

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 17th SEPTEMBER 2008

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

PUBLIC BUSINESS – resumption

1. Annual Business Plan 2009 (P.113/2008): Objectives of the Health and Social Services Department

The Deputy Bailiff:

We return to the debate on the Business Plan. The next matter for the Assembly is paragraph (a)(iv), the objectives of the Health and Social Services Department. I invite the Minister to propose them.

1.1 Senator B.E. Shenton (The Minister for Health and Social Services):

As Members are aware, we undertook a day's session at St. Paul's to go through the Business Plan and run a slideshow on what our aims and objectives were. Obviously those Members who could attend we were delighted to see them there. Following that, I did not have any specific questions passed to me within the departments. I am rather hopeful there are not too many questions today. Obviously just running through the key objectives: objective 1 is a redesigned health and social care system to deliver improved health and social wellbeing for the Island's community. Objective 2 is improved health and social care outcomes by reducing the incidence of mortality, disease and injury in the population. Objective 3: improved consumer experience in Health and Social Services. Objective 4: staff and resources managed to improve performance to provide value for money. Objective 5: the independence of adults needing health and social care thus enabling them to live a safe, full and as normal a life as possible, in their own home wherever feasible. There is an amendment which we will come on to later from Deputy Celia Scott Warren, and obviously we are pleased to see the amendment because it is a very important issue. Everyone has had the Business Plan for quite a period of time. As I said, we did do a presentation as well so I will keep this speech fairly short and answer any questions that Members may have.

The Deputy Bailiff:

Are the objectives seconded? [**Seconded**] Now there is an amendment from Deputy Scott Warren.

2. Annual Business Plan 2009 (P.113/2008): eighth amendment (P.113/2008 Amd. (8))

The Greffier of the States:

In paragraph (a)(iv) after the words "pages 19 to 21" insert the words "except that after success criterion (ii) in Objective 2 on page 19 there shall be inserted the following new success criteria (and subsequent success criteria renumbered accordingly): (ii) continued reduction in the number of hospital-acquired infections."

2.1 Deputy C.J. Scott Warren of St. Saviour:

I am asking for an additional success criterion under Objective 2: improved health and social care outcomes by reducing the incidence of mortality, disease and injury in the population. The success criterion I propose in the amendment is continued reduction in the number of hospital-acquired infections. Members will be aware that the Minister for Health and Social Services has accepted this amendment. I appreciate that measures have already been taken to reduce hospital-acquired infections including M.R.S.A. (methicillin-resistant *Staphylococcus aureus*) and *Clostridium Difficile*. The Minister's comments provide Members with information regarding the further work that is being planned in this important field of medicine. Schemes to reduce hospital-acquired infections are included in the allocation of growth monies. The reason I am, therefore, bringing this amendment for this new success criterion is to emphasise this as a priority under this objective. I propose the amendment.

The Deputy Bailiff:

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

2.2 Senator B.E. Shenton (Minister for Health and Social Services):

I would just like to say that when Senator Perchard (Assistant Minister) and I were approached by the Deputy about the amendment, we were very pleased to accept it because obviously we have committed to spend money on infection control at the hospital. There is quite a lot to do from the refurbishment and the changing of the way wards are laid out, all the way down to having a look at the drainage systems and so on and so forth. This is a very, very important area and I would just like to thank the Deputy for highlighting it by bringing this amendment to the Business Plan.

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

I want to thank the Minister for accepting this amendment so enthusiastically and to thank through him his staff for all the work that those on the wards do to make things like the gel and notices to wash hands and all that clearly available. But I wonder if he might like to join me in sending out a message from this House to the members of the community that government can only do so much; that every member of our community has a responsibility when we are visiting hospitals - and I do so regularly on a professional basis - to make sure that we play our part in keeping infections to a minimum. If that means taking the extra few seconds to use the gel on the way in and the way out then that is really important. As I say, I want to congratulate the Deputy and the Minister for giving us a lead which I hope every member of the Island community will follow.

2.4 Deputy C.J. Scott Warren:

Firstly, I thank the Deputy of Trinity for seconding my amendment. I would like to thank the Minister for Health and Social Services and the Dean for having spoken. I think it is very true it is up to individual members of the community to all play their part when they go into hospitals to visit relatives, friends. It is the whole community's responsibility as well as the hospital. I will not speak longer. I thank the Minister for accepting the amendment and I ask for the appel.

POUR: 33

CONTRE: 0

ABSTAIN:

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator B.E. Shenton

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Peter

Connétable of St. Clement

Connétable of Trinity

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy of St. Mary

3. Annual Business Plan (P.113/2008): Objectives of the Health and Social Services Department – continued

The Deputy Bailiff:

We then return to the debate upon the objectives of the department as amended.

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

If I may raise 3 points and congratulate the Minister and his assistant on settling in so well. The first thing is, I wonder if he could comment on the agreement with the United Kingdom on the reciprocal provision of healthcare for when we visit and when in fact visitors - tourists - come to Jersey. Could he comment on the health of the health agreement? Secondly, I notice after a long year he says in his paper that New Directions implementation has commenced. Now, that is excellent news. Could he tell us to what extent it has commenced? Thirdly, he and his assistant both came in as reformers of the management structure. Every time people like myself raise this

there are all sorts of laughter and saying: "Oh, you cannot change this. The civil service is operating at 150 per cent efficiency. We are business people. We know how these things operate." That whole debate has basically ground to a halt except for people like Deputies Ferguson and Reed. But we did hold out, very high hopes of the 2 Senators. They made this a great plank both in their election platform and their subsequent accession to the health positions. I would like to know, how far this has progressed. Fourthly, we have that magnificent facility at Five Oaks, and I do not refer to the *Jersey Evening Post* which is not loved in all quarters, as we know, but loved in some. I refer to Greenfields. Again I would like to know - I seem to have received rather mixed messages from questions I have asked recently - where is Greenfields at? Are we on the brink of moving young people from the prison who we have for years said should not be there but for years we have never quite worked out where they should be? Are we on the brink of doing that and is Greenfields being used to its optimum capacity or are the staff being used which I rather think is the question? So, 4 points.

3.2 Deputy G.C.L. Baudains of St. Clement:

Just a few queries I hope the Minister will be able to answer. Objective 2: success criteria. I am looking down at item (v) it is reduced alcohol consumption. I find this a little vague. It is 15.4 litres reduced to 9.1 litres. I presume that is per annum and not per week [**Laughter**]. Of course these things are vague because it does not mention the percentage of alcohol so I wonder if perhaps the Minister could clarify that. Moving down to the same success criterion at (vi), there is that ongoing debate about the M.M.R. (measles, mumps and rubella) vaccine. It has been suggested in other places that perhaps if the vaccines were offered separately there would be a better take-up. Some parents are concerned for very valid reasons and the vaccines are not being given to their children where they might be if they were perhaps offered separately. If the criterion is to improve the uptake rate then perhaps the option may assist in that regard. Going on, still on Objective 2, criterion (vii) over the page on page 20, I would like to know why 13 years of age is the age at which the Minister would like that introduced and I wonder if he could advise me of the success rate of this vaccination because my information is that it is almost 100 per cent useless, apart from carrying one or 2 obvious side effects as all medicines and vaccinations do. When I move on to Objective 4, I applaud, for example, (ii) [costs of each defined Service area and relevant overheads identified, to enable comparisons]. I think too many departments carry on doing what they have always been doing without defining each service area and thereby gaining hopefully efficiency. Although I would remark that perhaps that item, Objective 4(ii), should perhaps be an objective rather than a criterion. That is a comment but I wonder if the Minister would be kind enough in his summing up to address the questions I raise.

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

I would like to congratulate the Minister and the Assistant Minister and indeed all the staff of Health and Social Services for the tremendous improvements that are being made within this very important sphere. Certainly what I would like to see are the preventive measures coming to the fore and gaining success, especially in Objective 2. Having responsibility for young people is part of my mandate. I was pleased to see that child smoking has been reduced by 21 per cent and indeed heavy drinking of alcohol involving young people by a further 10 per cent. There is always the danger when budgets are squeezed that the preventive measures are squeezed the hardest. I am pleased to see that a balance has been maintained and is still subject to further targets for improvement. I am hoping that the existing budgets and future budgets will allow that to be maintained because in the long run, of course, it is a lot cheaper to have an improvement in health without having to repair the ills of our modern ways of life. To improve in that sphere I wholeheartedly support this particular proposition.

3.4 Deputy S.C. Ferguson of St. Brelade:

Yes, I notice under Objective 4, the success criteria, it is a little unusual to only have 41 per cent of staff having a formal annual appraisal. That is a challenging target. I look forward to seeing how it is achieved. Just a minute, which one is it? It is number (iii) talking about the proportion of staff in management roles, keeping it under 3 per cent. Now, the Minister will remember that I have asked for an updated copy of the organisation chart because the one I produced apparently is inaccurate. Now, much has changed. I would be interested to know when I can expect to receive the revised one.

