007 he enjoyed considerable national U.K. success as the chairman and then on the board of the Barclay Group, which is one of the U.K.'s leading urban regenerators, where he held numerous senior positions. During the time that Mr. Lewis was involved the Barclay Group established itself as a consistently strong performer in the property development sector and he brings quite an unbelievable amount of specialist local knowledge for the Waterfront development and indeed the other areas. His local non-executive appointments have been focusing exactly on the area that S.o.J.D.C. will be looking at. He was, as I have said, formerly in charge of the Barclay Group and that itself was responsible for one of the most prestigious U.K. waterfront developments which Members may have been aware of, Gunwharf Quays in Portsmouth and that happened in his time as chairman. He has an immense wealth of experience in terms of the development world and indeed we are very fortunate that he now resides as retired in Jersey and he, therefore, has a very strong understanding of operating in Jersey with the conditions that are important for property development. I warmly welcome the fact that he was appointed as part of the original board. Mrs. Nicola Palios is originally from Newcastle. Mrs. Palios came to Jersey after completing her university studies where she joined a local law firm as an advocate, establishing a particular specialism in financial services law. In the 20 years that she was an advocate she in fact became the youngest ever partner of one of the local law firms and indeed became a Director and subsequently was made Chief Executive in 2003. She is a chartered director, has a Law Degree

from St. Hilda's College, Oxford, as well as a Masters from Cardiff University. During her 7-year tenure as Chief Executive of that local well-known law firm she grew the business very significantly, opening offices in a number of places around the world and indeed is widely regarded to be responsible as doubling the turnover of that business to over £100 million. Mrs. Palios has substantial experience working as a non-executive director on a variety of businesses. She has worked in a variety of capacities with perhaps notable inclusions being the European Securitisation Forum and locally she also sat on an Ethics Committee for States of Jersey. She is co-owner and director of her own consultancy firm and continues to offer a variety of services within the private equity field. She has strong local knowledge and that, uniquely - as with Mr. Lewis - allows the board to be supplemented and complemented with very strong local knowledge. I regard both Mrs. Palios and Mr. Lewis as almost Jersey directors, even though Mrs. Palios now spends the majority of her time in the United Kingdom. She herself contributed, I think it can be said quite openly, to the success of Jersey's financial services industry in the last 20 years and I think that her candidacy on the board of S.o.J.D.C. is something which is really quite impressive. The remuneration levels for the chairman and non-executive directors are set out in the proposition. The chairman earns £40,000 for a minimum of 24 days, although that is expected to be more. The non-executive directors are remunerated to the level of £15,000 for a minimum of 15 days locally; but, of course, they are expected to do a lot of reading as well. In addition, there will be some level of expenses for travelling to the Island where that is appropriate.

[14:30]

These remuneration levels have been considered by the Appointments Commission and, of course, I should say the salaries are borne by the States of Jersey Development Company. The S.o.J.D.C. early moves - the first steps - have been, I have to say, challenging. There are a number of important projects which do need and have now gotten underway within S.o.J.D.C. One of these important projects is, of course - the particular desire of this Assembly, which has been supported - to deliver urban regeneration and housing. It is vital that now this Assembly, today, makes a positive decision that all the opportunities for improvement, all of the things that this Assembly has debated at length over a long period of time, all that was wrong with W.E.B. are now corrected by the new arrangements that are set up with S.o.J.D.C. Important is the fact that there is going to be a clear separation between the delivery and the political oversight with the setting up of the board beneath the Council of Ministers, with the representation of the Constable of St. Helier and, where necessary and where it is a related Parish project, another Constable. In fact, I would go as far as this. In a time when our public finances are under pressure I think it is really important that we now get on to ensure that best value for taxpayers are taken and are secured for important property assets within the States of Jersey and S.o.J.D.C. will deliver just that. I expect and hope that there is going to be a healthy and respectful debate for what has been a difficult first set of discussions in relation to S.o.J.D.C. I am proud to present the board. I am grateful for the interim chairman to have come forward and for Jurat Tibbo coming forward to be the non-executive States member and I commend the proposition to the States and make the proposition.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Now, we have an amendment in the name of Senator Shenton and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 2, paragraph (a), after the words: "Mr. Mark Boleat (Non-Executive Chairman)" insert the words: "provided that the appointment of Mr. Mark Boleat as Non-Executive Chairman shall not become effective unless he has, within a maximum of 7 days of the adoption of this proposition, resigned as chairman of the Jersey Competition Regulatory Authority".

7.1.1 Senator B.E. Shenton:

May I start by just saying there is absolutely nothing personal about this amendment? I have met Mr. Boleat on a number of occasions and I certainly do not have any problems with him as an individual. Furthermore, I have not canvassed that many politicians with regard to this amendment, although I have canvassed a number of people outside of the States who share my concerns that there is either an absolute conflict of interest or a perceived conflict of interest if he is to retain his chairmanship of the J.C.R.A. (Jersey Competition Regulatory Authority) and also the States of Jersey Development Company. One thing that became quite apparent when speaking to members of the public is they were not aware or had not picked up on the significant difference between W.E.B. and S.o.J.D.C. They are very, very different animals. W.E.B., as the name suggests, is an enterprise board. S.o.J.D.C. is a development company. For a development company you could say developer and you could like it to, say, Harcourt or Dandara or similar. In fact, the DTZ report, when we were debating S.o.J.D.C., did say that the new company, S.o.J.D.C., may retain all development risk themselves and also that we were setting up a structure with more risk than would be typical for a similar sort of structure in the U.K. I felt that it was very important that if we are going to set up a structure which is going to speculate ... sorry, that is probably the wrong word; that is going to invest taxpayers' money, it is probably important to make sure we get it right. On that basis, I felt that the S.o.J.D.C. as a development company did have a conflict with the independence of the J.C.R.A. The J.C.R.A. was set up as an independent body and, if memory serves me right, we have tended to go for outside-Island chairmen just to make sure that there is no conflict of interest and that we can say: "Yes, this company is truly independent." But then I asked myself: "Well, here we have what was potentially the biggest development company on the Island, if it gets up and running properly. Would we sanction, for example, if you turned it on its head, the M.D. (managing director) of Dandara or Harcourt to be chairman of the J.C.R.A.? I think if you look at it from that point of view the answer is absolutely not. I did try and think of some instances where there may be conflict. If, for example, they open up the postal market to another competitor, or the oil market, those people coming in will probably want some land and there may be some ideal land that this S.o.J.D.C. can sell to them. The oil company, in particular, is a moot point because eventually most of the land will come under the S.o.J.D.C.'s control. Therefore, it could be quite lucrative for them to invite in another oil producer because the S.o.J.D.C. would benefit and the J.C.R.A. can argue that they have opened up competition. It goes right through. I could have probably come up with 100 different examples of where there may well be conflict. If the J.C.R.A. was going off to look at fashion retailing they may well argue: "Yes, we could do with an H&M or a ZARA," or someone else and they could approach these companies and the companies could turn around and say: "Yes, but there are no sites." Then shortly after that Mr. Boleat could be on the phone to them and say: "With my S.o.J.D.C. hat on, we have a turnkey site on the Waterfront we want to get kick-started and if ZARA or H&M want to sign up to the contract we can get this going." So I felt that there was a conflict there. I also was not particular happy with the appointment process. It says quite categorically that Mr. Boleat was approached for the job, which sort of harks back to the old G. and T. (gin and tonic) in the club type appointments that were prevalent 20 or 30 years ago. We talk about a robust recruitment process but what is robust about phoning someone up and offering them a job. There also seems to be a degree of urgency with this which I cannot quite understand. W.E.B. is pottering along as an enterprise board but there seems to be some urgency to set up this development company, almost inexplicable because W.E.B. still has a legal basis. W.E.B. can still sign contracts. W.E.B. can still develop the Waterfront. There may be political reasons for doing it so quickly but logically, from a business point of view, I think I would rather do it slowly and do it right than rush into something. My final point was the fact that we have an interim chairman. The P.A.C. recently brought out a report that criticised the fact that we do make interim appointments. We had it with an interim Treasury manager who was a very nice chap and did a very good job while he was over here. But if we find that something went amiss during the tenure of the interim person, they have long gone. They have taken their money and they have gone. Furthermore, it is not unknown for interim appointments to become long-term appointments. So, although this is technically an interim appointment, we could

still see Mr. Boleat at the helm of S.o.J.D.C. for a very, very long time. I had these concerns and, as I said before, I have not debated them or spoken to many States Members about them, to be honest with you. I did speak to the Minister for Treasury and Resources and Mr. Boleat to perhaps give them an opportunity to reconsider based on the prospects of a conflict of interest and, to be honest, I will be as interested as anyone else in here to hear the views of other Members because I really do not know how they feel. But certainly deep down I feel there is a conflict and so do a number of people that I have spoken to. I put forward the amendment.

The Deputy Bailiff:

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

7.1.2 Deputy T.M. Pitman:

I am glad the Senator is sitting down because, being a Member who votes on the merits of a proposal and not on the personality, I will be supporting Senator Shenton. I think he has made a very good case as to the possibility of conflict. He has made such a good case I think that very little else has to be added. So I am going to sit down and leave it there and I hope other Members feel the same.

7.1.3 Deputy P.V.F. Le Claire:

I am happy to second the amendment. I also have a great deal of respect for Mr. Boleat in respect of his commitment to the Island of Jersey and the work that he has done, but I do think that where there is a perceived conflict of interest ... We have had in the past a very unfortunate set of circumstances with a previous Deputy of the States where there was a perceived potential conflict and he had to step down and that was a very uncomfortable debate to be involved in and unfortunately that did not serve him or us well at all. I am going to tread very carefully here because I particularly want to be very careful about how I put this. I think if there is a perceived conflict of interest the States needs to consider that if a development company is going to be operating outside of the confines of the Waterfront in all manner of development in the future it will be engaging in activity that may bring them before the Courts, either for transactions or perhaps an accident at work or maybe something like that. I am just wondering if any consideration was given to long-term thinking in relation to one of the Jurats being involved because I do think there needs to be a clear separation from a development company and the judiciary. While I have the greatest of respect for this particular Jurat and all of the Jurats, not to speak ill of him in any way, I just question whether or not the States has thought about and thought this all the way through.

The Deputy Bailiff:

Deputy, may I just interrupt you a moment because the comment you made about the Courts is something which perhaps the Chair is uniquely qualified to say something about. Jurat Tibbo would be the first one to withdraw from any judicial case involving the States of Jersey Development Company because he would be the first one to recognise that there was a conflict. There is absolutely no question of Jurat Tibbo ever sitting in court on this matter. I just thought I would make that quite plain for members of the public who might be listening.

Deputy P.V.F. Le Claire:

That is painfully obvious, Sir, and I regret to say this but what I am saying is that justice has to be seen to be impartial and associations in respect of the judiciary, whether ... and I know he would be the first person to declare an interest. The fact of the matter that he sits there on a day-to-day basis, I think, is in need of consideration for the long-term. As I said, I wanted to tread carefully upon it because I did not want to put it across the airways in any way, shape or form that he was not the most honourable of men, which I believe he is. I just think that we need to think about that long-term. On the principle of conflicts of interest I will be supporting the amendment and on the principle of conflicts of interest I think we need to think harder.

The Deputy Bailiff:

Deputy, I have a feeling I may have put you off your speech. If you wanted to say anything more please go on and say it. You are absolutely within the bounds of what you ought to be saying.

Deputy P.V.F. Le Claire:

I felt very nervous about saying that at all, Sir. I do not want anybody to get the wrong impression, Sir.

The Deputy Bailiff:

I do not want you to have the wrong impression from the Chair either, but equally it is important the public are aware of the position.

Deputy P.V.F. Le Claire:

Yes. I just want to make it quite clear that I have every respect for Jurat Tibbo and I think he is a very honourable man who would, in all circumstances, do the right thing and he has in the past. I just wanted to talk about a principle rather than an individual.

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

I think, firstly, before I start speaking, I need to declare that I am a past board member of W.E.B. and certainly now, with my S.o.J.D.C. involvement through Property Holdings and Treasury, those are my involvements and why I am standing to talk today. I think, with regard to Senator Shenton's amendment, he is entirely correct that we would not have the chairman of either Dandara or Harcourt running S.o.J.D.C. because they are other development companies.

[14:45]

J.C.R.A. is not another development company. It is entirely a different type of animal. He has drawn some very tenuous links between possible conflicts but none less really or none more really than the conflict which was brought up - and I do not wish to go back to the Scrutiny report - with Deputy Le Fondré who was also a member of Jersey Property Holdings and now scrutinising S.o.J.D.C., which is the reason why I resigned from W.E.B. and I became a member of Property Holdings to ensure that there was no conflict in that role. So I think Senator Shenton was robust the last time this matter came before the House that Deputy Le Fondré was not conflicted, and yet he raises a conflict here which I think is far less proven. It is far more tenuous. Senator Shenton also spoke about: "What is the urgency?" The urgency is the here and now; the here and now where we have just seen G.S.T. go up; we are at a time when we are hoping to grow the marketplace here in Jersey for financial services; to produce more homes for people wanting to buy homes. Deputy Le Claire was just speaking a moment ago not about this topic, but he has been quite vociferous recently with email contact among Members about new starter homes for people. These are things that S.o.J.D.C. can deliver, but S.o.J.D.C. needs to be freed from the shackles of the political interference - and I mean that in the nicest possible way - to be able to get on and do the work that needs to be done; to sweat the States assets that it has at its disposal; to return good value back to the people of Jersey; to reduce the impact on the day-to-day costs of Jersey people by providing extra homes, extra facilities, new hospitals and all these sort of things. St. Saviour's Hospital is another development site we could possibly have. Jersey College for Girls is waiting for something to done with it. South Hill is another opportunity. All these things need the S.o.J.D.C. They are outside of the remit of W.E.B. That is why there is an urgency. It is the here and now; the opportunity to catch the upturn in the market. There is never a better time to develop than when you know you have some secured tenants to catch the upturn in the market while you are getting your building at a cheap price. There are major businesses out there today making 2- and 3-year plans, about the same sort of time it would take us to get offers blocked up and ready for them and also the accommodation that we are desperately looking for now. I have a great deal of respect for Senator Shenton. On my time on P.A.C. with him I found him a very good chairman and I will

not criticise him in any way in that respect. I would also consider him to be a personal friend. But I think in this case he is drawing an analogy which is far too thin. Mark Boleat is an ideal candidate for this role. He is prepared to do it on an interim basis. There is also a comment made that he was approached to do the job. I think it was more or less he was approached to see if he would be interested in doing the job as a number of alternatives after we lost the chairman that we proposed last time. So I think it is quite obvious I will not be supporting Senator Shenton, unfortunately, on this occasion because I think it is important for this House to move forward and make a positive step after the (unfortunate words) debacle of the last debate on this topic.

7.1.5 Deputy A. E. Jeune:

We are always moaning, rightly in my opinion, that in Jersey there are good Jersey folk who can fill senior appointments. When we get them then, some feel that they are too close for comfort. My initial reaction to Senator Shenton's amendment was one of interest and I felt I could understand where he was coming from. But having now read Mr. Boleat's letter to Senator Ozouf, any concerns that I had have been dispelled and I would ask the proposer how he feels having now received that; if he could tell us in his summing up.