3.5 Deputy F.J. Hill, B.E.M., of St. Martin:

I would like to draw Members' attention to the aim of Health and Social Services, which is to improve the health and social wellbeing of the population of Jersey through the provision of high quality services. What I would like to draw the Minister's attention to is the next success criterion (i) - that is on Objective 2 - it says about the increased expectancy for the life of men in Jersey. I am making a plea on behalf of the men of Jersey because we seem to be left out of these things. When one looks at expectancy for a lady, we are looking hopefully 82.5 **[Interruption]** - declining, yes - and men are 78.6. What I am leading on to is what is the Health Department doing for men? The Minister knows full well I have been pushing for greater awareness of things such as prostate cancer. I have been told and others have been told also that P.S.A. (prostate specific antigen) testing is not really that good because it is not certain. The Health Department is going to take responsibility for it; however, it says why do you not go and do that thing yourself. But what I have been pushing for - and I would like to hear what the Minister has to say about it - is where are we with looking at things like well man clinics because we do and quite rightly we look after a number of other people in the community; young people, et cetera, about sexual guidance and ladies with various problems. That is excellent but I do feel that the men are left out. What I would like to get from the Minister is where are we in looking at well man clinics and possibly greater awareness about issues like prostate cancer? Because in my meetings with him after Christmas I did get an understanding that somebody was going to follow through. Also I would like to ask where are we with a sexual health strategy? I understood that also was going to be looked at certainly about 2 years ago when we had a delay on - I am just trying to think what it is called now - the law that brought in sex for men under the age of 18. So could I have an update on that? Also, Deputy Le Hérissier touched on it on some of the issues about Greenfields; where are we in relation to the recommendations made by Andrew Williamson, which was the end of June and we are now well into September? Could the Minister give me or give the House an update on some of the recommendations that were made and what is being done to implement those recommendations?

3.6 Deputy A.D. Lewis of St. John:

Firstly, I would like to maybe take this opportunity of applauding our health service; the men and women that work in it. We are very lucky in Jersey to have a fantastic service. I have experienced it myself in recent years through various family issues and it has always been superb. I would like to pass the message on to the Minister and to all the excellent staff that his department employs. I have a couple of questions for the Minister, though. Reading the plan, I do not see a strong connection between health promotion and the Education Department. It may well be included in New Directions. I wonder if the Minister could advise me as to what the connection is, how well established it is and what the programmes are likely to be? I am talking here about healthy eating programmes in schools. Also the instruction of sport, getting fit for life programmes, which I understand are in place in the schools to a certain extent but always need full support from health departments as well. I would also be interested to know what if anything the department is doing with reference to getting fit for continued life. In other words, programmes again working with Sport and Culture for all ages and the promotion of getting fit for life. What is the connection between Education, Sport and Culture and the Health Ministry? Another area that concerns me - and it has been brought to my attention by a number of constituents in recent years - is the cost of dentistry in the Island and being dental fit is a big issue in the Island. I would like to know what the

Minister has if anything; any plans in place to ensure that the population of Jersey remain dentally fit because the cost of going to a dentist now is very, very high. Many people cannot afford to do it, are putting it off on many occasions and ending up with some serious health problems because of the cost of dental care. Does the Minister have any views on that and are there any plans to ensure that we remain dentally fit as a population? The other thing I would like to say as well that I welcome the commitment that his department has made to pushing through the new licensing law. The feedback we have had from the Medical Officer of Health has been extremely useful and Senator Perchard's involvement with the review as well has been very, very useful. It is a very, very good example of joint working across the Ministries, the review of the licensing law. I welcome any further input from the departments on that particular review.

3.7 Deputy A.E. Pryke of Trinity:

Just a couple of brief points. The Deputy of St. Martin touched on one of them which was about sexual health and young people. It is such a shame that none of it was mentioned in any of Objective 2. I think that is a great omission especially with the report that came out recently by A.C.E.T. (AIDS Care, Education and Training). The other point too is we talked a lot about inspection of residential and care homes. There has been talk for a long time about inspecting Health and Social Services places. I wonder where that is in the mix; also about the regulations which are hoping to come soon registering nursing agencies.

3.8 Deputy A. Breckon of St. Saviour:

Something I think that frustrated scrutiny is New Directions. I think although there is a mention of it in the report under the annex, I think it is perhaps ambitious and I would like the Minister to try to give some assurances over this because it says on one hand that it will be by March 2009 and then in the annex it says: "In 2009 it is intended that New Directions will be a simple element of the overarching strategy that the new Council of Ministers will bring before the States Assembly during the first 3 months." Bearing in mind that most else hinges on that - it links things together - I think the wait has been frustrating. I think the Minister, although it might not be his responsibility, if he can give some assurance that somebody indeed will bring this forward as is promised here for the umpteenth time. It needs to be proactive. It needs to have timelines in. It is not just a case of maybe or we are waiting for or we think something might happen. The other point I think that is important and again it is referred to in the annex, it talks about the challenge in caring for large numbers of older people. There is a scrutiny review at the moment that will conclude in the next 6 weeks or so that are looking at this. But it talks there about an independently managed compulsory insurance scheme to help pay for health and social care in old age. I wonder if the Minister could share with us any information he might know about cross co-operation with, say, Social Security or anybody else or even indeed the agencies about how this might be managed or implemented? The other thing is there is another bullet point in the annex that talks about consideration to be given to the impact of the aging population during all policy and strategy development. I wonder if the Minister could explain if there is any joined-up government here. For example, do they liaise with Planning on a new development that might accommodate the needs of lifetime living or whatever you want to call it, because it seems to be that promises have been made over the years but perhaps not delivered. I wonder if the Minister could say if there are any links between the departments on some of these issues because it is strategic. It is important for the future. Perhaps he could share those with the House.

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

Just a few points. Underage smoking and drinking, it says, "Further reduced adult and smoking cases (currently recorded as 20 per cent for adults and 21 per cent for 14 and 15 year-olds." These appear on target. "Continued reduction in the number of young people 14 and 15 years who drink heavily, down 10 per cent in 2006." I wish the department well. I look forward to seeing the figures for 2007/2008. My stance on underage drinking is well known. The Human Papilloma

Virus vaccine for girls of 13 years of age introduced. The H.P.V. (Human Papilloma Virus) vaccine. I will be curious to see what the uptake is of that in Jersey.

3.10 Deputy C.J. Scott Warren:

Firstly, regarding my amendment, I would like to add my thanks to the Chief Executive Officer for Health for his help with the amendment. I would like to ask the Minister whether the growth monies which are allocated in the annex shown, whether they will help to alleviate the staff shortage I understand there is regarding special needs and social workers of that area? I would just like to say that I very much look forward to a new Assembly debating New Directions early next year hopefully. I am for it. It seems to have been a long time and I know there is a huge amount of work that has had to go into it, but I think that it would be very good for it to start to be implemented.

3.11 Deputy S. Power of St. Brelade:

I would really like to draw the Minister's attention to Objective 3 on page 20 and success criteria under subsection (i) which is the improved consumer experience of health. Unwittingly I became a client of the Health and Social Services Department [**Laughter**] at the end of July/beginning of August; first at Accident and Emergency then at the fracture clinic with the consultants, the orthopaedic people and the physio. I have to confirm my own highly subjective experience which confirms that my consumer experience of health was excellent. I would like to tell the Minister or convey to the Minister that in all respects my treatment in the last 6 weeks has been 101 per cent. Even though at times I was accused of being a hooligan by his staff and the fact that I hobbled round for 3 days on a broken bone, I have nothing but respect for his staff.

3.12 Connétable T.J. du Feu of St. Peter:

Without wanting to repeat what has been said, I would like to express my sincere thanks to the staff and the management at Overdale Hospital particularly with emphasis on the Samares Ward because, as I think most of you know, I have been a frequent visitor there for 5 months up until recently and pleasing to say not other than outpatients at the moment. But there are a couple of points that I would like to draw to the notice of the Minister that if there is another extension embarked upon or in his stewardship of Health and Social Services on a rebuild or new build somewhere to ensure that architects and all connected get their act together that will enable the current lifts to house the stretchers because our first class ambulance service cannot use the lifts to get up into Overdale, which I think is an absolute disgrace considering it is only a few years old. It is high time that those sorts of things were looked at. We are paying a lot of money to senior staff to oversee those things and that should have been found out. The other matter that I would like to raise is the future of the Overdale site. I know it is not figuring directly within the ambit of the Business Plan but the site does concern me greatly because I believe most sincerely that everyone that has had experience of either working there or indeed being there through rehabilitation or illness and families have been nothing but reassured every time they visit at the pleasant surroundings which everyone encounters there. I cannot think of a better place on the Island to aid the recovery of anyone in their hour of dire need in many instances. I believe that that site or parts of should not be hawked around to the highest bidder. It should be retained for the good use. If there is to be a hospital use let us retain it there [**Approbation**]. I believe if we embark on that rather than build somewhere else which will not be quite as accessible then it will make it easier for everyone concerned and it will make life more tolerable all round.

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

I have been corresponding of late with the Minister and his team and the Constable of St. Helier in regards to implementing a smoking ban for children's playgrounds for parents and adults that choose to smoke inside infant playgrounds in particular. In the *Our Island Our Health* 2007 annual report of the Medical Officer of Health on page 9 the Medical Officer of Health writes: "Life after

the smoking ban. The smoking ban law is the most significant legal advance to benefit public health in my living memory. All went well from 4.00 a.m. on 2nd of January 2007 with smooth implementation and tremendously positive public feedback. Fears that smokers, proprietors and employers might not comply were unfounded.” It goes on. As we have yet to have answers from the Constable of St. Helier and the Minister in this regard, I am trying to seek this morning a commitment from the Minister that steps will be taken to extend the ban into areas such as children’s playgrounds within the next year. Currently having asked the Medical Officer of Health there is no plan to do so. I find it remarkable that we can bring in a smoking ban recognising the damage it does and allow adults to smoke within the confines of an infants secure playground. The children run around not only risking themselves of injury from the lit cigarette but also inhaling the exhaled tobacco which people know is a carcinogenic attributory factor. At the same time the infants toddle around picking up cigarette butts. Will the Minister undertake this morning to commit to introducing this ban to children’s playgrounds where they are provided for use for the public by the States and seek to ensure that other departments within the States and the Constables also sign up to this so that I will not be forced to bring a proposition on this issue which should be a matter of common sense.

The Deputy Bailiff:

I call upon the Minister to reply.

3.14 Senator B.E. Shenton:

Deputy Le Hérissier said he had 3 points and then mentioned 4. The Reciprocal Health Agreement, the U.K. (United Kingdom) Government is looking - I think as a cost saving measure - to extract itself from the Reciprocal Health Agreement with all the Crown dependencies. This is very much I believe a political move by the U.K. We are obviously trying to resist it for 2 reasons; one reason is financial but the other reason is because it is just another chipping away of our relationship with the U.K. which obviously we are not too keen on. We as an Island have a very close relationship with the U.K. This is my personal view. When you look at the way Jersey has been treated differently to Bermuda, for example, on university funding it is just another chipping away. We are in negotiations. We are working very closely with the Chief Minister’s Department on this. There is very little else I can say at the moment but I did speak to the Deputy very briefly about it yesterday. New Directions. We are kicking off very shortly the Health for Life Strategy which is the first part of trying to make people have a conscious look at their lifestyle, the way they eat, the way they exercise and so on and so forth. Having said that, we have also done some work in the schools. We are looking at making the school meals healthier. We are working with the Education Department. There is a healthy schools initiative going forward. There is still work to be done. I did pay a visit to a canteen of one school - I will not name it - but there were slightly too many chips and too many cans of Coke lying round the canteen. The management structure and implementation plan - and Deputy Ferguson also touched upon this - within Health and Social Services we are treating these in 2 slightly different ways. Within Health it is very much a softly, softly approach where we are looking at positions to see whether we have got duplication in any area. We are also utilising the reorganisation of the wards and so on and so forth to look at staff levels. Within Social Services there is a little work to be done. Senator Perchard has been working very closely with the department on this. We should be in a position over the next few months to come forward to the Assembly or at least to all States Members with a sort of scoping document on how Social Services will be structured going forward but there will be changes with regard the structure because at the moment there are areas - and there is certainly within the Children’s Executive - that lack accountability of a single Minister. As a result of that no one takes responsibility when things go wrong. Greenfields. Again Williamson had concerns with the Children’s Executive - Greenfields under the Youth Action Team - that the line of accountability was not there. Again this will be addressed very much in the scoping document which will be coming forward in the next couple of months. I sort of joked about it yesterday the fact that

Senator Perchard and I were not going to get caught up in elections and States sittings, but it is going to be a very useful time for us because the work has to be done and it has to be done in the next couple of months. It is not something that we can let slip because it is too important to do that. We are working very closely with the Deputy of St. John on a new licensing law. It is trying to weigh up the balance because we do not want to turn the whole Island into Methodists, teetotals or whatever as perhaps some health people who advised us would like. It is trying to find a balance with regard the licensing law because there is very much still a social aspect to drinking. It is trying to find that balance. We are working also with the Economic Development Department on that. M.M.R. There was I would say a media frenzy about M.M.R. a number of years ago and whether it is safe or not. I think the person behind the frenzy was largely discredited but there is still doubt in some people's minds, which is why the take up is slightly lower than we would expect. We spoke about it at Health last week because there is quite a large measles outbreak in London which was partly attributed to the fact that people had not been inoculating their children as they should. The perceived wisdom of the medical community is still very much that the triple vaccine is the most effective. We will be pushing ahead on that. What is quite nice is the coverage is increasing after hitting a low point at the height of the frenzy. So we are making progress there. The H.P.V. vaccine, this is a vaccine that the U.S. (United States) Government has introduced, the U.K. Government has introduced and many other governments have also introduced. Obviously none of them spoke to Deputy Baudains before they did so. It is a fairly new vaccine. There are 2 companies producing it. These vaccines go through years and years of trials. It is proven to be a positive benefit with regard to cervical cancer. The only criticism we have had with regard its implementation is why have we not done it sooner. We are very pleased to be rolling that out to 13 year-olds. The question of why 13 year-olds is because you have to catch the client before they become sexually active for the vaccine to work most efficiently. I would like to thank Deputy Fox for his support, not only for what he said in this debate but also the support of the Education Department. Deputy Ferguson has been asking for an updated copy of an organisational chart for many months. The organisational chart should include all the changes I believe with regards the Children's Executive and Alliance and so on and so forth. I think I should really make a commitment to make sure she has that before the end of the life of this Assembly. The Deputy of St. Martin: prostate cancer. A very, very important issue that has certainly been raised in the consciousness of people over the last 6 or 8 months; if I am totally honest more due to the work of people like Deputy Hill and some colleagues of his who have been working very hard in this area. We do need to raise the profile even higher. We do not have a screening test that is totally accurate at the moment. There are hopes that one will become available within the next 2 years. Obviously if a reliable screening test does become available we will introduce it, but at the moment we do not have one so it is a case of just raising the knowledge and educating people about prostate cancer and the dangers of prostate cancer. We are obviously delighted to meet with the Deputy on a regular basis to discuss this. He mentioned about well men clinics. I am a little bit disappointed that there are not more well men clinics over here or something of a similar nature especially as there was a scheme at the hospital many years ago - which I used to attend myself - just to make sure that you were healthy and so on and so forth. We have been in talks with a private operator about setting up over here. I will chase up on that because we had some very interesting and enthusiastic meetings and then it went a little bit quiet. We sent them off to have a word with Regulation of Undertakings and they never came back but we will chase up on that one. Sexual health strategy. Our relationship with Brook has improved considerably over the last 12 months. There were certain tensions - I think it would be fair to say - to start with. They are working now more closely with the department. I think they could work even more closely if I am totally honest but it seems to be working better and as long as we keep getting better. It is a very, very important area. Brook is a very important part of the sexual health strategy because young adults can go there with confidence. We are pleased at the way that is developing. With regard to the Williamson Report, a scoping document is being produced. We have a very senior person at Health and Social Services working on making sure that we can pull everything together in a timely manner. This is

not a small change. We are not fiddling about at the edges. This is a big change and we have to get it right. It is not only important from Jersey's point of view but obviously it is important because going forward the eyes of the world are still on us because of what has happened and we have to get it right. I would just like to use this opportunity to thank all the staff at Social Services for their hard work over this exceedingly difficult period [**Approbation**] and just say to them just keep hanging in there. Ignore what you read in the media. You are doing a very, very good job. What happened in the past happened in the past. Today we have a very good service and some very good workers [**Approbation**]. The Deputy of St. John mentioned about health promotion. As I said, we are working with healthy schools in an accreditation. In fact, in the summer I turned up at one of the parks to present an award to one of the schools about healthy eating and recognition. It was 5 and 6 and 7 year-olds. They all did yoga before the lessons and so on and so forth. It was quite nice and made me feel totally unfit but there you go. The health for life strategy is in the process of being launched. We have a very enthusiastic Medical Officer of Health and her team. They have a very difficult job to do because people unfortunately are getting a little bit larger. It is just trying to make sure that we can take the public along with us. I do not think we will get anywhere if we start preaching to the public. We have to very much take the public along with us. With regard to the cost of dentistry, this is something that again will come into the New Directions strategy but it will also come into the use of the House Insurance Fund which is a liaison project with the Social Security Department. Again on the licensing law I would like to thank the Deputy of St. John for his hard work on the licensing law because he sat in the middle. On one side he has had the "let us drink 24 hours a day" crowd and on the other side he has had "let us not drink at all and let us not let anyone else drink" crowd. It is a difficult line to go through. The Deputy of Trinity mentioned about sexual health strategy and she also mentioned A.C.E.T., the AIDS charity. For the first time this year they have received funding from Health and Social Services. When Senator Perchard and I took office they were not receiving funding and the relationship with the department was not the best. It has improved considerably. Again what we are doing with Brook in other areas, we are trying to move forward on that. Care home consultation, as Members will know, we have been out for consultation on the care homes. We are looking at bringing in laws. There is a lack of rigorous inspection of care homes. There is a lot of work to be done in this area. A new law should be with the new Assembly in the New Year. We have also been making sure that we speak to all the interested bodies on that through the consultation process. Also we are looking to make sure that at the moment our own public sector do not require inspection. We have been talking to Guernsey and we are also looking at the U.K. to get independent inspection. It is very important that we have independent inspection of everything we do [**Approbation**]. Deputy Breckon mentioned about New Directions. When we took office we had a New Directions framework that had not been costed and obviously you cannot bring to the States something if you do not know the cost of it. We have done the costings to it but now we need to break it down into pieces because it covers not just health but also many other departments with regard to education, social security and so on and so forth. There is a lot of cross-departmental work to be done. We have decided to put it off a month or 2 ago simply because there was more work to be done but also because we were coming towards the end of a 3-year term within the parliament. We felt that it was something that we need to launch with the new Members in the New Year and the new Ministers, whoever they may be, of the various departments. Long-term care of the elderly. I would like to take this opportunity of thanking Scrutiny for launching their review of this very important topic. It is one that with all fairness Deputy Breckon has been crusading for a very long time. I think it is about time we stopped talking and put into place something so that people do not lose their homes and do not lose what they wish to pass on to their children [**Approbation**]. This is something that I feel as a House we need to give a commitment that this will be done in the next period of parliament. He also mentioned about the liaison with Planning. Again this is greatly approved. Also the liaison with the Housing Department as well where we have a number of clients living within the community in housing properties. Again there used to be a case of where the developers would build care homes or build residential homes without discovering whether there was a demand or requirement on the