7.1.6 Deputy J.A. Martin:

I will be supporting the amendment, but I probably will not be supporting the overall proposition. I really get the hump when we are rushed into this position because of the debacle that happened in this House when the Minister for Treasury and Resources was not here. We tried every which way to give 2 more weeks to understand the reasoning why the hurry and everything behind it and it took an afternoon and in the end it was sent back to scrutiny. Obviously the much intended candidates all pulled out. But it is a time issue again with which Senator Shenton is speaking; why again this rush? We had this debate when unfortunately the Minister for Treasury and Resources was not here and he can normally read the House better than some and it is not always a good idea to dig your heels in when you are asked 3 different ways to postpone a proposition and in the end lose everything. I have real concerns with the word "interim" and then on page 4 it says: "and it could be for 3 years." We already had this. We had an interim chairman of W.E.B. It was told in this House it would be for a very few months and in the end there was lots of clouds under which he went; nothing to do with the person. There was found to be conflicts but, again, he stayed too long. Supposedly, at the beginning when we went out for interview, we had 5 strong candidates shortlisted for the role of chair and 8 for the non-executive positions. Eight and 5, and we nominated from that. I do not know the person. I know the name. I think he has been involved in housing issues over here, maybe abroad as well; but it does smack of the cosy club. We need someone there and this person has all the qualifications to do the job. When you read this C.V. it is about trade, it is about everything. As I say, I will support the Senator, because if it goes through I really cannot see this person being the head of Jersey Competition Regulatory Authority and the States of Jersey Development Company because I just think there are ... if they are not confirmed conflicts they are so perceived that we just do ourselves no justice at all. I apologise, I was on an urgent phone call downstairs and I heard the Minister for Treasury and Resources' opening speech on the values of the now candidate, Mr. Boleat, and I do not think he has changed any of the words to what he would have put if it had been the original person, because it was over-egged and over-convincing; that this was now the only person in the world who could do this job and we must appoint today. Well, if we must appoint, as I say, he cannot do both jobs, and there are other jobs he does as well. In my personal opinion it is too conflicted; so I will support the Senator. But at the end of the day this interim and rush has happened too many times in this House and I will find it very hard to support the main proposition. It should go out to another selection process. Where it says: "This is fully supported by the Appointments Commission," why would it not be? Was that another cosy chat over the telephone: "Here is his C.V., we need this doing." I am very sorry this does not this House any good at all and do not blame the Back-Benchers for the debacle that the Minister for Treasury and Resources and the Assistant Minister got this House into from the very

first minute they brought the first proposition. I will support this, but I doubt very much if I will support the whole proposition.

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

I had indicated my wish to speak when Deputy Jeune was called and she did say very much what I wanted to tell the House myself. It was quite an attractive amendment, I think, from Senator Shenton because we all know that everything we do must be absolutely transparent and that there must not be any perceived conflict of interest. I intended to come here today obviously to listen to the debate and probably vote with the Senator. However, as Senator Ozouf said at the outset, Mr. Boleat is a highly regarded Jersey-born professional and that comes across very clearly in the letter that he addressed to the Minister to rebut the words in Senator Shenton's proposition that there would be a perceived conflict of interest. The letter was addressed to the Minister and I hope that Senator Ozouf, when he speaks to the amendment, will tell the public some of the words that Mr. Boleat has put in his letter to him. I do not feel it is my place to read what has been addressed to the Minister, but the words of Deputy Martin have just astounded me because she is telling us that it smacks of a cosy club. I am one of the Members who would agree with her that that should not be the case at all. We are not here to support cosy clubs in any shape or means. However, she then went on to criticise this cosy club, which I do not believe exists, by saying this person has all the qualifications to do the job and she was using it as a criticism that this cosy club has approached someone with the qualifications to do the job of chairing the S.o.J.D.C. I fail to see that that can be a criticism at all that we, the Appointments Commission, have found someone who was qualified and not only qualified but willing to undertake this role. "Willing" is very important. It needs to be sorted out today and we need to get behind the proposed appointments that we are debating in the main proposition and to support the Minister on this one. Based on what Mr. Boleat has told the Minister, I will not be supporting Senator Shenton's seemingly attractive amendment.

7.1.8 Deputy M. Tadier:

Following on from the last speaker, it seems to me that we need to be clear on what is being proposed here and Senator Shenton, I think, is certainly not imputing that Mr. Boleat is not qualified for the job. We know that clearly he is. He has got a very impressive C.V. He has also got local expertise, which perhaps the previous candidate would not have had, which many would see as an advantage. Senator Shenton, and I believe also Deputy Martin, are not saying that this person should not do the job; simply that if he really wants to do the job he should give up his position on the J.C.R.A. for the time being while he is doing that. It is only an interim position after all. So if it is just interim there is no reason he should not take a sabbatical of a few weeks or months, as long as it takes, from the J.C.R.A. and get in an interim director/chairman at the J.C.R.A. - probably the person who is below him at the moment who I am sure is very capable of doing that job - and then we do not have any perception of the conflict of interest. It seems quite sensible to me and I think everyone could probably agree to that. First of all it does not say that Mr. Boleat is not qualified for the job; quite the opposite. It says that simply, for propriety's sake and perhaps it is erring to the side of caution rather than anything else, Mr. Boleat should not be doing the 2 positions. I do have comments that are more germane to the actual substantive proposition which touch on something Deputy Le Claire mentioned earlier. I will save those for the main proposition, whether it is amended or not.

The Deputy Bailiff:

Does any other Member wish to speak on the amendment? Senator Ozouf, the Minister for Treasury and Resources.

7.1.9 Senator P.F.C. Ozouf:

I was grateful that Senator Shenton did hold discussions with me and, indeed, Mr. Boleat when he put his original email around to States Members. I think it is fair to say that Senator Shenton

sometimes does shoot from the hip, like we all do from time to time, and that is absolutely fine in terms of raising a challenge in order to deal with it. I have certainly taken his amendment and indeed his initial email extremely seriously and it was a matter which was discussed at considerable length by the Appointments Commission and has been the subject, which I will go on to, of some discussions with the board of the J.C.R.A. I can advise Members that I have taken advice. I have discussed this at considerable length within the Treasury and taken advice in relation to this issue. I want to be clear that I have no alternative but to propose Mr. Boleat for the period of term that the States has set up the Memorandum of Understanding for and that is the 3 years.

[15:00]

But it is an interim arrangement which Mr. Boleat has been absolutely clear about. He will stand down when the appointment process for the permanent chairman has been made. I think that is absolutely an important critical difference in terms of a permanent appointment versus an amendment. The other thing I want to say is that I do not think that I am a Member of this Assembly that lacks in ambition, but I have to say that the ambition that Senator Shenton has for S.o.J.D.C. almost dwarfs my own. S.o.J.D.C. is not suddenly going to become the Island's biggest development company. It is not going to become a Dandara or a Harcourt or anything else. It is going to be a facilitating entity under political instruction, under the urban regeneration taskforce for specific projects. The only land which S.o.J.D.C. currently has is the Waterfront. That has been the subject of a lot of debate and I am going to make a couple of remarks in relation to that. Any other land that could have petrol stations on or supermarkets on or retail malls or anything else is subject to this Assembly's call-in. I do not believe that in the tenure that Mr. Boleat will be interim chairman we are going to see a massive expansion of, in fact, this grand development company. It is not a development company. It is an entity designed to secure and facilitate development and that is very different from being a landowner and a developer as is being portrayed. Indeed, I would say that there are 3 principal objectives which I would set for S.o.J.D.C. and for Mr. Boleat's job description almost, in terms of what he is going to do in terms of the next 9 months. Yes, I have heard a number of Members, including Deputy Martin, and I understand that a number of Members do not want to see S.o.J.D.C. and they have got reservations about that and I understand and respect that. That is something that has been well ventilated in this Assembly. But this Assembly has instructed me in order to progress this matter. We have had debates about it and I am instructed in order to set this up. I do not think that any Member would say that there is not, at some point, some need to bring closure to a certain issue and to move on. We have been here for months and certainly, as far as Jurat Tibbo's position is concerned and the other members of the W.E.B. board, I think it is fair to say that they have been in complete limbo over the last few months. We should not be proud Members of this Assembly in terms of seeing this entity, with all of the attendant costs that Members such as Senator Perchard are concerned about being lacking in their ability to get on with the job in terms of securing the jobs that we do want to do. I think that there does come a point where - despite some difficulties, despite some challenges - we need to move on and this amendment frustrates that process, if I may say. There are 3 objectives as far as I am concerned for the interim chairman: setting up S.o.J.D.C., putting in the proper governance arrangement and sorting out the inherited situation that they have got from W.E.B and, secondly, making progress in relation to the potential phase 1 of Esplanade Square. Not the whole of it, but the phase one which is, if I may say to Members, an extremely valuable project for the taxpayers of this Island, which, if it is not given a chance to succeed will go in terms of other areas and the taxpayers will not see a return on their own investment that they have made in relation to Esplanade Square. I have to say I am going to be asking that this Assembly does send a message of support that means that that very first small phase of Esplanade Square can go ahead and this Assembly can benefit from the tens of millions of pounds of benefit from that, indeed if it is possible to secure it. The other things that I wish to say ...

Senator J.L. Perchard:

A point of order. I am not sure whether the Minister perhaps unwittingly misled the Assembly then by saying that we needed to form this company in order to progress the development of the Esplanade Quarter. I can assure Members that W.E.B. are empowered currently to develop the Esplanade Quarter and we do not need a new company to do that.

The Deputy Bailiff:

What is the Standing Order that you wish construed for that point of order, Senator?

Senator J.L. Perchard:

Sir, I do think that the Minister for Treasury and Resources certainly not only said but informed the Assembly that we needed a new company to develop the Esplanade Quarter. I do not think that is correct.

The Deputy Bailiff:

If I may so, you have the opportunity or you might have had the opportunity - you have now spent it - to speak in the debate and you have just interrupted Senator Ozouf when you ought not to have done because it is not a point of order.

Senator P.F.C. Ozouf:

I am grateful for Senator Perchard having given me the opportunity of perhaps clarifying, for the avoidance of doubt, what I said. We need to give certainty to a board to get on with the job. We have asked Jurat Tibbo to be interim chairman for an embarrassing period of time and the States Members who have discharged with diligence and with care their responsibilities on the board of directors have not exactly had certainty in relation to what they are doing. The entity has been in limbo and this Assembly needs to move on. That is the important issue. Whether or not it is a legal entity or it is the new entity, it needs to move on and it needs certainty and it needs a board in order to do that. That, I think, is a justified and honest assessment and a plain speaking assessment of where we are. The other important issue which I want to see S.o.J.D.C. start the process on is delivering urban regeneration with a view of assisting my colleague, the Minister for Housing, in delivering social housing on States-owned sites. We will have a debate on the Island Plan in a couple of weeks' time and Members are aware of the importance of delivering social housing on States-owned sites and S.o.J.D.C. is the vehicle in which we will deliver that. I think that that is an important issue. Now, for those reasons, we have been placed in a very difficult position and I am extremely grateful for the heartfelt and entirely appropriate remarks by the Constable of St. Lawrence and indeed supported by Deputy Jeune. She, of course, read the email from Mr. Boleat who did, in a very open way, say: "Put this information into the public domain; put it to the States Members so there is absolutely clarity of the conflict of interest or the perceived conflict of interest." I do not believe there is a current conflict of interest and even if there is a conflict of interest - and I have described what S.o.J.D.C. will do in the intervening period to describe the fact that there will be not be a conflict of interest - just as Jurat Tibbo has got a clear track record of recusing himself from any issues so will Mr. Boleat, in the event - in the event - a conflict of interest arises. The Connétable of St. Lawrence did ask me to refer to the email and I will just, if I may, quote a couple of passages from it: "Dear Minister, I have noted Senator Shenton's amendment. I understand that this concern may be that there is a conflict between my role as J.C.R.A. chairman and role of S.o.J.D.C. When I was first approached about the role of S.o.J.D.C. I obviously thought that there could be a conflict. After careful consideration my conclusion was that the prospect of a conflict of interest was minimal and if there was a conflict of interest then that could satisfactorily be handled in the usual way." This issue he explains had been discussed with the recruitment consultant Odgers Berndtson and it has been discussed by the Appointments Commission and the J.C.R.A. board. The executive director - Mr. Boleat is not the executive director - of the J.C.R.A. concurs with the conclusions of the chairman. S.o.J.D.C., Mr. Boleat points out, is a regeneration agency with implementing policy made by the States in terms of the

urban regeneration. He points out that S.o.J.D.C. has no dominant position in relation to the supply of commercial property. It operates in a competitive market within existing commercial arrangements. He goes on at length to describe exactly what the situation is. The other point that the Connétable of St. Lawrence made is that we are probably quite fortunate that somebody has accepted this job. This has been an extremely difficult situation and I do not want to rehearse again the circumstances of the deeply unfortunate withdrawal of Baroness Ford from the process. I think she would have been a great chairman. I think Mr. Boleat is equally qualified in terms of it and I will say to Deputy Martin that, in relation to other candidates, the runner-up candidate was approached and was no longer available and was not appointable. There were other candidates that were considered and the result of that approach in terms of an interim appointment was that Mr. Boleat was the only and best choice of the available candidates that had been through a proper process already with the Appointments Commission, with all of the attendant appropriate checks that the Appointments Commission does. Mr. Boleat has made it clear that this is an interim role. He will stand down from the entity when a permanent appointment has been made. If this proposition is amended I have to say to Members that I will have to withdraw the overall proposition. I do not like saying that, but Mr. Boleat's main job is the J.C.R.A. body. This is an interim appointment and he has no desire in order to stand down from the body in which he spends the majority of the time and, if I may say, doing an excellent job in representing consumers and the oversight of the J.C.R.A. He does not want to stand down from the J.C.R.A. and unfortunately, if this amendment goes through, which would require him to stand down, it would mean that effective the whole appointments process cannot proceed. I regret to have to say that but that is the position. He was approached. He accepted. He accepted on an interim basis. There are no conflicts of interests that are immediate. Any conflict of interest can be dealt with and I urge Members, with the greatest of respect, to now move on; to reject the amendment so that we can go on to appoint a board to get on to ensure that taxpayers' investments, both at the Waterfront and in the other areas of regeneration, can commence rather than constant, if I may say, delay and prevarication. I urge Members to reject the amendment for those arguments.

7.1.10 Deputy E.J. Noel of St. Lawrence:

I should, for the benefit of the public, declare that I am currently an unpaid States elected director of W.E.B. I do not enjoy being in limbo, as Senator Ozouf set out. In fact, it does my back no good at all. But seriously, Sir, I refer to you own words regarding Jurat Tibbo and they equally apply to Mr. Boleat in his capacity as chairman of J.C.R.A. I would echo those words of Deputy Jeune and indeed those of my Constable. Mr. Boleat's letter is clear. We are all, in our daily lives, exposed to potential conflicts of interest. It is how we act and treat those that really matters. I am sure that Senator Shenton holds similar views, especially regarding his own non-executive directorships and his States role. Conflicts, potential or real, can be managed in a professional manner and I suggest to Members that we reject this particular amendment.

7.1.11 Deputy M.R. Higgins:

I would like to direct a question to the Solicitor General on this because he has recently had a look at perceived conflicts of interest in others and I would like to hear his views on the perceived conflict of interest of the director of the J.C.R.A. and S.o.J.D.C.

The Deputy Bailiff:

His views as to the law which applies to conflicts of interests?

Deputy M.R. Higgins:

Yes, and certainly in view of what has just been said about perceived conflicts of interest. Deputy Noel said, for example, they can be managed. It appears maybe not.

7.1.12 Mr. H. Sharp, H.M. Solicitor General:

Does a conflict of interest arise, perceived or real, merely by the appointment of Mr. Boleat as chairman? The answer to that is no. Can a conflict of interest arise depending on factual circumstances that have not yet arisen? Yes, of course. It may be that the issue is how likely is it that a series of facts will arise that will generate such a conflict of interest. Of course, I do not have a crystal ball so I cannot advise on that. Finally, if a conflict of interest arises, does Mr. Boleat have to take part in the relevant decision making process? The answer to that, from his own email, appears to be no in the sense that he would recuse himself, so to speak, and not take part in the relevant decision. I hope that helps.

[15:15]

The Deputy Bailiff:

Does any other Member wish to speak? Senator Routier.