Island. Now if someone says, “We will build you a housing set and we will give you a nursing home”, Planning make sure that they write to our department and get a letter from us to confirm that there is a need for that type of care before they go and give the planning consent. There is a greater understanding there. Deputy Lewis mentioned about smoking and drinking and underage and so on and so forth. Again the new licensing law, we are looking at all sorts of measures to make alcohol less accessible to those underage. The smoking strategy has been very successful but there is more we can do. We are introducing the pictures on the smoking packets. We are also looking to perhaps ban the sale of these very small packets of cigarettes where you can just buy a few cigarettes at a time because these tend to be prevalent with the kids that do not have a great deal of cash. I would like to take this opportunity to thank Deputy Scott Warren who has been very supportive of Health and Social Services since Senator Perchard and I took office. There are shortages in special needs without a doubt with the recruitment of staff. In fact we have recruitment problems right across the whole social spectrum. This is not due to financial shortcomings. It is very much a recruitment problem. We are hoping that the re-launch through the *Williamson Report* and so on and so forth might bring a new feeling and a new freshness to the department and solve some of these problems. Deputy Power gave thanks to the department for getting him fit so quickly. I am not sure if some of his parishioners will be quite so thankful when he is fit enough to stand again. But I thank him very much for that and the Constable of St. Peter. I would just like to say something on this. Quite often we have a good news story at Health and Social Services and the T.V. or media phone me up and say, “Will you come on and speak about this?” I tend to direct them to the people who are responsible for the good news story because it is very much down to the staff. It is very easy as a politician to take all the credit for the hard work of the staff under you but it is the staff that are doing all the work. I sometimes feel like a fraud if I am standing and taking the credit for something I have had absolutely nothing to do with. We do have some excellent staff. I do occasionally receive the odd complaint but the amount of praise I receive far, far outweighs the number of complaints. The Constable of St. Peter mentioned about the liaison with the architects. Yes, obviously I have been up to the premises up at Overdale without the lifts and the ramp up the sides so that the patients get soaking wet if it is raining. I am not quite sure what went through the minds of the architects when that was designed. Certainly you can make a mistake once but you have to make sure you learn from it. I am pretty certain that that will not happen again. With regard to the future of the Overdale site, we gave a commitment at the very beginning that Overdale would always stay within the Health and Social Services remit because it is such a fantastic site. We did do a short presentation to the scrutiny panel to outline our long-term plans for Overdale. There is still concern. It does not matter how many times you tell the general public that Overdale is going to stay in Health, there are always people with concerns. On the back of that I think it is probably about time that Senator Perchard and I got out there and publicised the long term plans for Overdale in a more open manner so people can see exactly what we are going to do up there because if they see it then they will not just have to take the word of a politician. Deputy Le Claire, finally, smoking in playgrounds. We have been in correspondence with the Constable of St. Helier on this issue. We as a department have no plans to bring in yet more legislation to outlaw smoking within playgrounds because it is within the parishes’ powers to put up signs and ban smoking within the playgrounds under existing legislation. I would just hope that the Deputy works with the Constable of St. Helier in order to achieve this in the not too distant future. I think it would be worthwhile to do that but I would be a little bit hesitant to have yet more legislation go through the Assembly.

Deputy P.V.F. Le Claire:

While as a Deputy of St. Helier I can lobby quite strongly for the concerns of St. Helier and the parish of St. Helier through the Constable, as a Deputy for St. Helier I cannot necessarily go and start knocking on the doors as ably as the Minister for Health and Social Services for the other parishes where playgrounds exist.

Senator B.E. Shenton:

I think this is one of those cases where you will probably get a domino effect. I think if St. Helier banned smoking in all its playgrounds, I think the other parishes will follow suit fairly quickly, to be honest with you.

Connétable M.K. Jackson of St. Brelade:

I think really the Senatgor's comments should be directed towards the Education Department because certainly most of the other parishes have not got responsibility for playgrounds at all.

Senator B.E. Shenton:

I take that on board. I will raise it with the Minister for Education, Sport and Culture. With that, I would like to put forward the Health and Social Services Business Plan, Sir.

The Deputy Bailiff:

Very well. The matter before the Assembly is paragraph (a)(iv), the Objectives of the Health and Social Services Department. The objectives are adopted.

4. Annual Business Plan 2009 (P.113/2008): Objectives of the Home Affairs Department

The Deputy Bailiff:

We come next to (a)(v), the Objectives of the Home Affairs Department.

4.1 Senator W. Kinnard (The Minister for Home Affairs):

The revenue budget for Home Affairs in 2009 is £45 million and 80 per cent of our budget is staff. I would like to pay tribute to them; to all the men and women who work with such dedication in achieving the department's objectives. There are some factors which have given rise to funding pressures in the Home Affairs area and, in particular, the full implementation of improvements at the prison will require additional funding. The department will be receiving additional funding over the period as a result of the resource allocation process. If Members wish to turn to the department's key objectives on pages 22 and 23 of the Business Plan, I will draw their attention to the very important overall objective for the department which is to work towards a safe, just and equitable society. We will continue to deliver improvements in public safety, protection and security by providing around-the-clock response to calls for assistance and by addressing particular areas of concern. Funding has been allocated to deliver a sex offenders law in 2009 and to provide for the setting up of a vetting and barring scheme. In addition, the annual policing plan identifies where resources are to be focused to deliver tangible improvements in community safety and public confidence in the services will be measured through regular public surveys. This information will continue to be used to further inform policy and service delivery in 2009 and beyond. Policing of offences that pose the greatest threat to our community's safety will be addressed through effective anti-smuggling controls designed to disrupt the availability of illegal drugs in the Island and through the policing of offending behaviours including repeat offending, street violence and anti-social behaviour. These will be measured against previous year standards and against the 3-year average to further deliver the downward trend in overall crime we have achieved over the past 3 years. These actions will be underpinned by implementing key policies such as the highly successful Building a Safer Society and the criminal justice policy. Our efforts to protect the public through reducing re-offending will again be particularly concentrated upon the prison and its ability to contribute to this important task through sentence planning and resettlement, improved facilities and assistance to prisoners to integrate back into society. From 2009 the prison base budget will be increased by £1.5 million. At Objective 5, frontier protection is essential for the Island's security and economic integrity and the confident business environment we enjoy. This must be achieved through the maintenance of controls at the Island's ports of entry. Some of the funding pressures on Customs and Immigration have been recognised with additional funds of £250,000 in 2009. While I have drawn out a few examples by way of illustration of the objectives, other service areas will continue to meet the department's objectives and we will play our full part in our contribution

to efficiency savings. I am also grateful to the input of the Education and Home Affairs Scrutiny Panel in helping us to finesse our department's objectives for 2009. I propose the objectives.

The Deputy Bailiff:

Are they seconded? [**Seconded**]

4.2 Deputy P.V.F. Le Claire:

Could the Minister please update us as to what is happening in relation to the Criminal Injuries Compensation Scheme? Is it still coming out of the Home Affairs' budget? Is it still part of the Home Affairs remit? Does she agree with me that the recent case highlighted in the report by the oversight of this fund highlighted - I mentioned it before - the individual's compensation for having his life destroyed was derisory and the awarding officers lamented the ceiling that had been kept for this individual recognising that he would have to go through the rest of his life with a diminished quality of life? Has something been done about this? Has the ceiling been raised? Has more money been apportioned? Has that been stripped out of the Home Affairs budget? Is it really right for the Home Affairs budget to be targeted in this way or should it not be a set aside scheme that is provided from the central resources?

4.3 Deputy K.C. Lewis:

I am delighted that the Minister is bringing forward the Sex Offenders Register which should be with us in the not too distant future. Also public safety and perception of safety in St. Helier at night has improved. I am delighted for that. I have a question regarding the Royal Engineer Squadron prepared to deliver individual reinforcements or a formed group to support U.K. operations. Will the number be the same, increased or decreased of troops going out to Iraq and Afghanistan? I would just like to also point out that in my 3 years in the States most of my questions and points and comments have been aimed at Home Affairs. I hope the Minister sees them as constructive comments.