7.1.13 Senator P.F. Routier:

Very briefly, the process of trying to find people to serve on a body like States of Jersey Development Company and W.E.B. previously... it has always been a very difficult thing to find people to serve on these bodies. The reality of trying to find someone who has experience and ability to bring value to the board and who is only going to be working for, say, 15 days as a non-executive or 24 days as the chairman means that that person will no doubt have other roles within the community. There is no doubt about it. That person is not just going to work for 15 days or 24 days. So there is always going to be a very great likelihood that the person, if they have any value, any experience to bring to the board, will have other interests around our community. I really just make that observation, that it will be extremely difficult to find people who have absolutely no chance of having any conflict at all ever. The reality of it, which has been explained extremely well by Mr. Boleat in his email, is that that can be managed. We all know the qualities of Mr. Boleat and I can only endorse that he would make an ideal candidate for this position and we could rely on him and trust him to use his judgment if there was to be any likely conflict arising.

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

I am not going to speak for very long because I think most of the points have been made but I did want to pick up on a couple of points; one from my fellow Deputy, Deputy Martin of St. Helier, and the Minister for Treasury and Resources. Deputy Martin asked: "What is the hurry?" My argument is: "Well, why wait?" I have, in Housing alone, one scheme that is far too big for us to handle in Housing and if we had this development company going we could be providing new homes for people at La Collette fairly soon. But I cannot do anything because we do not have the skills or the manpower to do it and there is not another facilitator available. That is why I do not want to wait. I think that picks up very nicely on the points that the Minister for Treasury and Resources made. We have people that need housing. We have people that need social housing. We have people that need affordable housing. We have sat on these sites for years and years and years and I have heard all sorts of rumours about what is going to be done and what is not going to be done, but nothing happens. We need to get on with it. I have got families that need to be housed. They cannot be housed now because I know that it will take 2 years or 18 months to get some of these schemes off the ground, but why wait another 6 months to start to get them off the ground? The final point - and I will not speak in the main debate because I think I would have covered it all by then - is that I have spoken at length with Mr. Boleat and I was extremely impressed, among all his other skills, of his understanding for social housing. I was very impressed; he understood the problems, he understood the issues and here is a man that can get things going and I think we should allow him to do so.

7.1.15 Senator F.E. Cohen:

I feel desperately sorry for the poor old Minister for Treasury and Resources. [Members: Oh!] Whatever he does ...

Senator P.F.C. Ozouf:

I am not old.

Senator F.E. Cohen:

He may not think he is. **[Laughter]** His looks deceive. Whoever he recommends, he is doing the wrong thing. If he recommends Mr. Boleat, he is told that he has potential conflicts of interest. When he recommends Jurat Tibbo, the issue of Jurat Tibbo's position as a Jurat is incorrectly raised. The poor chap cannot do right for wrong. The candidate in question is unquestionably of the highest standing and he is perfectly competent to manage conflicts. Each of us in our lives as States Members has to deal with conflicts of interest. Each one of us makes the correct assessments. I have no doubt that a candidate of this calibre is capable of making the decisions that we, each one of us, make on a regular basis. The simple problem here is nothing to do with the candidates. The simple problem here is that many Members do not like W.E.B. and they think they will not like S.o.J.D.C., and they may well be right. **[Laughter]** But the issue is that their dislike and their perceived dislike of S.o.J.D.C. is going to have huge effects on the Island and all of those effects are likely to be negative. We have already lost Baroness Ford. Baroness Ford was one of the most competent leaders of S.o.J.D.C. we could ever have imagined would have been prepared to initially accept recommendation for the position. She is someone who is not used to - I am afraid to put it this way - being messed about and she was messed about and she withdrew her agreement to stand. It was a huge loss for this Island. As an example, she was the first person I met who, within one hour, managed to put her finger on what had been the problems with the Waterfront Enterprise Board and that she described as lack of connection with the community. Lack of ability to deliver for the community what the community felt it needed; for example, affordable housing for needy Islanders. But we have lost her now. We stand, if we are not careful, to lose a much a greater prize. Esplanade Quarter is essential if we are to expand as a financial services community; in fact, many would say if we are to survive as a financial services community. There are tenants available at the moment, potential tenants. We are just about to lose them to private developers. Have no doubt about that. If we are not careful we will lose the opportunity of generating in excess of £6 million annual rent for the States' coffers and in excess of £120 million of value for our Island. That is value that will go up year by year and we are losing it because we continue to tinker with inventive reasons, I am sorry to say, whenever there is any proposition that is brought forward to this House that will advance the cause of W.E.B. and S.o.J.D.C. I am afraid that it is at a pretty critical stage and we need to get on with it, and we need to get on with it now.

7.1.16 Deputy G.P. Southern:

I just want to say how much I appreciate, rather than feel sorry for, the speech from the Minister for Treasury and Resources who, in his usual erudite way, appeared to address the central issues but avoided them altogether. I repeat the words said by my colleague, Deputy T. Pitman, who said that the proposer of this amendment summed up the case very well and very little further needed saying. Indeed he did. There is a clear conflict of interest, undoubtedly. We have seen what we do with conflicts of interest. We investigate them thoroughly and we assess them and then we tell Deputy Higgins that he cannot conduct a scrutiny review because he has a clear conflict of interest and must avoid it at all costs; must avoid it at all costs. As the Minister for Planning and Environment has just said, we all have conflict of interests and we manage them as best we can. That is not the opinion that this House took in the case of Deputy Higgins. It should not be the opinion that this House takes in the case of this particular appointment. I feel sorry for the Minister for Treasury and Resources when he says: "I have got a problem because Mr. Boleat's main job must be J.C.R.A. and, therefore, if this amendment goes through I will have to withdraw the offer for this particular body." How correct he is. But he does not avoid this fact that there is a perceived conflict of interest which must not be allowed to stand. I feel, heartfelt, sorry for him that that puts the Minister for Treasury and Resources in an awkward place. But nonetheless it does and those are the facts and that is reality and he will have to live with it. This amendment has been very well put

and the central core argument has been very well put and it is very, very clear. The speakers who have just said: "Oh, but we must get on with things. We have to have somebody in place; there is a matter of urgency here. Let us make decisions in a hurry and get them wrong in order to make sure that something is happening." This is a classic case of Government being seen to do something, even though it may well not be well considered and the right thing to do: "Let us get on with something, let us do something." This urgency that we now hear about £6 million we may be missing out on and these invented reasons getting in the way. There is no invented reason about the perceived conflict of interest in running the J.C.R.A. and attempting to run this particular body as well. Sorry, but that is, in my mind, absolutely clear and no one out there in the wider public would be going around and saying: "I cannot see that perceived conflict of interest." Of course there is one. Of course there is one. It is a shame that we have to do this and it is a shame that it has been down to Senator Shenton to bring this amendment, but good on him for bringing it and good on him for expressing it so clearly. This House cannot go ahead, I believe, with this appointment.

7.1.17 Deputy D.J. De Sousa:

Members are well aware, and it is well documented, of the issues that I have had with this set up and the scope of W.E.B. and S.o.J.D.C. I am really struggling with this but I am elected to do what I think the Island and parishioners would want me to do. As Deputy Green has said, we have a real need for social housing, for affordable housing. I have spoken many times recently with the Minister for Housing about issues with local constituents and constituents in other Parishes as well, about their issues with housing. We know how big the waiting lists are. We have to do something to facilitate the building of social housing and affordable housing for Islanders. I really struggle with this but I have to do what I think the members of the Island that elected me and put me here would want me to do and that is the only reason that I will be voting against the amendment and I will vote for the main proposition.

The Deputy Bailiff:

Does any other Member wish to speak?

7.1.18 The Deputy of St. Mary:

I think will be corresponding with you, Sir, about the intervention of Senator Perchard because I found the ruling hard to understand. I came up to speak because I listened on the radio to Senator Cohen, the Minister for Planning and Environment, speaking and I found what he said contradictory and if Members were listening they might have noticed the contradiction. He said Baroness Ford put her finger on it within an hour what the problem was with W.E.B. and he said it was lack of connection to what the public needs and wants. I think he then went on to say in that context that what the public needs and wants, the number one need, is adequate housing. I think that is what he went on to say that she said. Then 2 minutes later he was saying: "And we must have an Esplanade Quarter and without the Esplanade Quarter for finance then" ...

Senator F.E. Cohen:

With respect, that is not what I said.

The Deputy of St. Mary:

Maybe it was Deputy Green then who spoke. **[Interruption]** One or other of those 2 Members said that the key need was adequate housing and, as I then heard the good Senator say 2 minutes later, Senator Cohen was saying, that what we need first and foremost is to expand our finance industry and to build the Esplanade Quarter and then there would be £6 million per annum income coming to the States. I just find that there is a contradiction there; that apparently the stream of value that would come to the Island if that site was used for super housing - because it would be a wonderful site for housing - that does not weigh in the balance the same as an income stream of £6 million. I just put that in front of Members to their consciences as to which is more important

because the argument that the finance industry will vanish if we do not build them spanking new offices ...

[15:30]

The spanking new offices are being built already. They are being built all the way along the Esplanade. But there we go; that is an argument for another day. But I just wanted to pick up on that contradiction. That has all be brought in as an argument that we must move on this, we must do this, we must do that. So I do not think that argument does stack-up but, on the other hand, I do accept what I have heard from other speakers, that Mr. Boleat is well-qualified to do this. I think the arguments about him being conflicted frankly are pretty thin and watery. What his letter sets out is quite clear and I shall be voting against this amendment.

The Deputy Bailiff:

Senator Perchard has asked to speak and I am going to go back over my earlier ruling, which I think was too hard. **[Members: Oh!]** The purpose of it was to make plain to Members that points of order should not be raised when they are not points of order and a Senator who has been in the House for 5 years should know better than to raise a point of order when it is not a point of order. However, the sanction was too severe and in those circumstances, Senator, I call on you to speak.

Deputy I.J. Gorst:

Sir, I wonder if I might call upon you to reconsider that ruling because I seem to recall perhaps a month ago you meted out a similar ruling to my good self and I took it **[Laughter]** with the good grace that I believe it was meted out. So I do ask that perhaps you reconsider.

The Deputy Bailiff:

Deputy, then I can only apologise to you. **[Laughter]** Senator Perchard.

7.1.19 Senator J.L. Perchard:

Thank you, Sir, I too took your ruling with good grace and I also take your overruling of yourself **[Laughter]** with good grace. As I say, I have not got a lot to contribute that has not been said about this particular detail of: does a conflict of interest apply in this case.

The Deputy Bailiff:

I may change my mind then.

Senator J.L. Perchard:

I have huge reservations as to why the States of Jersey, who have a great reputation of being not able to run very much properly, would wish to run one of the biggest development companies in the Island and have all concerns referred to this Assembly for debate and comment and its usual interference. The last thing the States should be doing is setting up a development company that is in direct competition to our local businesses, some magnificent businesses that trade locally in this very area of property development. We are looking to have a Government here that makes planning decisions after master planning and approving plans ... that the Government will make these master plans, approve the plans and then direct the business for developing these plans to a company which it owns and Members are being asked to believe that there are not some real issues to do with conflicts of interest here. Are we serious that there is not a conflict of interest here? We are going to make a master plan for a great big scheme and we are going to say: "There is only one developer being considered and that is ourselves." If I was the chairman of one of our small local businesses I think I would perhaps knock on the door of the Competition Regulatory Authority and say: "I have been pushed aside here. We have got Government making plans to suit itself and I have not got a look in." Oh no, I will not bother knocking on the door because it is the chairman of that company that is also the chairman of the J.C.R.A." What would I do next? I think I would turn to the courts and say: "There is an injustice here," and I think I would have a very good case.

My reservations about the States of Jersey having its own development company and the gravy boat that will follow it are well known to Members, but there is no doubt that there is a conflict of interest here. The States of Jersey will be directing all its big developments to a company of which it owns. There cannot be a simpler conflict of interest.

Deputy M. Tadier:

May I seek clarification of the speaker if he indulges me? When he said and then he would turn to the courts I was expecting him to announce another conflict of interest with another Member on that board. Was that where the Senator was going or is that not the case.

Senator J.L. Perchard:

No, that is not where I was going.

The Deputy Bailiff:

Does any other Member wish to speak? The Deputy of St. John.

7.1.20 The Deputy of St. John:

I have been listening with interest - great interest - given that a lot of what has been going on over the last several months was, I suppose, contributed to me for various comments I made on the floor of this House about going in camera. I do not need to go in camera with what I am going to say now because I thought we were going to be starting with a clean sheet of paper - a clean sheet of paper - today and that is not the case. The 2 directors that have been proposed, or the chairman and the vice-chairman, will have not gone through the same process as the other N.E.D.s, given the other N.E.D.s went through a certain process, which I was part of along with other Members, and these 2 people have not. I do not know, but we have moved the goalposts along the way. The report that was given by the scrutiny panel this morning had criticisms of the process in part - not the whole lot but in part had criticisms - and we are compounding what we are doing by doing it in this particular way. I could understand if the 2 directors that had been put in place were solely those 2 directors for a period of 6 months. I cannot use their name but by bringing other people that have been interviewed into the frame muddies the waters, I suppose. It is most difficult for Members to be starting with a clean sheet of paper that has already been scribbled upon. Really, I have to support Senator Shenton in this one because I would not give evidence in the public domain because what I had done in the selection process was done in private and, therefore, any information I was given was given in confidence and I cannot break a confidence in a public arena; hence I asked for an in camera debate. But when I see that we are not starting afresh with the whole process but are just putting 2 people in to fill in the gap that was required, to me we are using a typical Jersey fudge yet again to get to where the Minister wants to go. I am sorry, but I cannot support this. I could say an awful lot more but I am not going to. I think it is for Members to decide for themselves if they want to accept the fudge or not.

The Deputy Bailiff:

Does any other Member wish to speak? Yes, Deputy Dupre.

7.1.21 Deputy A.T. Dupre of St. Clement:

We spend an awful lot of time in this Chamber complaining about not having local people doing things. We have got local people offering themselves here. Can we please just get on with it?

The Deputy Bailiff:

Does any other Member wish to speak?

7.1.22 Senator T.A. Le Sueur:

Just to say we seem to be in danger of drifting back into the main proposition rather than the amendment here. But, in terms of conflict of interest, it strikes me that the reality is that conflicts

of interest do frequently occur and what we need to do is to ensure that there are proper policies and procedures for dealing with conflict of interest, whether they are real or imagined, and in this case we have clear well laid out policies and procedures to deal with a conflict of interest should it arise. At this stage there is no indication of any likelihood that that might arise but if it should arise then there are arrangements in place to deal with it. Although Mr. Boleat may be a member or chairman of the board, boards act by collective decisions, as does the board of the J.C.R.A. There are procedures in place to deal with this conflict of interest, there is no need for this amendment and I urge Members to reject it.

The Deputy Bailiff:

If no other Member wishes to speak then I call on Senator Shenton to reply.

Senator B.E. Shenton:

I thought it was an interesting debate. I would like to thank everyone that spoke. Deputy Trevor Pitman and Deputy Le Claire could quite clearly see that, in their view, there was a conflict of interest and the Constable of St. Peter, when putting forward why it is so urgent to do this now, basically said the urgency is the here and now. I am not sure what that means but, to be honest with you, the whole idea of the States setting up a company to act as property developers and speculate with taxpayers' money when we have not gone through a proper process fills me with dread. Deputy Jeune asked whether I felt the same after reading Mr. Boleat's letter. Yes, I do feel exactly the same after reading Mr. Boleat's letter; but perhaps it is not so important what I think but what the perception of the public of Jersey will be after this. It will be it is just another one of those States enterprises which has been set up by the cosy club and yet the public do have to buy into this whole concept of Government acting as property developer. Deputy Martin said: "Why the rush?" Well, I have no idea why the rush; although Senator Cohen did give a little insight in his speech, which I will get to later. The Constable of St. Lawrence said it was an attractive amendment but, when she looked at the qualities of Mr. Boleat, she felt that he was the right man for the job. But, as I said at the very start, this is not about the qualities of Mr. Boleat. I have absolutely no problems with Mr. Boleat; he is a well-qualified individual. The question is not whether he is right for S.o.J.D.C. The question is whether he is right for S.o.J.D.C. and the J.C.R.A. She also mentioned he is a local person; therefore, that gives him some exemption from conflict for some reason.

The Connétable of St. Lawrence:

I think it is a point of order. I did not use those words and it seems that the Senator is implying that I did.

Senator B.E. Shenton:

I think the Constable did mention the fact that was local. You did; thank you. He lives in London, so the definition of "local" is quite wide these days. Deputy Tadier then brought us back to the nub of the amendment, which is about whether he should be S.o.J.D.C. and J.C.R.A. That is what all this is about. It is not about Mr. Boleat and the qualities of Mr. Boleat and whether he is local or whether he is a nice chap or whether he drinks gin and tonic with the best of them. The question is: should he be chairman of the J.C.R.A. and should he also be chairman of S.o.J.D.C.? Senator Ozouf said this was discussed at considerable length and he used the words "considerable length" 3 times during his speech. Now, you only discuss things at considerable length if you have serious questions because if there was no conflict there and it was fairly obvious there was no conflict there, I cannot imagine you would discuss it at considerable length unless you were discussing it as part of a States debate. So there was something to discuss. But the fact that there may well be a conflict of interest we should not worry about because not much will happen under Mr. Boleat's tenure because it is an interim tenure. So then it brings you back to: "Well, what is the urgency then?" Not much is going to happen, but there is an urgency about appointing him. He mentioned

about phase one of Esplanade Square. W.E.B. can still that do if a developer is interested in developing. The difference is, of course, we, the public of Jersey as property developers, cannot do it; whereas S.o.J.D.C. can. Senator Ozouf also said that, at the end of the day, because the other 2 candidates dropped out, he was the only candidate. But he also said he was the best candidate.

[15:45]

He was the best candidate of one. He did not say who the worst candidate of one was but he was the best candidate of one. He also mentioned that he would withdraw the proposition. So Mr. Boleat's actual choice is obviously that he would prefer to be chairman of the J.C.R.A. as opposed to S.o.J.D.C. because what we are saying here is if this amendment goes through he would not be willing to give up the J.C.R.A. role. I need to just remind Senator Ozouf that he cannot withdraw this proposition without the sanction of the Assembly itself. So it is not quite as straightforward as he thinks. Deputy Noel talked about managing conflicts and said that he will manage the conflict, which is basically admitting that there is a conflict there. If there was no conflict there he would not have a conflict to manage and I resigned over Deputy Higgin's conflict, which was a perceived conflict of interest. I believe that this is an absolute conflict of interest, not a perceived one. So from that point of view I have great sympathy with Deputy Higgins. Senator Routier reiterates the point of the Constable of St. Lawrence which was very much along the lines: "The conflict does not really matter because he is the right person for the job," which is an appalling position that we could end up finding ourselves in. Deputy Green also made a similar point where the needs and the urgency to get this through is more important than getting it right. Senator Cohen's speech was extremely interesting because he said that the Esplanade Quarter is essential for development and if we are not careful, and I wrote this down exactly: "we will lose it to private developers." What he is saying is the S.o.J.D.C. can develop the Esplanade Quarter itself rather than involve private developers. So if you are a private developer on the Island looking to get a local bank on board and you have a site, say, in Board Street or north of town or this, that and the other and you are in negotiations with that bank, and all of a sudden at the last minute the rug is pulled from under you because the muscle of the Government has offered them a development on the Waterfront, you may well feel that this is unfair competition. You may well feel that this practice by Government, the Government as developer, is unfair competition and you will look to take that complaint to an independent body. You will take that complaint to Mr. Mark Boleat at the J.C.R.A. to complain about the S.o.J.D.C., of which he is Chairman, acting heavy-handed at getting the contract with the local bank for the property development. There are some people in this House that do not think there is a conflict there because Mr. Boleat can stand down when it comes to that particular development or complaint, as can Mr Tibbo; no doubt as can all the other board members as well. But the trouble is if you have too many standing down you do not have a J.C.R.A. at all because they have all stood down. When the J.C.R.A. come out with their finding - it does not matter how much integrity the remaining members have - if you are the property developer and you have lost the contract to the States and the J.C.R.A. come out and say: "We looked at it and everything was fine" you are going to think that that is tainted whether it is tainted or not because that is human nature. I think we need to remember Senator Cohen's speech and the fact that if we do not pass S.o.J.D.C. today, or get it through, we will lose to the private developers the chance to develop the Esplanade Quarter. Deputy Southern said that there is a clear conflict of interest. Yes, there is a clear conflict of interest. I hope Deputy De Sousa changes her mind because, believe me, the political rush for this has got nothing to do with Category A housing; it has got everything to do with the Esplanade development and office space. The Deputy of St. Mary, I also hope that he changes his mind as well because this is not a thin and watery conflict of interest at all. Senator Perchard summed up his concerns about the S.o.J.D.C. and the fact that we need to make sure that it is tightly controlled and we get it absolutely right. The Deputy of St. John is right; we should have had a clean sheet of paper on this. We are back to the cosy club G. and T.s of approaching people that I thought had been long gone 5 or 10 years ago. Deputy Dupré says: "Employ local people". I do not know what the fact of being local has got to do with a conflict of interest. That

totally goes beyond me. The Chief Minister said: “Well, he can always step down if the conflict appears.” There is a conflict there. It is up to this House to decide today whether they want to appoint Mr. Boleat. If they think he is the right man for the job they can still vote for the amendment because the amendment simply says: “Yes, he can go on the board of the S.o.J.D.C., but he has to give up the J.C.R.A.” I should remind Members that the Minister for Treasury and Resources has pointed out that he will withdraw the whole proposition, or seek to, because Mr. Boleat would rather be on the J.C.R.A. than on the S.o.J.D.C. I put forward the amendment and ask for the appel.

The Deputy Bailiff:

The appel is called for and I invite Members to return to their seats to vote on the amendment of Senator Shenton to P.32 and I ask the Greffier to open the voting.

POUR: 17	CONTRE: 33	ABSTAIN: 1
Senator B.E. Shenton	Senator T.A. Le Sueur	Deputy J.A.N. Le Fondré (L)
Senator J.L. Perchard	Senator P.F. Routier	
Senator A. Breckon	Senator P.F.C. Ozouf	
Senator F.du H. Le Gresley	Senator F.E. Cohen	
Deputy R.C. Duhamel (S)	Senator S.C. Ferguson	
Deputy R.G. Le Hérisssier (S)	Senator B.I. Le Marquand	
Deputy J.A. Martin (H)	Connétable of St. Ouen	
Deputy G.P. Southern (H)	Connétable of St. Helier	
Deputy of Grouville	Connétable of Trinity	
Deputy P.V.F. Le Claire (H)	Connétable of Grouville	
Deputy S. Pitman (H)	Connétable of St. Brelade	
Deputy K.C. Lewis (S)	Connétable of St. Martin	
Deputy of St. John	Connétable of St. John	
Deputy M. Tadier (B)	Connétable of St. Saviour	
Deputy T.M. Pitman (H)	Connétable of St. Clement	
Deputy M.R. Higgins (H)	Connétable of St. Peter	
Deputy J.M. Maçon (S)	Connétable of St. Lawrence	
	Connétable of St. Mary	
	Deputy of St. Martin	
	Deputy J.B. Fox (H)	
	Deputy of St. Ouen	
	Deputy of St. Peter	
	Deputy J.A. Hilton (H)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy I.J. Gorst (C)	
	Deputy A.E. Jeune (B)	
	Deputy of St. Mary	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy T.A. Vallois (S)	
	Deputy A.K.F. Green (H)	
	Deputy D.J. De Sousa (H)	

The Deputy Bailiff:

Very well, we now return to the main proposition. Does any Member wish to speak? Deputy Le Claire.

7.1.23 Deputy P.V.F. Le Claire:

I have heard a lot of contradictions in the Assembly in my time but today takes the biscuit really. Members will be aware, even if they have not read it, that I circulated a report to them on the issues of affordable housing which I am trying to get people to pay attention to recently. What my theory is on this is that the planning provisions, only taking into account half of the numbers that are arising, are building up a head of steam in population that will drive States of Jersey Development Company into reality. The States, if we are even the same people in the next 5 months, will hand over en masse the States portfolio to the States of Jersey Development Company to develop, as part of one of the planks in the Island revised Island Plan, States sites for housing. I do not blame Members for not reading my emails; I do tend to send quite a few, but I will read from one, if I may.

The Deputy Bailiff:

Deputy, I am sorry, you seem to be rather unlucky this afternoon but I hope you are going to be addressing the proposition and not the use of the company and not the question of any development or population. All that is in issue here is the appointment of those people as non-executive directors of S.o.J.D.C.

Deputy P.V.F. Le Claire:

I will guided and I will take your ruling, Sir, but ...

The Deputy Bailiff:

That is what the proposition is.

Deputy P.V.F. Le Claire:

Yes.

The Deputy Bailiff:

It is not a debate about the States of Jersey Development Company Limited or population or anything like that.

Deputy P.V.F. Le Claire:

No, but Sir, certainly if one reviews Hansard we will see scattered throughout it arguments in favour of this proposition today that has been made already by the proposer in relation to the need for developing. We have seen copious amounts of that recently in the amendment which has just been defeated, which I am not going to address; but we did have many people referring to the great need, all-inspiring need, to get on with this because of the head of steam that is building up under the need to supply housing and I was trying to ...

The Deputy Bailiff:

I understand that, yes. If I may say so, I perhaps could have intervened at that stage. I did not do so because the Minister for Treasury and Resources indicated that he would withdraw the proposition if the amendment were carried and, therefore, the question of urgency of development became appropriate and relevant to the question of the amendment. It is a very fine point but, for my part, I cannot see that a general debate about the States of Jersey Development Company Limited can be relevant to whether or not to appoint these people to the board. Does any other Member wish to speak? Connétable of St. Ouen.

7.1.24 Connétable K.P. Vibert of St. Ouen:

As I come towards the end of my tenure of time in this seat I am quite fearful of the way that this Assembly is going. We would like to encourage local people of ability to get involved in the governing of their Island and yet every time someone submits their name and goes through the process which we have set up as a House, an independent process of selection, their names then comes to this House and they are submitted to a character assassination. Who is going to want to

put their name forward in the future? I submit to you that very few, if any, will put their name forward and this House and this Island will be much the poorer because of it. [Approbation]

7.1.25 The Deputy of St. Mary:

I want to respond really to both the last speakers, Deputy Le Claire and the Constable of St. Ouen. Firstly, the most obvious thing to say is that I have not heard any character assassination of Mr. Boleat - and I will pronounce his name properly - in this debate at all. In fact, most people have said what a competent individual he is and what an amazing track record he has for just one life. I do not think that is the issue; in fact I am quite positive that that is not the issue. The issue is somewhere near where Deputy Le Claire was. I think what we want to hear from the Minister for Treasury and Resources when he sums up is the sort of vision or steer. We get this account of how the guy was appointed and the Minister for Treasury and Resources has had lots of conversations with lots of people, which, as Senator Shenton suggests, does indicate that there might be a sort of problem somewhere. But we hear lots of talk about how there have been all these conversations but what we do not hear is what the vision of S.o.J.D.C. might be and that is relevant to the appointment of the chairman and it is relevant to the appointment of a non-executive director and that is what we are talking about. Therefore, it is relevant to talk about a goal for the S.o.J.D.C. and I want to hear strong words from the Minister about the commitment to more than a balanced approach to addressing the major problem which is housing and, of course, within that comes the issue of population. But even properly housing the people we have here and dealing with the various issues that have been highlighted recently in emails from various people about the non-availability of particular housing needs ...

Deputy P.V.F. Le Claire:

Sir, on a point of order, Sir, I was prohibited from speaking about housing, Sir, and the Deputy of St. Mary is now doing so.

The Deputy Bailiff:

I was thinking about that, Deputy. The difference between your two speeches is that the Deputy of St. Mary is saying he wants to hear what the vision of these directors is and he can either take it or leave it and vote whichever way he wants when he hears the explanation from the Minister for Treasury and Resources. But he has not so far trespassed on what his vision is. If he does that I shall stop him.

Deputy P.V.F. Le Claire:

Sir, with the greatest of respect, Sir, I was not allowed to progress my arguments on housing and I was not going to express an opinion, Sir.

The Deputy Bailiff:

I did look at you and ask you if you wanted to continue. You sat down but I am sorry if you have taken that amiss. Deputy of St. Mary, you are still in the middle of your speech.

The Deputy of St. Mary:

I think that it would be helpful to Members if the Minister for Treasury and Resources did expand on what the vision for S.o.J.D.C. is, which presumably would have come out of any proper interviewing process, and then Members can see whether that vision matches what they think that the needs of the Island are.

[16:00]

I have quite a clear vision myself for the Esplanade Quarter and possibly for other sites which I am less familiar with, but I think we need to hear that. I think also, bubbling along underneath this debate, is of course the issue of the S.o.J.D.C. itself; but I look forward to hearing from the Minister for Treasury and Resources when he sums up.

7.1.26 Deputy J.A. Martin:

I will be brief. I did say that if the amendment was not successful, which we now know it was not, that I would have extreme difficulty and probably would not support the main amendment to the Treasury's amendment substitute in these two names. I think a lot of speeches I heard in the previous debate absolutely made my mind up that I could not possibly support this. I was accused to say that this person, I said, was put forward by the cosy club but I admitted that he had all the relevant experience; I said he possibly has. I know nothing because he has not gone through the interview process, the rigour that was put out to the company in November last year who found the original 5 shortlist for the chair and 8 for the non-executives. Yes, he has been put through, I would imagine, the Appointments Commission for the job that he already is employed at, but not the job ... and I think that goes from where we want to know the vision. Do we have someone who could be there 3 years, who does not bring anything new to the job? If he was, was he one of the original 5? The Minister is shaking his head. So he probably did not apply in the first instance. He did not, so he was not interested. I am told we must be grateful that a local person ... and just because they are local I am also told ... there is a difference between me and him; he is a local person who lives in London. I am a Londoner who lives here so I do not know who is more local, I beggar the question. But what I do say, the speech - and I always respect the Constable of St. Lawrence - that we should be grateful that someone is putting their name forward; it is sort of a bit along the lines for the Constable of St. Ouen except I think in putting your name forward for Constable in St. Ouen is very difficult. There has not been an election for over 100 years, though maybe it is who you know there as well. I did not mean that, Sir. But we are grateful that the man has put his name forward. Well, not put his name forward; he has been contacted and we do not know the extent of what was in these discussions because they were all done behind closed doors. Do not forget this is firstly a person who was not short listed, did not apply, but we are told today he is excellent and as good as the Baroness who was appointed and for 24 days they are getting exactly the same remuneration. I have very, very worrying concerns about that. The only thing that has changed on the proposition is the name. Do I know whether the person is worth it? I do not know. As the Deputy of St. John said, this is certainly not a blank sheet of paper. I said in the amendment we have been here too many times for my liking to say if something went wrong, it went, I will repeat, because it was rushed through last time. The Deputy Assistant Minister would not stand down and people resigned over that. It does not make Jersey look good. But this fudge, for the amount of money and land that we are putting in the hands of the States of Jersey Development Company, we have to really, really think carefully. It is no reflection on the person. I do not care where they come from. If this was someone from outside, if this was someone from France or wherever in the world, if they were just phoned up and asked if they wanted the job and was appointed I would still have the same reservations, especially as the amendment did not go through. I had not seen the letter, I mean maybe it is privileged, maybe I missed it but even Mr. Boleat, he said, and it was quoted by the Minister for Treasury and Resources: "There may be minor conflicts but I am sure I can sort them." That is like me assuring my right hand that I am definitely going to let my left hand know what it is doing and on a good day. I am very sorry, it has been done too many times in this House. I cannot support it. I wish we were where we were. Everyone will say Deputy Martin did not vote for the States of Jersey Development Company in the first place, I did not. I did not like W.E.B. and I do not like it growing but I certainly do not like it being run by someone who has just ... I do not even know if the conversation went: "You are our last hope. We need to get this up and running. Just do the job until we find someone". Did it go like that? Do we know? What a way to run your business. What a way to run Government. Sorry, I cannot support this at all and do not let us be where we are, again with an interim that is going to be there 3 years and not got his heart even in the job. Thank you.