4.4 Deputy J.B. Fox:

The Home Affairs Department in all its responsibilities has gone through some very testing times and has moved great strengths in improving in many areas that have been challenging to them. But first of all I think that it is very important that we think about our Royal Engineer Squadron that has been contributing to the British armed forces out in Iraq and Afghanistan and places like that. We should say thank you to them for their commitment as part of our international commitment to the U.K.'s defence. I think that it is very important that we remember that one [**Approbation**]. I suppose as a retired policeman it would be remiss of me not to just bring a couple of points. Design against Crimes, Kill by Design are areas that are just about to go national both in government and police service terms. Crime impact assessments similar to what we have in things like the environment traffic, et cetera, will come to the fore in designing it out through our designs. It is an area that we particularly need to take up now because by the end of the month we will have lost a very significant opportunity with the review of our Island plan so it is something I would seek for the Minister to ensure. I have already spoken with relevant Ministers in relation to planning and officers in the need to make sure that we are fully updated. Obviously I know that the Minister will support this, as will the Chief of Police and others. But there is one question that I really should ask before the Minister retires and that is in relation to that we still have common law larceny which is based on the 1916 Larceny Act. Although we have nothing to do with it, we seem to have based it on over the years but bearing in mind that I have been retired for 10 years. I think we have had about 4 Thefts Acts since then; since 1968, 1971 and I have lost count of the one subsequently. Where are we on this? I know that we did not have offences like to obtain fraud by various means but I gather that we have stated cases from the Attorney General that have alleviated us of some of the pressures that might otherwise be a necessity. I think it is about time that with all the legislation that the Minister is bringing forward especially on the social aspects and covering the I.M.F.

(International Monetary Fund), et cetera, I think this is one that seems to have been left in the wilderness. I just wonder when we are going to be looking at that again. I think most of the other areas will be brought up by other speakers so I think I will leave it there. Thanks to all the staff in the various sections of the Home Affairs Committee. They do a sterling job. They have had very trying times at times - sometimes internally - but that is the very nature of the department being at the front line so they should be congratulated.

4.5 Deputy S.C. Ferguson:

The Minister will be aware that the Chief Officer of Police is not an accounting officer and, therefore, has no legal accountability for his budget. How does the Minister expect to achieve Objective 8 without this? Furthermore, we are told that the customs and police units of the Intelligence Unit are still housed in separate offices. When does the Minister expect the previous sharing of offices to be reinstated? If this is the case, is it really the most efficient use of resources to run 2 separate offices? Is the sharing of offices really the most efficient use of resources? There is a small point that the Audit Department of the police does not report into the Chief Internal Auditor, which it should. How does the Minister in all these objectives - particularly Objective 8 - intend to address that?

4.6 Deputy C.J. Scott Warren:

I will be speaking under Objective 3. I am extremely pleased that at long last the prison will be receiving more realistic funding. I just wondered if the Minister could give 2 updates to Members; one is regarding the situation of young people in their teens going to prison, particularly the women's wing and teenage girls. I presume teenage girls may still be placed in the women's wing of the prison. Also I wanted to ask whether there is any measurable success rate yet regarding the rehabilitation of offenders with the improved measures?

4.7 The Deputy of St. Martin:

I would like to draw the Minister's attention to Objective 1. I would certainly like to join in with those who have congratulated the police, et cetera, on the work they do. I know they have a difficult job and they do a good job well. But I am concerned about the high levels of public confidence in the service that is provided by Home Affairs Department that that is maintained. What I would like to draw the Minister's attention to are those people who are arrested but are not charged. There are a number of occasions that people are brought in for questioning for all sorts of reasons and they are not charged. It may well be because there is insufficient evidence, et cetera, but it does not mean to say they are guilty any more than they are innocent simply because there is not sufficient to charge. What I am concerned about - and it was a question I raised 2 or 3 times through Question Times and I never really got a satisfactory answer - is what steps are there at Rouge Bouillon? Indeed, possibly I cannot ask about the public parish halls, but the same thing, just to allay a sense of grievance for those people who are brought into custody and are not charged. I think it is very important that people who are brought into police stations are seen to be treated fairly and it is explained to them afterwards, you know: "We are sorry we brought you in but you understand why." I think those little steps are so important because they do inspire public confidence and we must not always think about the people who generally have no involvement at all with police. It is the way police deal with the public, particularly when they are brought in for questioning. That will raise me to Objective 3: as I said before, I would very much welcome a lay visiting scheme. No doubt it will not be in this Minister's time but I am laying a marker for future Ministers for Home Affairs that I will be looking to see the introduction of a lay visiting scheme. I would like then to draw the Minister's attention to Objective 4, and it is a pity that Deputy Fox is not in these Chambers at the moment but I know he would support what I am saying about prevention being very, very important. I would like to ask what sort of steps are being taken by the Fire Service, particularly as we have had the problem at Broadlands where a fire spread very, very quickly. I am not going to go too deep into the ins and outs of it and who was responsible, et

cetera, but it would appear that it was very much like a tinderbox and it did not take long for the whole place to spread. I understand it was a registered lodging house and what I would like to know - it is just as well the Minister for Housing has come in as well because he may well be able to come back on this one himself - is what steps are taken by the Fire Service in ensuring that all houses, all properties which are registered as lodging houses are actually checked regularly? Are there any sorts of forms that have to be filled in, boxes ticked, et cetera, to ensure that they have met the satisfaction of the Fire Service and, more importantly, that there is a regular check on these registered lodging houses?

4.8 Deputy R.G. Le Hérisier:

I have been beaten to the post by the Deputy of St. Martin on a couple of issues. I want to see if the Minister could outline the numbers under Objective 3 to the success rate; from what success rate are we moving, number wise, and to what success rate do we seek to move, number wise? I did not get the answer, despite a comprehensive set of answers from the Minister for Health and Social Services about the issues of these young people who fall through the cracks, as to whether or not they are, indeed, going to go to Greenfields as convicted young adults. Could the Minister tell us where those negotiations, which have been interminable, are at the moment? I would support the Deputy of St. Martin on this issue, which I raised also, of dramatic early morning arrests which we were told are sometimes necessary because of the element of surprise. But they can do an awful lot of harm to individuals on a small Island, as we well know, unless they are very carefully handled and there is real cause for such arrests to take place. I would like the Minister to talk about how she followed up this issue when it was raised in the States, as well as the Deputy of St. Martin's concern about no charge. The last point is the lay visitor's scheme. This has been going on for years and years without any real result. We were told at one point it depended on the provision of a new police station. Where is the Minister at with this idea and is there any hope that this can be implemented in the foreseeable future?

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

The aim of the Home Affairs Department is to work towards a safe, just and equitable society and it is in the context of justice that I wanted to say just a few words. There are in essence 3 pillars to providing justice in criminal cases and I thought it might be helpful to say a few words about them. The first of them, of course, is the police, which have the responsibility of preventing and arresting crime and to have, of course, the duty to investigate fairly, which I am sure they do. The second is the prosecution, which has the responsibility for deciding whether to charge and, if so, for what; for presenting the cases in court because it has taken decisions on whether to charge and for what, and before presenting the cases in court it is inevitable that prosecution lawyers will be advising the police in connection with those cases as the investigation proceeds. Finally, the judiciary are responsible for holding the reins of justice in court to ensure that there is a fair trial or hearing at that time. That structure of criminal justice provides for checks and balances which between them ensure that justice is done. It is inevitable that because there are 3 different agencies, the police, the prosecution and the judiciary, with their different functions to perform that from time to time the possibility of tension between those agencies may arise. But I say to Members that when that does arise, it does not show the system is breaking down, it shows quite the opposite. It shows that the checks and balances are working properly. I am pleased to reassure the Assembly and the Minister that the relationship between the police and the prosecution is very good, each recognising the need for both to work together and the need to maintain their own operational independence in performing the functions which they do. The second matter which I wished to touch upon briefly was Objective 6, which is the Financial Crimes Investigation Service and, in particular, the need for the Joint Financial Crimes Unit. It is absolutely essential that that unit is staffed and maintained adequately to fulfil its functions. The Joint Financial Crimes Unit is primarily an intelligence gathering and intelligence dissemination service. We are required to have a financial investigation unit, what we call the Joint Financial Crimes Unit, by the Financial Action Task Force

recommendations, and it is without a doubt one of the absolutely essential services that we must provide and it must be adequately staffed. The unit works very closely and very satisfactorily with my department in the conduct of serious fraud investigations, and I just mention some in case it should be of interest to Members. In connection with the Abacha frauds in Nigeria; that approximately £170 million, so far, has been returned to the Government of Nigeria arising from those frauds. Secondly, we have had 3 really very major money laundering cases in the last 4 or 5 years which have resulted in convictions upheld in the Court of Appeal. Much of that is down to the very close liaison between the Joint Financial Crimes Unit and my own lawyers. The last thing I wish to say in relation to the Home Affairs Department and the aims of the Business Plan is that there is a need for close policy contact between the Minister for Home Affairs and the Attorney General insofar as the delivery of criminal justice is concerned and I just wish to take the opportunity of congratulating the Minister on her care and attention to the need for that co-operation.