7.1.27 The Deputy of St. Peter:

The Minister for Treasury and Resources will be aware more than most that he and I had many discussions regarding S.o.J.D.C. I chaired the Scrutiny Committee which looked at S.o.J.D.C. on 3

occasions. We have not always agreed but we have a States Assembly here. It is a democratic Assembly and we have voted in this Assembly to support S.o.J.D.C. so we are on the road. Having done all the work in the past I am concerned that we cannot afford to stall any longer. I was not particularly happy with the process that went through on the initial selection of the first candidates but I have to say, to use an over-worn phrase, we are where we are and I think it is important that we kick-start S.o.J.D.C. into some form of action. It is not a nasty piece of legislation; it is something that has the potential of working and working on behalf of the Island. When it comes to the actual decision as how I am going to vote it will be very dependent on what the Minister for Treasury and Resources says about the position of these interim posts. My concern is that when someone says interim and then talks about 3 years that is a very long interim. I would want to see and have the reassurance that the process for getting some full-time directors of W.E.B. starts and starts now, once this has gone through. If he can give me that assurance I will support this proposition.

The Deputy Bailiff:

Does any other Member wish to speak? I call on the Minister for ... sorry, the Connétable of Grouville just in the nick of time.

7.1.28 Connétable D.J. Murphy of Grouville:

I am sorry, Sir, I was pushing the wrong button. [Laughter] If I can have a few words as a director of W.E.B.; I know Senator Shenton feels that we should declare our interests here but I have no interest except that I am a director of W.E.B. which is, as you all know, the grandfather of S.o.J.D.C. We have put a lot of work in over the last few years and I know it has not really shown because we have not been able to develop, we have not been able to finalise the plans that are in place and virtually ready to go. I really feel that now is the time. We have had obfuscation, we have had obstruction, everything has been thrown in the way of this and now is the time when we have to stop. We have to get real. This is a huge development waiting to happen for the benefit of the people of Jersey, for the people that you represent. It is in their benefit that S.o.J.D.C. goes ahead and goes ahead now. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak? Deputy Tadier.

7.1.29 Deputy M. Tadier:

I think part of the issue with this, it has been mentioned already, is that there are certain States Members, I think, who have a problem with S.o.J.D.C. full stop because they do not want to see that body being created. I do not completely understand what is going on behind the scenes. I get the feeling that there is something which is not necessarily being stated perhaps on both sides. There seems to be suspicion as to what the nature of the S.o.J.D.C. will be. What is going to be their priority in the first year or so of building? Is it going to be prioritised to building a finance centre with offices perhaps that may or may not be needed and that may become redundant and vacant or is it, as the Minister for Housing has suggested, that we are going to approve social housing which is of course vastly needed, along with other forms of affordable housing, I would hasten to add, in the Island? What I found interesting in the debate about the conflict of interest is that there were some very, I think, laudable and correct arguments that were made. We could have of course been debating one of a whole series of potential conflicts of interest that exist in Jersey. It will be interesting in the future when certain positions come up for scrutiny, whether the same arguments will be used there and then. I did have to comment, I must admit, when Senator Perchard was talking about the perceived conflict with the J.C.R.A. Chairman and I thought that was a very compelling argument at the time that any local companies who do feel that they have a relevant complaint that could be brought to the J.C.R.A. are going to be knocking on the door or simply be put off from knocking on the door in the first place because it is the same person who is

at least seen to be heading up that organisation. There is a perception before they even start that they may not get a fair hearing which is probably not accurate; that is compelling. I was surprised though that the Senator did not then go on to say: "And then of course it will turn to the courts," and another member of the judiciary, who is a judge of fact. I would say at this point before Senator Ozouf starts twittering incorrect information, this is not a criticism of the judiciary in me saying this. I understand completely that Jurats are judges of fact. They are quite lucky to be judges of fact because I think States Members would also like to be judges of fact but of course that presumes that we need the factual information in front of us before we come to work, which is not the case for the majority of States Members who are not on the inner circle. I doubt it is even the case for many of those who are on the inner circle. But it is perhaps not an argument for today and certainly I am sure that both Jurat Tibbo and Mr. Boleat are very well qualified to do this job but the question of conflict does have to ... it is quite right that that does come up at some point and I think it would be very wise for us to look in the round. It is interesting how States Members that are quite quick to criticise the member of a J.C.R.A. but when it comes to raising issues with other conflicts to do with people sitting on the judiciary who also, on other functions, tread more lightly. On that subject I did take a moment to print out the Code of Conduct for Magistrates in the U.K. to see what they had to say about what functions their Magistrates could engage in. Although the Magistrates are not Jurats they are pretty much though the equivalent that they have over there. The one bit that jumped out at me was: "A Magistrate does not, without the permission of the Commission, accept membership of any legislative or executive authority as this may compromise the constitutional division between legislative and executive authorities and the judiciary." I think that is the underlying point which perhaps Deputy Le Claire was getting at. Of course in Jersey these things are completely alien to us; division between legislative, executive and judiciary are not things that we can easily comprehend. We know that we have States Members who are making laws who are policemen. We know that we have judges who are sitting in the States directing meetings. We also know that we have police officers at Parish level who are also conducting Parish Hall inquiries. It is quite clear in a small island, where I am sure all of these things are done very efficiently and without any hint of conflict in reality, it is quite right that these things be brought up by Members like Deputy Le Claire. Going back to the substantive proposition, I think really it boils down to whether or not we want the S.o.J.D.C. to go ahead. I certainly want to hear more from Senator Ozouf in his summing up about what he sees as the direction and the priorities of that body. I think we are not here today to criticise those who have been put forward. It is quite right, though, nonetheless, to say that some of us do have concerns about how many jobs one can do and the nature of those jobs; but that is not, of course, to make any personal criticisms about capability and suitability for doing those roles.

[16:15]

Deputy A.E. Jeune:

May I ask a point of clarification of the last speaker? Did I hear him correctly when I thought I heard him say: "We have States Members who are policemen"? Could he clarify that, please, sir?

Deputy M. Tadier:

I did say that, Sir.

The Deputy Bailiff:

I think you have been asked to clarify it, Deputy Tadier, if you feel able to.

Deputy M. Tadier:

She asked me if she heard me say that, sir, and I did say that. I am clarifying that.

The Deputy Bailiff:

Yes, very well. Does any other Member wish to speak? Then I call on the Minister to reply.

Senator P.F.C. Ozouf:

I am grateful for all Members who have spoken and I will reply briefly to those Members who have asked me for a response. To the Constable of St. Ouen, who is now in his final month in terms of his position, I think that he makes a powerful and important point. I do not think, and I am offering no criticism but the circumstances in which this particular appointment process will have sent out a problematic message about public appointments that are going through the Appointments Commission, people applying and then coming forward to this Assembly. I think that there is no majority desire in this Assembly to send out the message and unwittingly the circumstances we have done. I think we need to guard against it because we do need good quality people standing, coming forward to stand for important positions. To the Deputy of St. John, I do say to him in all sincerity that I could not start this process again. There is a 2-part proposition in relation to the appointments. There are permanent appointments that are being made in relation to the non-executive directors. While the wording of the proposition does not and the requirements under the memorandum of understanding of the existing States decision does not give me any other alternative but to propose the chairman for 3 years, the side arrangement is that he will stand down when the permanent appointment is made. To respond absolutely clearly to the Deputy of St. Peter, who I was grateful for him in his supportive remarks; he has accepted, he has challenged the S.O.J.D.C (State of Jersey Development Company) on its way and he accepts the majority view of the Assembly that this is going to be set up. I say to him categorically that as soon as, within a period of a month - 2 months at the very most - that S.o.J.D.C. is up and running, that the dust has settled in relation to this debate, a permanent recruitment will be commenced. We will have cleaned-up, effectively, the doubt that was cast on the previous appointments. The advice from the recruitment consultants was because of the uncertainty we could not have not commenced the permanent appointment and we will commence one and that is the way in which the permanent appointment will be made. I hope that that assurance that I give publicly is sufficient for him to support the interim nature of the appointment, which is absolutely clearly going to be set out in terms. The Treasury takes responsibility for S.o.J.D.C. and I will ensure that that is followed through and a permanent appointment is being made and all the candidates are taken through all of the rigour in the appropriate appointment. Deputy Martin: I do want to say to Deputy Martin, again, that this is an interim appointment as far as Mr. Boleat is concerned. I am sorry that she cannot bring herself to support the proposition. I say to her: I know that she is a caring Deputy. She cares about her constituency and I believe that S.o.J.D.C. will be able to deliver for her constituents within her constituency and for her constituency's benefit, in time, affordable homes that otherwise would not be developed. I have been asked to confirm what the intention of the non-executives are. I would first of all say and remind Members that it is the Urban Regeneration Task Force that is going to be setting the policy. We are not setting up another re-created Docklands W.E.B. unclear body where there is a lack of clarity of what they are doing. They will take their instructions from the political urban regeneration task force. They will implement that and it will be every single site that they are asked to develop will be subject to the 15-day calling-in rule in relation to that. But what I will say is that we have put together a group of individuals that are capable of implementing the political decision that urban regeneration, regeneration of St. Helier particularly and the delivery of affordable homes on States' own sites. That is something which Members such as Deputy Le Claire and Deputy Power and Senator Le Main and of course the current Minister and Assistant Minister for Housing want to happen. We have looked out for, in the original selection of the board, people were capable of delivering in terms of that request for implementation. If the entity is going to be successful in securing phase 1 of Esplanade Square, which the Minister for Planning is quite right to have said, is worth many tens of millions of pounds in terms of the realisation of a land value - not a developer but in terms of a facilitation of ensuring that we get a return - that can then be used in terms of delivering this Assembly's capital priorities, which I know are going to be, in all likelihood, directed towards affordable housing. There is a delivery mechanism for the Minister's affordable housing and there is the exciting

prospect, there is the lucrative prospect of a capital receipt from the land that S.o.J.D.C. will have inherited from W.E.B. I am confident that they are going to be able to do that. The Constable of Grouville was absolutely right to say that the board members of W.E.B. have had a difficult time. I have to say, I will take this opportunity: I do hope this proposition is going to be successful in both parts because it is the appointment and then the final stage of setting up S.o.J.D.C. I am grateful to him, who was a sceptic originally, on W.E.B., who has worked diligently with my Assistant Minister Noel, with the Constable of St. Peter previously, in terms of discharging their functions of W.E.B. History will make its own mind up about W.E.B. But one thing that I will say is absolutely certain from my own position as Minister for Treasury and Resources, that W.E.B. finally has done better than many Members perhaps are aware. They have returned millions of pounds already within that entity and I am determined that those millions of pounds of our taxpayers' money is going to be directed towards the capital priorities of this Assembly. I believe good work has been done by the board. I thank them for what they have done and I am looking forward to it achieving in the future even more. So I hope that that answers the Deputy of St. Mary's question. He has got an increasing interesting knack, if I may so say, of trying to get Ministers in their summing up to commit in terms of what the proposition is about. I recommit my own Ministerial instruction to S.o.J.D.C. to concentrate on regeneration, affordable homes, and, if possible, the commencement of the phase 1 of Esplanade Square. This has been a difficult initial process for S.o.J.D.C. Despite everything, I think that we have got an excellent board. I think there is real opportunity. I think that Mr. Lewis and Mrs. Palios will be absolutely excellent in terms of challenging the new entity, ensuring that appropriate governance is in place for delivering exactly the objectives I have described. I am grateful for Jurat Tibbo for continuing to ensure the transition between the 2 entities and I am grateful for Mr. Boleat for accepting the interim appointment, which I hope will be for, certainly, a short period of time while we go on with the appointment process, which will invariably take a number of months. But I certainly hope that that is going to be done by the early part of next year at the very latest. It is falling short significantly of 3 years. It may well be 12 months but it falls significantly short of 3 years. I hope Members are going to support these appointments. I hope they are going to send a clear message of support for the final setting up of S.o.J.D.C. I commend the nominations to this Assembly and I ask for the appel.

Senator B.E. Shenton:

Could I have a point of clarification? The Minister said that W.E.B. had returned millions of pounds to the taxpayer. My understanding is that they have had hundreds of millions in land and a couple of injections but they have never paid a dividend.

Senator P.F.C. Ozouf:

I am happy to answer that. W.E.B. is a company with cash balances which have been fully disclosed and are part of the States Accounts. There has not been a dividend back to taxpayers at the moment. That will be subject for further discussion. I hope that they are going to be capable of significant dividends in time and I look forward to bringing those or my successor or whoever succeeds in future Ministers for Treasury and Resources who will be responsible for S.o.J.D.C. will show the fruits of the taxpayers' investments in the Waterfront, moreover, in making better use of land that is owned by the public.

Senator J.L. Perchard:

Can I ask a point of genuine clarification, I believe? I just want to say thank you to the Minister for Treasury and Resources for clearing up that bit about dividends. The Minister said it is summing up. Within a month or 2 the process of a permanent appointment will commence. Could he confirm that the regeneration of the board of the States of Jersey Development Company will be similar to that of Jersey Telecom's and the J.E.C. in the sense that the States will have no further involvement?

Senator P.F.C. Ozouf:

No, that is not the case. First of all, S.o.J.D.C. will come to the Treasury as this has already been rehearsed, and the Treasury will hold S.o.J.D.C. accountable with the governance arrangements that we have for Jersey Telecom, Jersey Post, to the extent that this Assembly is majority shareholders of electricity, publicly quoted company, and Jersey Water. The highest standard of governance will be put in place and that will be ensured. The exception for S.o.J.D.C. is the chairman is appointed by this Assembly. So the permanent appointment will happen. The dust does need to settle, very clearly, in relation to that appointment process. It has not been an elegant process. We need to ensure that we have the confidence of this entity being set up. That will commence very shortly and I cannot really add anything from what I have already said. The chairman comes to this Assembly in terms of his appointment.

The Deputy Bailiff:

The Deputy of St. Mary, you had a point of clarification?

The Deputy of St. Mary:

Yes, a point of clarification of what the Minister said near the end of his summing up. He said that he could recommit. I think presumably he meant the urban regeneration task force as the political steering group of S.o.J.D.C. I think he meant that. He can confirm whether that is what he meant. He said he would recommit them to concentrate on regeneration, on affordable homes and on phase 1 of Esplanade Square. Could he confirm the prioritisation of those 3 goals, please?

Senator P.F.C. Ozouf:

The Deputy is correct in saying that it is the Urban Generation Task Force that will be responsible for considering new projects for S.o.J.D.C. Any transfers of land, a subject, as I have already mentioned, to the 15-day standing order rule, that any arrangement must be according to the protocol of transfer, must be transferred into the company at full value. It is then put forward to Members. Members will be aware about it. They will be able to call into it and those processes. But the first project which I imagine is going to be underway that has already been discussed is effectively potentially dealing with resolving the J.C.G. (Jersey College for Girls) issue. I am determined, that to reach the Minister for Housing's objective to give him the capacity of getting on with the potential exciting developments, that means that social housing sites can get on with new developments and exciting regeneration in there. The first priority, of course, as has already been discussed, is going to be see whether or not the entity can now get on and secure some sort of future, not as a developer but as an agency facilitating the development of Esplanade Square. Those are the priorities the new entity has and I hope will have an excellent board, will be capable of doing that and that the board will ensure that there is an executive capable of taking those projects forward.

Deputy A.E. Jeune:

Just a point of clarity, if I may. In terms of accountability, could the Senator please tell us, is it the Managing Director or the Chairman with whom the buck stops?

Senator P.F.C. Ozouf:

The buck stops with the board and ultimately the buck stops to ensure the board is doing a proper job with the Treasury. So that is the process. Members have already rehearsed at considerable length the transition. I am happy to answer any Members' questions that they may have about the transition about how the new entity will put in place the governance arrangements et cetera. Part (b) of the proposition is now the final stage of setting up that entity. But I can ensure the Deputy that while the Treasury's interventions, oversight, requirements of standards, requirements of information, of no surprises, is in place with the other owned entities, I am not criticising any of the Chief Minister's Department in relation to their oversight of W.E.B. But we are absolutely equipped and ready to deal with the oversight requirements of S.o.J.D.C. There is an important difference, of course, here, because this is the political Urban Regeneration Task Force which will

be giving the political instructions of what the particular projects are. We will ensure governance and appropriate standards are maintained and I assure the Deputy that we will be doing just that.

[16:30]

The Connétable of Grouville:

This is a matter of clarification. I feel that, as a Director of W.E.B. at the moment, I should clarify the question that Senator Shenton asked about the lack of dividends. What happened, in fact, is that the profits and the millions that have been created by W.E.B. have been reinvested into the company. It is called shareholder value. I am sure he would have understood that. But I just want to clarify for the benefit of the press and anybody who is listening.

Deputy M. Tadier:

Can I ask further clarification on that? Is it net profit that has been reinvested, that the millions which have been reinvested, is that over and above the initial costs that were incurred?

The Connétable of Grouville:

That is what a profit is.

The Deputy Bailiff:

Very well. The appel has been called for.

The Deputy of St. John:

Can I ask the Minister to clarify one of his statements, please, Sir? Given that he referred to me in summing up and I have not spoken in this debate, solely because I have been part and parcel of everything that happened before and I intend to abstain because of that, can I ask why I was referred to by name within the debate, please?

Senator P.F.C. Ozouf:

I referred to the Deputy of St. John because he did say in one of the earlier debates why we were not starting with a clean piece of paper. I thought it was important that he had an answer to the question he raised in the early debate of why we did not have a clean piece of paper and why we could not commence the process from the beginning. I hope that was helpful to him and I urge him to support the proposition and not abstain. We have moved on now. We have had the scrutiny review and we have dealt with that issue and I urge for his support.

The Deputy Bailiff:

I should have thought that by now Members have had enough information to decide how they are going to vote on this matter.

Deputy M. Tadier:

The answer I received from the Constable of Grouville was evasive and it may have conveyed the wrong impression. Can I ask the Minister for Treasury and Resources for clarification? Was it a net profit, so, for example, if it cost £100 million of investment in the first place, getting £3 million back is not profit. It is £97 million deficit. So, has all the money that was invested in the first place been recouped and millions on top of that been made?

Senator P.F.C. Ozouf:

The Deputy is stretching my own very sketchy past examinations on accountancy and perhaps I could after offer him another tutorial in relation to finance matters. But very simply it is like this. The public of the Island has invested very substantially in the Waterfront Enterprise Board and their assets. Some of those assets have been realised, such as the investments in relation to the bus station, in relation to the office block next door, in relation to some of the other developments. In relation to Castle Quay, there have been a number of payments made into the entity. The entity has

value. Some of that value has been realised. That is reflected in the cash balances that exist within W.E.B. and are going to be inherited by S.o.J.D.C. We will discuss how we are going to deal with the capitalisation of that entity. The point that Senator Cohen makes is that Esplanade Square is able to be developed, but through the role of the agency, then there is a substantial return that will be returned to the taxpayers, to the Treasury, subject to this Assembly's decisions about what to do with it in time. Those investments are worth tens of millions of pounds, which are going to be useful to Members, I suspect, in their capital authorities in the future. I do not think I can answer any more. I think I have answered all the questions and I am not sure that they are that relevant to the original proposition, if I may. But I hope my comments have been helpful.

Deputy M. Tadier:

May I make one last comment to the Minister? Perhaps I can offer a tutorial in plain speaking English. Can the Minister then confirm that what he has just said means that all the money has not been realised, Constable of Grouville? There has been no profit yet. The money has not been realised. Simple answer. Is that the case? Yes or no?

The Deputy Bailiff:

Deputy, that is not a further point of clarification and the Minister has given you his answer. Now the appel has been called for. I invite Members to return to their seats. The vote is on whether or not the make the appointment of the persons listed in the amended proposition. I ask the Greffier to open the voting.

POUR: 34		CONTRE: 13		ABSTAIN: 3
Senator T.A. Le Sueur		Senator B.E. Shenton		Senator S.C. Ferguson
Senator P.F. Routier		Senator J.L. Perchard		Deputy J.A.N. Le Fondré (L)
Senator P.F.C. Ozouf		Senator A. Breckon		Deputy of St. John
Senator F.E. Cohen		Senator F.du H. Le Gresley		
Senator B.I. Le Marquand		Deputy R.C. Duhamel (S)		
Connétable of St. Ouen		Deputy J.A. Martin (H)		
Connétable of St. Helier		Deputy G.P. Southern (H)		
Connétable of Trinity		Deputy S. Pitman (H)		
Connétable of Grouville		Deputy M. Tadier (B)		
Connétable of St. Brelade		Deputy of St. Mary		
Connétable of St. John		Deputy T.M. Pitman (H)		
Connétable of St. Saviour		Deputy M.R. Higgins (H)		
Connétable of St. Clement		Deputy J.M. Maçon (S)		
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				

The Deputy Bailiff:

Very well. I would like to give notice to Members that the following propositions have been lodged during the course of the day: P.107 - Draft Income Support (Amendment No. 7) (Jersey) Regulations - lodged by the Minister for Social Security; P.108 - the Draft Long-term Care (Jersey) Law - lodged by the Minister for Social Security; The Income Support Special Payments Amendment (Jersey) Regulations - P.109 - lodged by the Minister for Social Security; the Draft Social Security (Amendment of Law No. 1) (Jersey) Regulations, lodged by the Minister for Social Security, the Health Service Disciplinary Tribunal: appointment of chairman and members - P.111 - lodged by the Minister for Social Security, Disciplinary and grievance hearings: right to a friend - lodged by the Deputy of St. Martin - that is P.112; P.113 - Draft Income Tax (Amendment No. 39) (Jersey) Law - lodged by the Minister for Treasury and Resources; P.114 - Draft Income Tax (Prescribed Limit and Rate) (Amendment) (Jersey) Regulations - lodged by the Minister for Treasury and Resources.

8. Pensions payable to retired public employees: proposed amendment to States (P.55/2011)

The Deputy Bailiff:

We now come to P.55 - Pensions payable to retired public employees: proposed amendment to States Act of 11th July 1972 - lodged by the States Employment Board. I ask the Deputy Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to amend their Act dated 11th July 1972, revising pensions to retired public employees by deleting in paragraph (f) the words: “, adjusted to the nearest half of 1 per cent.”

Deputy A.K.F. Green:

Before we start I think on this one, I will have a direct financial interest inasmuch as fairly soon I hope to be one of these members receiving the pension and, therefore, I think it is probably better if I withdraw on this one.

The Deputy Bailiff:

Well, if you wish to withdraw, Deputy, that is a matter for you.

8.1 Senator T.A. Le Sueur:

Yes, this is a matter of housekeeping to deal with a minor issue which has been around for the last 30-odd years. It applies only to a minority of past and current employees of the States, a small number, which itself is in decline. It relates only to those members of the Public Employees Contributory Retirement Scheme who were employed many years ago and who opted to remain members of the old arrangements dealt with under either the 1967 Regulations or the former Hospital Scheme. As Members can see from the report, there are only 135 of those staff still employed and just over 600 retired members and dependents. So the problem is best addressed probably by way of the example in the report. For most members of the P.E.C.R.S. (Public Employees Contributory Retirement Scheme), the last actuarial review revealed a deficit, which meant that their pension went up by 2 per cent rather than 2.3 per cent that they would have received otherwise, which was the R.P.I. (Retail Price Index) for that period. However, for those in

the old scheme, not only was their position protected but the current wording of the rounding provisions gave them an increase of 2.5 per cent because the 2.3 of the R.P.I. was rounded up to the nearest half per cent of 2.5. Oddly enough, had the R.P.I. been 2.2 per cent, they would only have got 2 per cent because then it would have got rounded down to the nearest half per cent, which would have been 2.0. In other words, a difference of just .1 per cent in the R.P.I. can make a difference of half a per cent in their pension entitlement. That strikes me as an illogicality, which the Employment Board believes should be remedied. The remedy is a very simple remedy. You simply remove the words: “rounded to the nearest half per cent.” That means if the R.P.I. is 2.3 per cent, they get 2.3 per cent. If the R.P.I. is 2.2 per cent, they get 2.2. per cent. Simple and logical; what more can I say? I propose the amendment.

The Deputy Bailiff:

The amendment is proposed. Is it seconded? **[Seconded]** Does any Member wish to speak?

8.1.1 Deputy G.P. Southern:

Yes, I rise to my feet with a smile on my face. Surely, it seems to me, that in the long run, rounding up or rounding down is going to balance out over the years and that this, though it may be interesting, does very little at all.

The Deputy Bailiff:

Does any other Member wish to speak? Can I ask the Minister to reply?

Senator T.A. Le Sueur:

Yes, the Deputy is quite correct. That is probably why it has not been changed for the last 30 years. But it does strike me that is not a very satisfactory answer to a situation which could give rise to some unnecessary illogicality. As he says, the pension implications are not great. This strikes me as far more understandable for people to see that what they see in the R.P.I. is what they get in their increase. I maintain the proposition.

The Deputy Bailiff:

Very well. The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the proposition of the States Employment Board to amend the Act of 11th July 1972 and I ask the Greffier to open the voting.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				

Deputy G.P. Southern (H)				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

9. Draft Cremation (Amendment No. 15) (Jersey) Regulations 201- (P.56/2011)

The Deputy Bailiff:

We now come to P.56 - the Draft Cremation (Amendment No. 15) (Jersey) Regulations - lodged by the Minister for Health and Social Services. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Cremation (Amendment No. 15) (Jersey) Regulations. The States, in pursuance of Article 3 of the Cremation (Jersey Law) 1953, have made the following Regulations.

9.1 The Deputy of Trinity:

I would like to propose amendments to the Cremation Regulations by first describing the present arrangements. Members may not be aware of the process for applying for cremation. It includes several layers of safeguards to prevent bodies being disposed of by cremation where there may be grounds for further investigation. This might be of uncertainty about the circumstances of the death or what had caused it. Unlike the situation with burials, once a body is cremated there is no possibility of any further examination. This is why all the safeguards are important. The process is this. The deceased person's nearest relative or executor makes the application for cremation to the Medical Officer of Health. The funeral directors steer bereaved families through this process and make every effort to ensure all the documentation, including medical certificates, is completed and submitted to the M.o.H. (Medical Officer of Health) in time. The cremation application needs to be supported by 2 medical certificates. The first is completed by the deceased person's usual medical attendant. This could be their G.P. or, if death was in hospital, their hospital doctor. This doctor will also usually have provided the death certificate with a Parish death registration. The second medical certificate is completed by a doctor who is not in any way involved with the deceased person's care; perhaps a G.P. from a different practice, or, in the case of the hospital, the consultant pathologists usually perform this function. The doctor signing the second medical certificate must see and examine the body and question the doctor who has completed the first certificate and any relevant persons who cared for the deceased. Then it is for the Medical Officer of Health to check that all the correct procedures have been followed, make further inquiries as necessary, and usually provide authority for the body to be cremated. In a small proportion of cases, the M.o.H. needs to consult the Deputy Viscount. Rarely, a post-mortem examination or an inquest inquiry may be needed. All this relies on the M.o.H. being available every working day throughout the year.

[16:45]

About 70 per cent of people who die in Jersey are cremated. So the current system provides the M.o.H. with a very useful overview of the patterns of death in Jersey. But more importantly it

provides a safeguard against foul play and we bear in mind the infamous Dr. Shipman case. Because of the complexities of the process, there is often a degree of urgency by the time the funeral directors have the application and medical certificates ready for the M.o.H. to consider. The weakness in the system is that there is no resilience. If the M.o.H. or their acting Deputy are absent, there is a real possibility that a funeral may be delayed. This amendment to the regulation seeks to remedy this problem. It enables the Minister for Health and Social Services to approve a team of experienced senior doctors to work alongside the M.o.H. as medical referees. These medical referees will be able to receive and authorise applications for cremation. The process will be led by the M.o.H. who will retain an overview and provide training to the new medical referees. Appointments to the role of medical referee will be made by the Minister on the recommendation of the M.o.H. The criteria for suitability of medical referees would be in line with those of the U.K. Home Office. The M.o.H. would nominate a number of suitably qualified colleagues who could perform this role in the M.o.H.'s absence. The intention is that they would be the hospital's medical directors, who would authorise cremation where death occurs outside the hospital, and consultant psychiatrist colleagues, who would authorise cremation when death occurs in the hospital, thus ensuring they could not authorise cremation where they have been involved in that person's care. This is a small but important amendment into the current regulation. It accommodates the need for maintaining independence, robustness and management of possible conflicts of interest. But importantly, it introduces a new level of resilience into the system. It will help ensure that bereaved families do not face the added distress of a delayed funeral. I ask you to approve this amendment.

The Deputy Bailiff:

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

9.1.1 Deputy J.M. Maçon:

Only very briefly and the Minister did touch on it in her speech, but it is the financial and manpower implications. The Minister did comment that widening the pool of people who can perform this function will have a training implication and yet in the financial and manpower implications of that is not explained. I would just ask the Minister to comment how this is going to be reflected in her ongoing budgets because there is a training implication and that does cost money. There has been a criticism of the States that, when they do things, training is not properly taken into account. I would ask the Minister just to comment on that, but I have no problem with this in principle.

9.1.2 Deputy A.E. Jeune:

I can fully understand why the Minister is bringing this to us, but I do have a question in respect page 4 in her report where it says that: "Consultant psychiatrists would not act as a medical referee for deaths of patients in St. Saviours Hospital." Surely this should have been extended inasmuch as it does not refer to those under the care of a consultant psychiatrist in the community, as to whether the consultant psychiatrist would, in that instance, be able to sign it off.

9.1.3 Senator S.C. Ferguson:

Yes, I can understand the principle of bringing all this but it does strike me as an extremely wasteful use of H. and S.S. (Health and Social Services) resources, the complicated to-ings and fro-ings in this. I would ask the Minister for Health and Social Services to consider why the operation of the crematorium should really be classed as part of Health and Social Services core services.

The Deputy Bailiff:

Does any other Member wish to speak?

9.1.4 Deputy M. Tadier:

I had my file on my lap, so I had difficulty getting up; weighed down. Just a comment on Senator Ferguson's point; it seems that the counter-argument is that currently the way it is set up with only

the Medical Officer of Health being authorised to provide this kind of certification - if I can call it that - is that that seems to be a big waste of that very experienced officer's time and expertise. I would imagine that many people lower down - if I can call it that without being disparaging - would be perfectly qualified to ascertain causes of death. It seems a very sensible step and one which would save money and free-up much valuable time for the Medical Officer of Health. So I do not have a problem with the amendment and I suspect that is where the Minister is coming from.

The Deputy Bailiff:

Does any other Member wish to speak? If not, I call on the Minister to reply.

The Deputy of Trinity:

I thank those who have contributed. Deputy Maçon, we will absorb it through our own resources. It is part of the job description of the medical directors. It was put in for that and we will just absorb it. Regarding deaths, which Deputy Jeune mentioned, about those who die in the community and have been under the care of a community psychiatric team, it will be the hospital directors who would, if necessary, certify or do that part. Regarding the cremation, Senator Ferguson; this is about the actual signing of the form for cremation. This is not about the dealings of the crematorium, but I do take your point.

Deputy A.E. Jeune:

Excuse me, Sir, I must ask for a point of clarification on what the Minister has just said. She said it would, in that event, go to the hospital director. Did she mean the medical director at the hospital rather than the hospital director?

The Deputy of Trinity:

Yes, the hospital medical directors.

The Deputy Bailiff:

The principles are proposed. All Members in favour of adopting the principles, kindly show. Those Members against. The principles are adopted. Now, the Chairman of the Health, Social Security and Housing Panel is not present. Deputy De Sousa, are you on that panel still? Do you think your panel would like to scrutinise these regulations? Minister, are you going to propose the regulations *en bloc*?

The Deputy of Trinity:

Can I do that, Sir, *en bloc*, please?