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

Following up the remarks of the Attorney General it is apposite perhaps because I was going to speak on these 2 issues myself. First of all, the Financial Crimes Unit. Certainly in the past 12 months I believe that many of the most experienced officers have left and moved over to the Financial Services Commission. I wondered how recruitment was going for their replacement and whether that was prioritised in the coming year, or years, to make sure that the Financial Crimes Unit is kept fully staffed because I am aware there have been problems in the past, I think. Secondly, in the light of what the A.G. (Attorney General) was saying about the separate roles of the police and the prosecution, I wondered whether he has thought that in the coming year there will be opportunity to examine in detail the potential overlap, the potential conflict in the A.G.'s role in his being head of the Honorary Police and also head of the Prosecution Service. There is an overlap there and the potential conflict that exists I believe still needs examination, and whether she is considering initiating such an investigation in the coming year.

The Deputy Bailiff:

I call upon the Minister to reply.

4.11 Senator W. Kinnard:

Deputy Le Claire asked me a question in relation to the Criminal Injuries Compensation Scheme and whether or not it was still within the Home Affairs budget. The C. & A.G. (Comptroller and Auditor General) and external audit agree that the scheme should not be part of the Home Affairs budget any longer. In fact, from 2009 the scheme is going to be funded from outside of the Home Affairs cash limit. We are awaiting a decision from the Treasurer to the formal arrangements for it but at this point the maximum limits have not been reviewed because of the difficulties of maintaining it within our budget and the stresses on the budget. But, of course, at the point that it is outwith the budget of Home Affairs, it seems to me that that would be an appropriate moment for the maximum limits to be reviewed should Members wish to support an increase in those maximum limits in the future.

Deputy P.V.F. Le Claire:

Is the Minister able to tell us how we would proceed to recommend the uplifting of that limit? How would that be done exactly, please?

Senator W. Kinnard:

It would be a matter of, I think, persuading either the new Council of Ministers or bring a proposition to the House in the normal way. The scheme was set up by a proposition to the States of Jersey and it would be a matter of amending the scheme by that means, I believe. Deputy Lewis welcomed the - hopefully soon - introduction of the Sex Offenders law. He also made very positive comments about the Jersey Field Squadron, which indeed I very much endorse, for the huge effort

that they have put into, on our behalf, the war going on in Afghanistan and elsewhere. He also asked whether the numbers were going to be likely to be significantly different going out to these arenas of war. It looks in the future that there might be slightly fewer going than we have had in the recent past and the result of that, in fact, for us, from the Home Affairs perspective in terms of the budget, is that that may well mean that the budget is more strained with the likelihood of more of the members of the Field Squadron being in the Island. It is a sort of budgeting complication. That is obviously being looked at in terms of the inter-governmental agreement and we are in discussions with the Ministry of Defence over that to try and get some certainty to the budget for the future and those discussions are going very well indeed. Deputy Fox again made very positive comments about the Jersey Field Squadron, with which, again, I entirely agree, and also he congratulated the staff of the Home Affairs Department on some of the difficult tasks that they have had to deal with in the last few years. Again, I completely reiterate his sentiments there. The Deputy is very keen on Design Against Crime from his previous life and, indeed, I share many of his ideas in this area. I would say that the States of Jersey Police certainly work closely with their colleagues in the Planning Department, particularly in the area of what is going to be happening down on the waterfront. I know that there has been very close discussions about how crime can best be designed out in the design of buildings and the way in which that area is going to be developed. He also asked a particular question about the offence of larceny as to why indeed we still have it as an offence in Jersey. It is one of those strange things that I am often asked about what does "larceny" mean and why do we not have a "theft" act. I have to say that I have never had any particular pressure brought to me from either the States of Jersey Police or the Attorney General to change that law, so I am not in any particular hurry to do so but, no doubt, that might be something that the new Minister for Home Affairs might consider in the future. I was asked by Deputy Ferguson about the arrangements for the accounting officers in terms of Objective 8. I would say that the Home Affairs Department is the only department with 2 chief officers and they are both members of the Corporate Management Board, but there is one accounting officer. The chief officer of Police gives an annual assurance to the accounting officer in order that he can sign off the statement on internal controls for the annual accounts and financial advice for the States of Jersey Police is provided by the Home Affairs finance team. That is how we deal with that. She also asked a further question about the Audit Department of the States of Jersey Police. Within the police there is a police officer who is responsible for looking at processes, policies and procedures but he is not a member of the internal audit team; he is, in fact, part of the States of Jersey Police establishment, carrying out an internal role. So the post holder does, in fact, liaise with the Home Affairs finance team centrally on a regular basis. The Deputy also asked about why we have the Customs and Police operating in separate buildings at the present time. That was an intention because with the introduction of G.S.T. (Goods and Services Tax) and the responsibilities given to Customs for the collection of that it made absolute sense that the staff (that were given to Home Affairs to implement the G.S.T. provisions) would be accommodated in their own separate suite and it made sense then to move the intelligence side that had previously been at Police headquarters, also down to Customs because the provision of the building and the suite that was available even at the Police was becoming overcrowded. With modern communication and the daily contact and regular meetings everything seems to be working well. The communication is working extremely successfully. So we see that as being a great improvement. Deputy Scott Warren asked about young girls and whether or not young offenders are still accommodated in the female wing. Well, of course, Members must remember that in the past the female wing at the prison was, in fact, a dormitory and the conditions were absolutely appalling. We have a completely new building for the women now, accommodated with appropriate facilities, with in-cell sanitation and so on. It is on occasion that we do have young teenage girls who are sent up to La Moye and it is the case that they are accommodated in the wing which accommodates the adult females. The reason for this is that it would be both, I believe, not cost effective to try and provide accommodation for one or 2 young females we might have from time to time, but it would also potentially be against their human rights. If that were the case we could end up with a situation

where an individual female (quite often there is only one, perhaps, young girl) would have to be accommodated in isolation and that, in many ways, could be considered inhumane in terms of the conditions that she would be kept in. So that issue is also connected with the other issue that Members have mentioned with Greenfields and where we are with that - perhaps I might go on to that one. Members are well aware that I have always felt that it is not appropriate to accommodate young people under 18 at La Moye and I have always felt that they should be accommodated at the Greenfields site. This has been an ongoing matter among the Corporate Parent and, indeed, we have had the benefit of the *Williamson* review and fairly soon, I think, we are about to have the benefit of the review carried out by the Howard League. We know that *Williamson* recommends that young people under 16 should not be accommodated at La Moye, but this is a matter that is going to be discussed further and, indeed, we are still awaiting the outcome of the review of the Howard League before any final decision will be made by the Corporate Parent. I suspect it may happen after I have left. Deputy Hill asked me about the level of public confidence in Police Services, and services in Home Affairs generally. We do regularly sample this. In fact, in the way we operate we have usually a section on a number of public satisfaction surveys and we also regularly, as part of our quarterly release from the police to Members and the public, have usually a section on public satisfaction on the quality of service and the most regular ones that show satisfaction with police call handling. For example, the overall satisfaction rate was 97 per cent. The satisfaction rate with the service from officers at the scene was an overall satisfaction rate of 95 per cent.

Deputy G.P. Southern:

Might I ask a point of clarification? In terms of the level of satisfaction, does she have any figures relating to the level of satisfaction among young people, because that is a particular conflict point?

Senator W. Kinnard:

I do not have those with me but it is something I could certainly provide for the Deputy and it is certainly something that I keep a bit of an eye on, particularly as we are very much involved in things like the Safety in St. Helier project, which is much more community based. We have also checks and balances on levels of satisfaction coming from other areas. We also put questions into the independent Jersey Annual Social Survey on this matter and repeatedly the levels of satisfaction with the services offered by Home Affairs is incredibly high. Deputy Hill also asked particular questions about the issue of whether or not those that are arrested and not charged should in some way be apologised to, or whatever. I think this is a very difficult area. My concern is that whoever is arrested and charged should be treated fairly and should be treated according to Code C, (Police Procedure and Criminal Act 2003; Detention, Treatment and Questioning), which indeed they are. I believe that early morning arrests do happen but the vast majority of arrests happen when people are invited to attend the police station. Certainly I am not aware of it becoming a big issue from my perspective. I would also say that we also have to balance with that the views of the victims in the sense of the grievance they may feel when a complaint has been made and yet a person - probably quite rightly - has not been charged.

Deputy R.G. Le Hérisier:

I wonder if I could ask the Minister what her definition of the word “invited” is.