The Deputy Bailiff:

Yes, indeed. Is that seconded? **[Seconded]** Does any Member wish to speak on the regulations? The regulations are proposed. All Members in favour of adopting them kindly show. Those against. The regulations are adopted. Do you propose the regulations for third reading, Minister? **[Seconded]** Those Members in favour of adopting the regulations in third reading kindly show. Those against. The regulations are adopted.

10. Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 5) (Jersey) Regulations 201- (P.57/2011)

The Deputy Bailiff:

We now come to the Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 5) (Jersey) Regulations - lodged by the Minister for Economic Development - P.57, and I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 5) (Jersey) Regulations. The States, in pursuance of Article 7, 12, 25, 26, 27 and 29 of the Sea Fisheries (Jersey) Law 1994, have made the following Regulations.

10.1 The Connétable of St. Clement (Assistant Minister for Economic Development – rapporteur):

In the 2001 Business Plan, as part of the Comprehensive Spending Review, the States agreed that the sum of about £5,000 should be raised annually for the renewal of commercial fishing boat licences. These Regulations give the power for the Minister to make an Order to achieve that decision of the States. I propose the principles.

The Deputy Bailiff:

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

10.1.1 The Deputy of St. John:

Given once a fishing boat is registered - and I think you probably would know that yourself - if it is of a certain size, being a former boat owner yourself or maybe still are a boat owner, I cannot see why we have to have these renewal dates because all it is is a cash cow for the Government. That is all that is happening. I just wonder, really: do we need to go down the road yet again, when a vessel is owned by the same people or same company, to have to go and renew it after a period of time? Historically I can recall having been involved in the boating fraternity for approximately 50 years, I could register a vessel under the British Registry of Shipping for the life of the vessel. Gradually those things have changed, so I am told. I now believe it is a shorter period of time because it is a cash cow, believe it or not, for the Government. This is the same type of thing. If the vessel stays in the same ownership of a person, I cannot see why we need to go down the road of putting these regulations in place. The time that you need to put regulations in place is when it changes hands. We are not at the moment with our vehicles; we do not re-register them every year. We stopped all that a long time ago. Yet we are asking every so many years for a vessel to be re-registered. Unless it changes hands, I do not think it is necessary. I think this is just creating work. This is jobs-worth yet again within departments to make these pyramids grow that they like making and we are only going to be drawing £5,000 a time. I do not think it is necessary.

The Deputy Bailiff:

Does any other Member wish to speak?

10.1.2 Senator F. du H. Le Gresley:

I would like the Assistant Minister when he sums up to clarify; I know the regulations do not specify what the likely fee is to be, but given that he has mentioned a figure of £5,000 in the business plan, how does that equate per vessel?

The Deputy Bailiff:

Does any other Member wish to speak?

10.1.3 Deputy M. Tadier:

Would the Minister provide information, for example, how long the licences are valid for and explain whether the nature of that fee is purely administrative or whether it goes, for example, to cover regulation, et cetera, and whether any consideration has been given to annual charges, which I hear may have been the case in the past, and just to see what the rationale is for charging. But also if there is any differentiation between fees that are charged depending on the boat, depending on what kind of catches are made and depending also, I think, more interestingly and what is becoming more and more topical, quite rightly, the eco-friendly nature of the fishing activity that is going on. Has there been any consideration, for example, of charging less for certain boats which might be more eco-friendly and less destructive to the maritime environment? Should there

perhaps be higher fees for those boats which are operating more destructive or potentially destructive fishing practices?

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on the Assistant Minister to reply.

The Connétable of St. Clement:

Licences are renewed every 2 years anyway and this happens throughout the European Union. I was rather surprised to hear Deputy Rondel, of all people, suggesting that there should be no charge for this because the Deputy, quite rightly, has raised questions in the past - in fact, in the very recent past - about the cost of managing the Bay of Granville Agreement and the Joint Advisory Committee and so on. In any event, the States has agreed that £5,000 per annum should be raised from this activity to help to make a contribution towards the costs of the Fisheries Department in servicing the Bay of Granville Agreement and all the other important things that the Fisheries Department does on behalf of the commercial fisherman. There are currently 170 fishing licences issued to commercial vessels in Jersey; so this would equate to something under £50 per annum. The current fee is £92 for the initial registration and that covers a 2-year period; so the approximate amount would be something under £50 per annum. The eco-friendly fishing: of course, there is a trend towards this now anyway and that is controlled by the licence itself in the amount of fish that can be caught by tonnage and by horsepower and that reflects the size of the boat, what tonnage the particular vessel is allowed to catch, whether they are capped on the number of shellfish and so on. But the vast majority of the Jersey fleet is involved in catching lobster and crab, and the lobster through potting. So there is not a lot of trawling. Indeed, in recent times we have done a lot of work in protecting the coast from dredging, which we reached agreements with the fishermen about. In fact the Deputy of St. John was involved in those discussions where we achieved that. So these regulations are simply putting into effect what the States decided in the 2011 Business Plan. It requires that the commercial fishermen make a contribution towards the cost of the services which are provided for by the taxpayer.

The Deputy Bailiff:

The principles are proposed. The appel is called for. I invite Members to return to their seats to vote on the principles of the Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 5) (Jersey) Regulations and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Senator T.J. Le Main		
Senator P.F.C. Ozouf		Deputy of St. John		
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				

Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

[17:00]

The Deputy Bailiff:

Assistant Minister, are you going to propose the regulations *en bloc*? **[Seconded]** Does any Member wish to speak on any of the regulations? All those in favour of adopting the regulations kindly show. Those against. The regulations are adopted. I am just apologising in the absence of the scrutiny panel. Deputy Pitman, Deputy Maçon, did you wish to scrutinise these regulations? I do apologise. The regulations, do you wish to propose them in third reading?

The Connétable of St. Clement:

Yes, and I have just been passed a note which advises me that it is £100 for a busker's licence, so the fishermen are getting an extremely good deal. I propose them in third reading.

The Deputy Bailiff:

As long as they do not have to sing as well. **[Seconded]** Thank you. All those Members in favour of adopting the regulations in third reading kindly show. Against. The regulations are adopted in third reading.

The Deputy Bailiff:

We now come to P.58 - Pension age increase - lodged by the Minister for Social Security. I ask the Greffier to read the proposition.

Deputy I.J. Gorst:

Sorry, but perhaps just before it is read, I am quite happy to start now. I am aware that it is a somewhat complex issue. I do not want to send Members to sleep. I am not sure if Members would prefer to stop for the day or whether they would like me to get started. So it is entirely in the Assembly's hands.

The Deputy Bailiff:

I am wondering, Minister, if there are any other of your propositions that you are ready to take now.

Deputy I.J. Gorst:

Yes, I feared you might ask me that, Sir, and I have looked down the Order Paper and I cannot really necessarily see anything that is just going to be taken in the time period. There is one that possibly ...

The Deputy Bailiff:

It does appear to me that it would be unfortunate to adjourn at this stage when we have a very full agenda indeed.

Deputy M. Tadier:

Could I suggest that if Members are happy, I would be happy to take P.60, which does have the approval of the Comité des Connétables and it should not take half an hour. Well, it may take half an hour but no more.

Connétable M.K. Jackson of St. Brelade:

I have been delegated to deal with P.59 as the Chief Minister is away and whether it is accepted. I do not know if Members think it is contentious but I feel it should go through fairly easily.

The Deputy Bailiff:

The amendment to P.59 is accepted, is it, Minister? Well, I am in the hands of the Members.

Deputy I.J. Gorst:

Yes, I would rather not get behind a debate that was going to take a number of hours because my debate really needs to be given serious consideration.

The Deputy Bailiff:

I think if I may take an executive decision from the chair, P.60 looks like one we can probably deal with in half an hour and I therefore would suggest that we take P.60 and I ask the Greffier to read that proposition. I assume, Deputy Tadier, you would like to take this as amended by yourself, would you?

Deputy M. Tadier:

That is right, Sir. There is one other amendment, is there not?

11. Parish Assemblies: Information Pack (P.60/2011) – amended - second amendment

The Deputy Bailiff:

There is one other amendment we will come to in just a moment. So I will ask the Greffier to read the proposition, P.60, as amended by the second amendment of Deputy Tadier.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Comité des Connétables to investigate the possibility of (a) creating a booklet, which would be available to all parishioners in each Parish by 31st January 2012, setting out, among other things, (i) how a Parish Assembly works, (ii) what constitutes a Parish Assembly, (iii) how parishioners can add matters to an agenda, (iv) what they have to do in the event that they want to call a Parish Assembly, (v) how and whether propositions without prior notice may be made during a Parish Assembly, (vi) how and whether amendments may be submitted to a proposition, (vii) who may vote at a Parish Assembly, (viii) a list of Parish officials and how they are appointed/elected, (ix) any further information relating to the operation of Parish Assemblies and the appointment of parochial officials that the Comité deems relevant. (b) publishing a standardised set of recommended procedures for use in all 12 Parishes, setting out how a Parish Assembly should be conducted.

11.1 Deputy M. Tadier:

I will try and stick to 5 or 10 minutes maximum here. First of all, just to thank the Comité des Connétables for the correspondence I have had through the chairman. The amendment is quite simply because there was not enough time to implement this proposition within the allotted timeframe. In hindsight, perhaps I should have consulted with the Comité before that. At the time of writing it was really just an estimate of what could be done reasonably but I think now we are happy with the current amendment. Just to give a little bit of background to this proposition, I appreciate that in bringing forward this proposition it was not initially clear what was permissible for a States Member to bring because clearly the Comité des Connétables are an entity in their own right. It is not for any States Member or the States Assembly to dictate to that Comité what they can or should do. But this is simply a request to get a mood from the Assembly to pass what I think is hopefully, in the long term, a helpful suggestion and it is one that, as I have said, seems to have found favour with the Comité as well. I will simply just read out the proposition, it is fairly short, to give some background. It has been thankfully, seconded by several Deputies from across the Island. The Parish system is something that is central to Island life and the concept of Parish Assemblies which residents can attend, have their say and vote is one of the purer and most direct forms of democracy. However, the reality is sometimes very different from the theory. A chain is only as strong as its weakest link and a very real problem for Parish Halls in the modern age - and it is not simply for Parish Halls, it is a wider democratic problem in the Islands - is engaging with parishioners and the voter. Clearly, there are many reasons for this and some parishes will be more affected than others. But one reason is to do with the lack of public knowledge of how the system works. Even those familiar with the workings of the States may not necessarily be familiar with the democratic workings of the Parish. Similarly, each Parish may have their own way of running meetings and their various protocols. While it is absolutely right that each Parish has its own character, it also seems quite desirable to me that there should be a level of uniformity between Parishes to provide certainty for Islanders who may, for example, move between Parishes several times in the course of their lives. I believe that such information would be of benefit to residents, as well as enhancing the Parish system and allowing greater and more effective engagement with parishioners and encouraging greater participation in Parish affairs. Simply to add, I have spoken to one or 2 of the Constables about this and I know that certain of the Parishes do put a certain amount of information on their websites and that varies depending on the Parishes. It is useful information but it is not necessarily covering at this current time everything that is in this list. Similarly, not everybody will go to websites. A certain section of society uses websites. Some do not. But I think, either way, it is handy to have a book which is tangible, which you can flick through and which will get people engaged in knowing how the Parish system works; knowing what their rights are and their obligations as parishioners; what they can bring to a Parish Hall meeting, et cetera. Similarly, I think it is also important for States Members and perhaps new Deputies, new Senators, even, who do take an interest in Parish affairs, as I have tried to do, as much as I can. I will just give a very quick example of something that happened at one of our Parish Hall assemblies. I wanted to raise the issue of parking in and around part of Clos de Sables. It was the case that with certain shops up there their staff use an area to park in. It came to the Assembly that there was a Licensing matter. I stood up and essentially just used the Licensing Assembly to raise my grievances about an issue to do with parking and asked for a condition to be put in. Constable Jackson and the other representatives from St. Brelade will remember this. At the time I suspect that it may not have been completely in order because I was being slightly naughty tagging something on to a Licensing Assembly which did not really have anything to do with what was being discussed there. But nevertheless, it was a way in which I was able to raise an issue and then that was subsequently given consideration by the Licensing Committee. I know at the time the advocate was not particularly happy with me because he was questioning whether this was in order or not. Another example would be when and in which order amendments can be brought to rates, for example. We know that in the States, when there are several amendments, it is prescribed exactly how amendments should be taken. It is not always quite as clear at the Parish Hall and that is perhaps because sometimes we do not have as many amendments to our rates. I

know there was certainly one time in my memory where we had several amendments being put forward for the Parish Rate and it was not immediately clear on how it was best to deal with that. We did get there in the end, it has to be said. But I think sometimes it would be useful for clear guidelines to be put in place for parishioners but also those running the Parish Assemblies to know in all cases what eventualities may come up. So I hope this finds favour with the Assembly. Hopefully it is something which nobody needs to vote against. But I look forward to hearing briefly what Members have to say and I thank, again, the Greffier and the Comité des Connétables for their co-operation in this proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** We have an amendment. An amendment in the name of the Deputy of St. John and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2, paragraph (a), after subparagraph (viii), insert a new subparagraph as follows: “(ix) The role of the Parish Deputy or Deputies in relation to the Parish, the relationship of the Parish Deputy or Deputies to other members of the municipalité, and the manner in which the Deputy or Deputies is treated during official Parish functions,” and renumber the existing paragraph (ix) accordingly.

11.1.2 The Deputy of St. John:

I would have never brought this as a stand-alone proposition but as I saw the proposition by the Deputy of St. Brelade, I thought possibly this is the time to deal with this bit of housekeeping, I suppose, for want of a better word. Some time back I was asked by the media to explain what the political role of a Deputy was in a Parish. The explanation basically I gave him was something that had been passed down to me by the late Rector of St. John, the reverend of the day. One of the duties was that, as not being a member of the municipality, at any official function in the church, the Deputy in fact sat with the congregation as part of the congregation and the municipality sat in a number of seats across the aisle, which was quite an interesting point to do with parochial affairs and the like. It has been raised to me also by other people: “We do not see your name in the official municipality.” I had to explain to them that the Deputy is there to represent the people and he sits among the people. He is not part of the bigger picture in the Parish. There were a number of other issues and I explained that the Deputy - this is 1970-odd - is a member of the Greenwood Housing Association or formerly, of the Greenwood Housing Trust in St. John by virtue of his office, along with other Members. He currently sits on another committee. Also he is currently chairing the newly formed St. John’s Working Party that was set up about 2 years ago by the Parish to help move the Parish forward in its needs - of which we have a meeting tomorrow evening - and various other things within the Parish and how we represent the people within the Parish. It may be planning issues and the like. But just a précis needs to be done if we are doing something like this and it is adopted today; a small historical piece needs to be put in of the position of the Deputy within the Parish, if this is adopted today. But, as I say, I would not have brought it as a stand-alone proposition.

The Deputy Bailiff:

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

Deputy R.G. Le Hérisier:

I do wonder if the Constable of St. John is doing anything because it appears to me in a reinterpretation of the Deputy’s role, he is essentially running the Parish.

[17:15]

11.1.3 The Deputy of St. Mary:

Yes, I had a look at this and I had a look at the original proposition and I do struggle with how it fits in. I think it is important to keep the focus of the original proposition, which is purely about Parish Assemblies and making them more transparent to everyone who lives in the Parish. That is the purpose of the proposition and I think it is an excellent proposition. I think, too, that the comments of the Comité do mention that there is a problem in terms of manpower resource to get this booklet or various booklets for different Parishes produced and the thinking that goes behind that and making sure they are compatible with each other in different Parishes and so on. This is quite a sort of different tack to put into that booklet. It is a very different kind of information. I think it muddies the waters. I think it is a separate job. I think that if we are to get this Parish Assembly thing more live and more, as I say, available and transparent to residents, then I think we should keep it just to the one issue in the different paragraphs and maybe tackle this another day, another time. So I would suggest to Members that it overcomplicates the issue and I think it is really important that this proposition goes through and that it is acted on fairly quickly. So I am doubtful about making it more difficult.