Senator W. Kinnard:

I do not really think that is a question particularly for me to answer. The lay visiting scheme I have been asked about by 2 Members. Certainly I am very hopeful. One of the roles that I envisage for the Police Authority would be that that would be something that they could perhaps consider taking on as well as part of their remit. I think that once we are able to get a Police Authority up and running I think that that would be actually a very useful remit for them to have. So I am hopeful about that one. Objective 4 I was asked about; prevention being very important in terms of the Fire

Service and what were we doing in particular there. There is a lot of work that is done on terms of prevention of fire. The Fire and Rescue Service spends a lot of time going round to schools and round to properties and so on advising on how to prevent fires. I was specifically asked about what we were doing about the Broadlands fire and what lessons had been learned from that. There is a legislative review that is being undertaken at the moment because following the Broadlands fire we did an investigation and it was established that one of the buildings on the site, which was being used to accommodate staff, was not actually registered as a lodging house and this was without the knowledge of the Fire Safety Department. My department believes, irrespective of any other concessions that such properties might have under any other legislation or given by any other department, that the premises themselves should have been registered under the Fire Precautions Regulations. We are obtaining advice on this matter and certainly it would have wider implications for owners of properties because they may be required to install fire safety measures. This is an area I am very concerned about and I have made it absolutely clear that we must get to the bottom of this and not, in my view, put people at risk in future.

Deputy C.H. Egré of St. Peter:

A point of clarification, would the Minister agree that the registered lodging house element was, in fact, checked by the Fire Service in November and it was the staff accommodation, totally separate of the lodging house, that is under investigation?

Senator W. Kinnard:

Yes, I am absolutely happy to clarify that. All lodging houses are looked at and assessed in the appropriate way. This was, if you like, staff accommodation that was outwith that definition. But that has caused me concern. I was also asked about the success rate. What measures of success are we going to put in place in terms of offenders who are going through the prison system and coming out and hopefully being rehabilitated? We do not have any formal measures at the moment, in terms of the Business Plan, but we are developing them so that we will be able to have them for 2010. But, quite clearly, we have just been able to introduce things like better education facilities, the skills tutors, the better provision for sentence planning and so on. We feel that it will take perhaps this year to bed those down a bit but we are certainly looking forward to putting in success criteria for the future. Turning now to the Attorney General, I very much welcome his comments and I agree with him that it is all about checks and balances and tensions between police prosecution and judiciary and in a democracy that is how things should work. I am very grateful to him as well for his comments about the Joint Financial Crimes Unit and the very good relationship that unit has with his department and, indeed, for his comments that he made personally about our working relationship. I have to say that it has been a very interesting time as Minister for Home Affairs, working with my colleagues, and some of the most pleasurable moments, I have to say, in this job has been in my working with the Attorney General and his department. Deputy Southern asked me about the Financial Crimes Unit as well, about recruitment. Yes, to my disappointment we did lose quite a number of senior staff to the private sector and again it shows that it is the private sector that does, unfortunately, pay better for people with these scarce skills. But already we have had some excellent recruitment, people who are going to be going into that department and I have no concerns about ability of the people in that department. It was a bit of a shock to get over losing so many staff at once but I am absolutely convinced that the new staff that are there and the new ones that are about to go into that department are going to be certainly more than up to the task.

Deputy G.P. Southern:

If I may, could I ask if you are currently fully staffed?

Senator W. Kinnard:

Yes, we are. We are currently fully staffed; 17.5 is the establishment and there are 19.5 F.T.E's (full-time equivalent) currently there. Also Deputy Southern asked me whether or not I was going to institute a review of what he considered to be a potential conflict of the Attorney General as head of the Honorary Police and the Prosecution Service. I am not long for this place so the answer is no, I shall not be. I maintain the objectives.

The Deputy Bailiff:

All those in favour of adopting the objectives kindly show. Those against? The objectives are adopted.

5. Annual Business Plan 2009 (P.113/2008): Objectives of the Housing Department

The Deputy Bailiff:

We come next to paragraph (a)(v), the objectives of the Housing Department, and I invite the Minister for Housing to propose them.

5.1 Senator T.J. Le Main (The Minister for Housing):

I would like to propose Housing's key objectives and key success criteria. All our promises are well on course to be achieved. The Housing Department, its staff and our clients have never been better placed to meet the aims and ambitions of this Business Plan for 2009. In fact, I wish to thank all Members who supported our Property Plan. This plan will now and for the next few years provide huge benefits for Jersey and for its people by providing opportunities for home ownership and for our clients and people to have homes that meet today's standards. We are in very good shape and I would like to propose our key objectives in success.

The Deputy Bailiff:

There was due to be an amendment here but, Deputy Southern, I understand that you wish to withdraw it on the basis it is now a matter which has to come under the Social Services Department?

Deputy G.P. Southern:

Yes, Sir, I am in your hands. I am aware that, in fact, my amendment was aimed at the wrong department because the matters it concerned have been taken over by Social Security. Therefore, I am perfectly content to withdraw and await amendment 12 from the Chief Minister which does bring into effect something along the same lines.

The Deputy Bailiff:

Very well, so that amendment is withdrawn so the matter before the Assembly is the objectives of the Housing Department. Does any Member wish to speak?

5.2 The Deputy of St. Martin:

Just 2 points, the Minister always makes reference to his "clients" and I do not see any reference at all to clients but all to tenants. I always thought they were tenants but maybe the Minister would like to tell us really why he considers people now to be clients and not tenants, just an observation. The other point is that I am not quite sure how the system works but a year or so ago we agreed that there would be a sale of the properties that were not required by Housing and I am not sure now whether they are part of Property Holding portfolio or part of Housing, but if they are at Housing I would be grateful if the Minister could tell the House how the sale of houses are going. I do note that there is one for sale in St. Martin at a very high price, and quite rightly, it is a property in a good location. But maybe the Minister could give us an update on how the sales are going, if that is within his remit.

5.3 Deputy C.J. Scott Warren:

Regarding the Business Plan and Housing, I did contact the Minister and had email exchange with the department regarding the fact that in the objectives I could not see anything that mentions an unqualified sector, and I understand that really the legacy of previous business plans will be drawing to conclusions next year. I wanted to ask if we could hear from the Minister about what is happening to gradually reduce, or as soon as possible reduce, the qualification period to 10 years and if there is any more information on this. Also, maybe I am asking the wrong department about the improved planning for unqualified accommodation, but if you could give us some more information regarding the way some people are having to live and still pay high rents and not have very good accommodation, perhaps even, say, bad accommodation. While I support the work that is being done at the Housing Department, I am concerned for those who do not fall within the residential qualifications.

5.4 Deputy A. Breckon:

Just a number of points. In Objective 2 it talks about the supply and demand for property assessed so that there is an adequate supply of homes. I wonder if the Minister could address the issue of affordability, whether that is in the apparently rising rental market or, indeed, affordable for people to buy. Also, if there is any work being done on security of tenure for people who are not in, perhaps, lifetime tenancies or States property or trust property that gives people some security there? I also want to see if the Minister could say how the profile of the population influences anything that might happen. I mean, what age of the population? What occupancy? Do we have a property? Do they have any information on that which affects not just existing but maybe a longer term, a 30-year plan, and how that links in with the review that has been done by Professor Whitehead in the annex that the consultation will be late in 2008? I wonder if the Minister could give any indication of when that may be. The reason I raise those points is that I hope that the Minister can give us a bigger picture of Housing per se as opposed to bits of it and maybe fill in some of the detail.

5.5 Deputy G.P. Southern:

With all these documents it is always fairly vague and I am seeking clarification from the Minister about several matters there. First of all, the Objective 1(5), he talks about the approved “deferred payment” scheme. Can he remind Members how this is made up because we have heard about “shared equity” but “deferred payment” scheme, what does that entail exactly? Then in Objective 2(3) he talks about the Jersey Homebuy gateway and the qualifying parameters established to ensure that need is met. Can he give us an estimated time when he is going to deliver the qualifying parameters because that is obviously a very hot issue at the moment and it will be nice to know when we will know who will qualify for that magic gateway. Then in 2(4) he talks about the continued implementation of the social policy framework. Can he inform Members which aspect of the social policy framework in particular he is responsible for delivering? Then he goes on to talk about: “Success criteria would be recommendations brought forward for debate in relation to changes to rent levels and structures, including a mechanism for regular rent reviews.” Then further on: “Recommendation brought forward in relation to changes in the management operation of the stock.” While I do not want him to supply what those recommendations might be, will he outline to Members what the issues are that those 2 recommendations refer to so that we can understand what sort of work he is going to be doing in the coming year? Again, we have got a third paragraph of Objective 3, Fundamental Review of Social Housing: “Recommendations brought forward for data in relation to changes to facilitate the implementation of a regulatory framework.” Presumably that will include the issues referred to about security of tenure but also whether he is now of a mind to bring forward some rental deposit security scheme in the coming year rather than later, as I believe was originally intended. Then, again, Objective 4, paragraph 4: “The maintenance and further enhancement of service levels through the development of links with external partners.” Service level to deliver what and which external partners? It seems to me it is a lovely statement but I cannot see what that applies to in particular. It is meaningless without some

sort of definition. Then I wish to ask him also whether he will be continuing his policy of maintaining States housing rental levels within 10 per cent of the private sector, whether such levels are currently within 10 per cent of the private sector, because in the past year with house price inflation has come rental inflation at the same time, so they have gone up quite substantially. I believe it was 2006 or 2007 it went up by some 7 per cent. Are we still in the 10 per cent margin or are we likely to see some major increases in rental levels? Finally, and this is a difficult one perhaps and if he cannot give us the answer now perhaps he can give us the answer some time in the future in terms of when he might, could he tell us what the impact is likely to be in 2009 of the changes introduced via the low income support to the sums spent in rent abatement and rent rebate, as was, and is now in the accommodation component?