The Deputy Bailiff:

I call on the Connétable of St. John to tell us what he does.

The Connétable of St. John:

I thought I had better speak. Really, I just want to say that the Deputy has a far better seat in the church than I do, because my view of proceedings is hidden by the pulpit. He does help with running the Parish occasionally.

11.1.5 Deputy M. Tadier:

On the occasional time I go to St. Brelade's Church, I invariably end up sitting in the part where I cannot directly see the Minister and I have to end up watching one of those lovely wide-screen televisions. But thankfully I feel at home there and I can still enjoy the proceedings. There were 2 points I want to make. I completely take on board what the Deputy of St. Mary has said. I think perhaps a pragmatic way forward - and I do think that there is an element of contriving what we are looking at here - I would imagine that any booklet that is produced, talking about the Parish Hall and the way the Parish works perhaps in more general terms would probably have a couple of paragraphs anyway, about who the representatives are in the Parish or at least what a Deputy is and who can attend a Parish meeting. So I think that is already covered under who may vote at a Parish Assembly. I think the roles of the Deputy and even Senators would have to be included because you would want to say, for example, what happens about a Deputy who does not live in a Parish. There are Deputies in the Island - I think St. Helier has a few of them - who do not live in St. Helier, who cannot vote at a Parish meeting but nonetheless they can speak and address a Parish Assembly. So that would have to be clarified and there will be an element of the discussion of the role of the Parish representatives other than the Constable. So that will be covered. Perhaps we do not need to make too much weather of this. I think whether or not this amendment is adopted or not, there still remains an element of discretion, I think, for the Constables to include pertinent information within that document. The other thing: I should compliment our own Parish in the way that they work very efficiently. They do make the Deputies, and, indeed, the Senators who live in the parish, or may have in the past been Deputies, feel very welcome at the Parish Hall. I know that they take great steps to invite us to and make us aware that there are Parish Hall meetings with a letter each time there is such a meeting. That is a practice, perhaps, which I would like to see extended across the whole of the Island. I do not want to teach anyone how to suck eggs, of course; it is up to the Constables to decide how to run their Parishes, but this could be an issue which is also looked at and which I am sure will invariably be looked at: do the Constables automatically send out letters to their Parish Deputies so that they can attend Parish meetings? Certainly our Parish does do that and it is something I think we appreciate as Parish Deputies and as Senators who live in the Parish as well.

11.1.6 The Connétable of St. Mary:

I am particularly pleased that the Deputy of St. Mary has already spoken, because, as Members will know, I previously had the honour of holding that position myself before I achieved my promotion and I was very mindful of not wanting to say anything that could be misconstrued as an attack on that role, which I hold in the highest esteem. But I have to say I agree 100 per cent with what the Deputy of St. Mary said. It is a separate exercise. Deputy Tadier's proposition is focussed on the Parish system and the Parish Assembly. I think it is very important that we give clear guidance as to what that is. Because the Deputy's role is a political role, not a municipal role, in many ways - although you can say what a Deputy will be normally doing within a Parish - it is really up to that Deputy to set their own targets and their own ambitions. For that reason I will not be supporting this amendment although, I hope I do not need to say, I very much value the role of the Deputy.

11.1.7 Senator S.C. Ferguson:

Yes, I think the Deputy of St. Mary was absolutely correct. This is a proposition on the Parish Assembly. It is an occasion for better use of the Parish website. If somebody like our own esteemed Deputy Le Hérisier did a short piece on the role of the Deputy, that could be put on the Parish website. The information on the Parish Assembly should be perhaps on the Parish website, which would be a much cheaper means of communication, and merely a few brochures produced for those people who do not have computers.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on the Deputy of St. John to reply.

The Deputy of St. John:

I am not going to waste a lot more time. I did say I only brought this as an add-on. Whether it is accepted or not is up to the Chamber and I just ask for a standing vote.

The Deputy Bailiff:

The appel is called for. Therefore, I invite Members to return to their seats and I ask the Greffier to open the voting on the amendment of the Deputy of St. John.

POUR: 13		CONTRE: 29		ABSTAIN: 1
Senator A. Breckon		Senator P.F. Routier		Deputy M. Tadier (B)
Senator B.I. Le Marquand		Senator P.F.C. Ozouf		
Connétable of St. Ouen		Senator T.J. Le Main		
Connétable of St. Helier		Senator B.E. Shenton		
Connétable of St. John		Senator S.C. Ferguson		
Deputy R.C. Duhamel (S)		Senator F.du H. Le Gresley		
Deputy of St. Martin		Connétable of Trinity		
Deputy R.G. Le Hérisier (S)		Connétable of Grouville		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy J.A. Hilton (H)		Connétable of St. Saviour		
Deputy K.C. Lewis (S)		Connétable of St. Clement		
Deputy of St. John		Connétable of St. Lawrence		
Deputy T.M. Pitman (H)		Connétable of St. Mary		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy I.J. Gorst (C)		

		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

11.1.8 The Connétable of St. Ouen:

I would firstly like to thank Deputy Tadier for having duly considered our comments on the first proposition that he made and agreed to extend the time. The reasons were that the Comité des Connétables will only employ one part-time secretary, who has undergone serious surgery recently and is out of action for the time being and so the extra time will allow us to make a better job of this. As I think the Deputy said, a number of Parishes have much of this information already on their websites. But we are mindful of the fact that we do need to engage more with the public and this is an opportunity to do exactly that. I would just make comment on one thing which Deputy Tadier mentioned in his proposition. He mentioned that such a pamphlet might be useful for those Members of this Assembly who were interested in Parish Assemblies. I think that is a pretty scathing comment. I would have thought that any Member of this Assembly should be interested in Parish Assemblies. **[Approbation]** After all, those Parish Assemblies are making decisions which will have bearing on the people who elected you. So I would have said that it is vitally important that Members of this Assembly take part in Parish Assemblies. I will be supporting this.

11.1.9 The Connétable of St. Helier:

I must say I was mystified by the vote on the amendment. I cannot see the reason why we cannot include the information that the Deputy of St. John has asked for and I certainly intend to include it in the information we produce in St. Helier. I think it is extremely relevant; the more information the better. Why not include the other important roles: Procureur du Bien Public, Roads Committee, Roads Inspectors, Rates Assessors and everybody? So a very strange decision; hopefully it will not be limiting on us. I, too, welcome the Deputy's proposition to correct the information booklet. However, I think his claim that this will lead to greater participation in Parish Assemblies is somewhat optimistic. It is certainly my experience that anyone who is interested in how the Parish works makes it their business to find out and I am not aware of anyone who has been told by the Parish authorities: "Well, we are not going tell you. We like to keep this arcane and secret." People who want to know how to influence a Rates Assembly - bring the rates down, for example - find out very well how to do it, in my experience. So I think it is a good thing to do and I think it is right to have it in hard copy rather than just on the internet. But will it lead to greater participation in local Government? I am not sure it will. What will lead to greater participation ... and here I want to give some credit to Deputy Le Claire, who has been asking me for some time to organise question time in the Parish of St. Helier, a slightly scary prospect for the Constables, I think. But the idea that regular Parish Assemblies, such as we have in St. Helier on a monthly basis, should be preceded by questions to the municipality, to the Constable or whoever, has tremendous merit. That, I think, would lead to greater participation in Parish Assemblies because at the moment the turnout, certainly in town, can be very small. Other things we are already doing in St. Helier and I do not want to blow our own trumpet but we are the only Parish which has open meetings of the Roads Committee to which the media have been invited. We have done that for over 100 meetings. That really does generate interest in the very interesting agendas of the Roads Committee. I do not say that with any degree of irony. I think they are very interesting meetings and I think open meetings should be encouraged. Possibly also we should be looking again - St. Helier looked at this over a century ago - at a more formal council structure for the Parishes. That was approved by

the States of Jersey for St. Helier but never, for some strange reason, followed through at the beginning of the 20th century. Certainly maybe the bigger Parishes need to be looking further than a booklet to encourage greater participation of parishioners in the running of their Parishes. I can see a few of shaking of heads at some of the suggestions I have made. But I have to say that last one was being suggested at the end of the 19th century. So it is not new; maybe we are just taking time to catch up. I will be supporting the proposition.

The Deputy Bailiff:

Does any other Member wish to speak?

11.1.10 The Deputy of St. Mary:

I am very glad to follow the Constable of St. Helier and will not repeat what he said. But that is an issue which obviously will come back, I think, when Deputy Tadier in his report talks about: "This is one of the purer and most direct forms of democracy." The Constable of St. Helier questions whether what we are about to vote for will produce greater participation. I think that is a real issue. But I think that is for another day. This is a step on the way. I think this will go through and I would just urge the Comité when they come to look at this in more detail ... the object of the exercise is to engage with the public and I would like to make just 2 points on that. The first is that in the proposition it talks about a booklet: "available to all parishioners in each Parish." Senator Ferguson seemed to be implying in her remarks print as few as possible and leave them in the Parish Hall and maybe some people will turn up and take one away with them. I do not think that is what is meant by the proposition. I would urge the Comité to think seriously about what that means: "to make something available to all parishioners." They really do have to take that seriously, otherwise they are printing a waste of paper. It has to reach people. Also when they do it, it must be made readable and accessible. I heard someone say all about the Rates Assessors has got to be in there and all about this and all about that. Be very careful because if there is too much in there people will give up. It has to be clear and accessible. The other point I would like to make is what was revealed in my written question of 8 September 2009, which I know is going back a bit, and just ask the Comité to look again at the answers to that question and consider those as they prepare this booklet because the picture given there is quite serious and the booklet hopefully will address those issues of how accessible Parish Assemblies are now; how is the date fixed by the Constable; there is no schedule; there is no knowledge in advance of when these meetings are; how far in advance; no information given: "It is on the website. It is at the Parish Hall." It is not enough in this day and age. It really is not. The issue is engaging the public and I hope the Comité really thinks about the answers in that question and how worrying they are and makes sure that this booklet goes as far as it can to do the job that it is intended to do: reach people and get more people to engage with local politics.

[17:30]

11.1.11 Deputy P.V.F. Le Claire:

Extremely briefly, I know we are heading into the last minutes or overtime. I would like to congratulate Deputy Tadier and also thank the Comité des Connétables for accepting this proposal. It is going to engage, I believe, people in a meaningful way. The Constable of St. Helier kindly mentioned me and I would like to reciprocate. He has done a valuable job in trying to engage people. The Parish of St. Helier has had a difficult job historically of recruiting honorary police because of the challenges. The Parish Assembly is obviously somewhere where that occurs. An explanation as to how that process is conducted will hopefully help. I know that the new Chief of Police, who is doing a marvellous job in my view, mainly because he has got police outside of Burtons where I said we needed them, in my last manifesto ... he is also apparently going to infer that a history of service with the honorary police will serve one well if one applies for the States of Jersey Police. Just as a final note, though, the Constable probably forgot that we did take my

suggestion of questions to the Parish and we put it before the Parish Assembly and, probably mindful of this morning's questions, to not put too finer point on it, they told me to get lost.

11.1.12 The Connétable of St. Saviour:

Just a couple of points from the Deputy of St. Mary. I do not what world he lives in but I think most of the Parishes advertise Assemblies on their website. They are officially advertised in the Gazette and they are on official notice boards. Members of the public are aware of when the Assemblies are. I suggest he checks with his Parish. I do not have a problem with this proposition. If it gets people more involved with Parish affairs, then that is good. But I would just remind people that it is all very well having a booklet but very often, if people are puzzled by things, the easy answer is to ask at the Parish Hall. I do not think anyone has ever been told they will not be given information. This is the way it has been done for years and we will continue to give people information, and give them explanations as well as the information, if they need it.

11.1.13 Deputy J.A. Hilton:

Just very briefly, I am just touching on the point that the Deputy of St. Mary made about getting these booklets out to parishioners. For St. Helier, obviously that could be quite an expensive exercise and I was just going to make the suggestion that if these booklets were posted out at the same time as the rates schedule it would save us a tremendous amount of money. I think it is vitally important that the booklet does go to the people because the people are not necessarily going to go to the Town Hall and pick it up. One other thing that I just wanted to mention; I have been asked in the past week or so about this very important Parish Assembly taking place tomorrow evening at the Town Hall and it is a good example of how parishioners can engage in a democratic way to get their views known. But I have been approached by several people asking me whether it would be possible for them to vote by proxy on the matter being discussed because they are absent from the Island. I just throw that into the pot. Maybe the Comité des Connétables could consider that, whether it is possible, because a number of people did ask me about that. So if somebody could come back at a later date in that regard, I would appreciate that.

11.1.14 The Connétable of St. Brelade:

Just to say that I am wholly behind the concept that the Deputy put forward, although I am slightly apprehensive about the thought of a booklet. My feeling might be to ask that we might interpret "booklet" as "Parish magazine". I think all Parishes have a regular publication which goes out to all parishioners and I think probably, in terms of communication, that is one of the best forms these days.

The Deputy Bailiff:

Does any other Member wish to speak?

11.1.15 Deputy A.E. Jeune:

I have just got a concern in listening to something that the Connétable of St. Brelade which made me think: "Hang on a minute." The thing is if a booklet is produced about Parish information because the representatives of the various committees, the Deputies can change over a period time as the Connétable can, it does not mean to say you then just have to redo the book. If you have got a website you can download that into hard copy to give to people. Surely that is a more efficient way of dealing with it. I am thinking of ratepayers here.

The Deputy Bailiff:

Does any other Member wish to speak? If not, I ask Deputy Tadier to reply.

Deputy M. Tadier:

I think that was a good model for a debate. We had lots of different points and it was concise and obviously the support is welcome as well. First of all, I will address these very quickly but they do

have to be addressed. I think there are 5 points. There was some mention of a scathing attack on States Members, saying that surely we should all be involved and interested in Parish affairs. Well, clearly that is the case. I have not said otherwise. But I was simply saying that any States Member who want to make use of the booklet him or herself, it could also be a useful tool for States Members. So by no means; let us not have my words misinterpreted there. I do not think they were, hopefully. The second point is to do with optimism. Now, of course, the production of this booklet and the subsequent information on websites is not going to change and fill Parish Halls immediately overnight. It is what I would call a necessary condition. It is a step. But it is not a sufficient condition to solving all the democratic problems that a Parish may have. It reminds me of the phrase: “Pessimism of the mind, optimism of the will,” when I heard the comments from the Constable of St. Helier. I would simply say that when a States Member stops having optimism that is the time for him or her to retire. I certainly still have lots of optimism left in my mind and in my will. This debate itself will trigger interest in Parish affairs. The coverage subsequently will also trigger questions about Parish affairs. It will be nice for me, as a Parish Deputy, to know when I go round and talk to individuals and they want to raise an issue, whether it to be with parking or to do with a headstone in the Parish, that I can give that person a booklet and say: “This is how you hold a Parish Assembly and it tells you, you need 4 people to do that, et cetera,” something which I could not find out very easily, even from approaching the Parish. It is nice to have something tangible which everyone can access. I think that is the idea I am going for here. Distribution: the key thing here to get the booklet printed. It does not need to be something which is changing often because it is not talking about the individual current politicians. It is talking about the position. Point 8 says: “To produce a list of Parish officials and how they are appointed and elected.” That list is to do with the position, not to do with the individual in question. That also covers, I think, the points that have been raised about procurers and about Deputies, perhaps, by extension. It will be up to each Parish to decide democratically how the books are distributed. If in St. Mary the Deputy of St. Mary feels that everybody in that Parish should be given a booklet, he can bring a proposition to the Parish Hall and say: “It is going to cost so much to do. Can we approve this or not approve it?” That is the decision to be made. They can read a booklet and find out how to do that and I am sure the Deputy of St. Mary would be one of the first ones to do that. So I do thank everyone for their comments and I maintain the proposition and ask for the appel, Sir.

The Deputy Bailiff:

The appel is called for on P.60. I invite Members to return to their seats and I will ask the Greffier to open the voting.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				

Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

Senator P.F. Routier:

I propose the adjournment, Sir.

The Deputy Bailiff:

The adjournment is proposed. The States will now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:39]