5.6 Deputy S. Power:

Members will be aware that a majority of the Housing sub-panel recently agreed with the Assembly to support the Homebuy scheme which was approved back in July. I thought it might be of benefit to the Assembly to use this opportunity to ask the Minister for Housing some questions related to Homebuy as the sub-panel has found itself in the position whereby most of the planning obstacles have been cleared, if not all, but there are some issues that we are struggling with on the Housing Department. We had a meeting at lunchtime today to deal with some more of these, but Members may appreciate some of the issues we have been dealing with. My first question raised to the Minister for Housing is related to Objective 2, which is Supply and Demand, subsection 3 of Jersey Homebuy Gateway. My first question is related to establishing the not-for-profit body. I know that the Housing Department, indeed the sub-panel, has seen advice from the Law Officers Department which has suggested that an appropriate mechanism for establishing a not-for-profit body to deliver Jersey Homebuy apparently already exists in the form of a 1962 law which is *loi sur les teneures en fidéicommiss et l'incorporation d'associations*. What it does is it allows the public or the Housing Department or an existing Housing trust or a parish to conduct a transaction in the form of a Homebuy. My question is this: can the Minister for Housing confirm whether his department or whether the law officers who have advised him have clarified and checked this under the Public Finance Law and with the Jersey Financial Services Commission? That is my first question because we simply have not had time to do that. My second question is - has the Minister for Housing finalised the correctness of the Gateway scheme, particularly the eligibility process? Members will be aware that we have these peculiarities in Jersey, which is native versus non-native, and whether that applies to Homebuy; married versus living together; number, age and dependency of children; future divorce and separation issues and, obviously, same sex partnerships where there are children. Finally, can the Minister for Housing perhaps clarify for me and for the Assembly if there are individual pricing issues unique to each house; that is, locations, setting, sensitivity, planning design issues, and will these cause a differentiation in price?

5.7 Deputy R.G. Le Hérissier:

Many of us do admire the energy and drive of the Minister for Housing and I know he finds the Scrutiny Panel a bit of a pain in the proverbial because it tends to get into details which sometimes interferes with this driving energy and I do apologise to him if we do sometimes seem less supportive than perhaps is the case. But I wonder, coming back to the point, could he tell us what success his department is having with reducing arrears? What has been the percentage decline in arrears and how many people are being targeted in this programme at the moment? Is it a reducing number of people, or is it essentially the same number of people whose arrears cannot be reduced or have reached a sort of level where substantial reduction cannot occur any further?

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

I did not vote for the Homebuy scheme but I have been on the working party. Obviously in the last 6 months outside, things have changed. I just wonder if the Minister for Housing, under the Homebuy scheme, and I know he will not repeat Fannie Mae or Freddie Mac. I fully commend

trying to help everybody get that first step on the housing ladder but I do hope that under this scheme people will not be allowed even to buy three-quarters of a house. I still have questions about who will be upfront in the money for the other quarter. But if they really are stretching themselves on a total income of £40,000-£60,000 a year by being allowed to borrow ... if it is outside I think that they would be the cautious people but I do think as government we do not want to be finding ourselves allowing people to borrow up to 8, 9, 10 times their wages. I would just like that reassurance that this will be taken into consideration.

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

I rise just to bat around an old chestnut again. We see from the Minister for Housing's blue pages it does not look as though he has got very much on but when you read into it it is a substantial portion of work. The Minister for Housing obviously is the major social landlord and some of his projects that he has got coming forward are substantial. Certainly within St. Clement he will be continuing to demolish old Le Squez and rebuilding new areas. In the past I struggled to get him to either understand or provide an undertaking that he will take seriously this responsibility to provide not only good quality, energy efficient homes, but also that he will provide sufficient community facilities and space for the people that live in these new developments to be able to have a quality of life outside as well. It is a great responsibility that he and his department have on their shoulders. I hope that perhaps today he might recognise that, yes, this is an area that he needs to take very seriously. It will affect people's lives not only for the next year but for years and years and decades to come. It is something that I feel ... unfortunately he is pretending to play the violin and unfortunately I fear that has been his attitude to my banging of this drum for some years now. But there we are, I will keep trying and hopefully drown out the violin. It is critically important. I fear that in the past we have not really taken this responsibility seriously and I hope that he will put first the idea of social cohesion, social responsibility and social provision above trying to jam in one or 2 more houses, which has been his policy in the past. I hope that he will have more of a listening ear, particularly as we see that under his Objective 2 and success criteria he is aiming to agree the continued implementation of the Social Policy framework and they are fundamental core values within that framework. So I fail to see how he can maintain both positions.

The Bailiff:

I call upon the Minister to reply.

5.10 Senator T.J. Le Main:

I think I will have to get Deputy Gorst back home for tea one night again because I do not know how many times I have to say to the Deputy and I have said it on numerous occasions in this Assembly that the Housing Department at the present time have got something like £100 million worth of work and programmed work for the next 5 years and we have some substantial projects being undertaken and have been completed in the last 12 months. The Deputy has only to remind himself that I have said on several occasions that the work being carried out, particularly around Le Squez and Le Marais, is of the highest quality. In fact, Members will probably have noticed that last week Le Squez Phase IB won an award in the architects design competition and I have said time and time again Phase II is due for the plans for consideration in the next few weeks. I have said that I would be working with the Deputies of St. Clement, the Connétable, the Procureur, whoever, and all the residents to make sure that these projects meet the needs of the community, our tenants, our clients. As I said, I think that if you look at what has been taking place in Le Bénéfice, Le Sellière, Le Marais, all those areas now, the community facilities have been worked upon. We have worked with, as I say, Planning. Planning put some strict considerations on these issues and I am totally on board and I am not sure where Deputy Gorst gets the idea that I have been lacking on that. In fact, I have passed most of this responsibility to my Assistant Minister who is looking particularly at Le Squez with a view to an eco-friendly development of many of the issues. In fact, only recently working with Education we bought an individual property at Le Squez

which will give us a wonderful opportunity to open the school up towards the F.B. Fields (Florence Boot Fields). It is going to really generate an opportunity to the school to have a direct exit on to the F.B. Fields. As I say, I think Deputy Gorst is flogging a dead horse, as far as I am concerned, because I am prepared to work with all Members. If any Members of the Assembly wish to see when we are going to be considering the plans for Phase II of Le Squez, I am very happy for their comments and their views upon it. I have said this many times that I cannot do the job of providing and working with the community on social housing and Housing Department on my own with my Assistant Minister but I seek the help, advice and assistance of all Members of this Assembly. The Deputy of St. Martin wanted to know why we call them clients. Well, I call them clients now because, quite honestly, the word “tenants” in my view may be the appropriate word but I think that in past “tenants” was seen often as second-class citizens that were always berated by many politicians and people and I believe that the people we have are our clients and we must treat them with courtesy when we work with them and we have to treat them with kid gloves as clients. The second issue that the Deputy of St. Martin was talking about was properties. The property is not required to remain in the property portfolio or otherwise; our properties have to be sold on the open market as approved by this Assembly and some have already been sold. I will have to get the current update for the Deputy; I am quite happy to do that. I know that one or 2 are for sale at the moment. It is not the Property Services, it is the Housing Department that retains the capital realised from those properties to maintain and to improve our stock. I am very happy to give the Deputy or other Members any up-to-date details. The issue is, of course, that it will be over a period of many years and many of our clients are living in these properties and we have given them a categorical assurance that no one will be moved if they do not want to move. Unless their family circumstances change they will not be moved, as promised within the Property Plan. Deputy Scott Warren was talking about the unqualified. Well, for the first time ever the unqualified are now in the proposed new Island Plan where the Minister for Planning and Environment is now going to give greater consideration, for the first time ever, for the provision of good unqualified accommodation. I have to say that as the Minister for Housing only this week I was asked for my views on an old commercial property that could be converted for top class or good class unqualified accommodation. Of course, my role as Minister for Housing makes me have to look at all the housing needs of the Island whether they are qualified or unqualified, and I do support new initiatives and new accommodation within the Island. With that much of the old (a) to (h) accommodation that was being unused in places like on top of shops and issues like that we now allow people full time employed by that particular shop or business to be able to use that accommodation because, quite honestly, accommodation was being left all over the Island where the access was through the shop, which made no sense whatsoever. So, there is much more flexibility in being able to grant consent and change of uses. The reduction of housing qualifications was another question asked by Deputy Scott Warren, and I have to say that is something the Assistant Minister and myself are keeping our eyes on but we have to be guided by the Statistics Unit, by the Economic Adviser on the impact of just opening and reducing one goal another year at a time. I will be looking again before the end of the year but it is highly unlikely at this stage with the demand on qualified accommodation and first-time buyers that it may happen. I am not going to give any guarantees. I look at it twice or 3 times a year and I get very good, highly professional advice from my officers, from other departments, Planning, Economic Adviser and

Duncan Gibaut. Deputy Breckon was talking about the affordability, what is affordable homes? Well, as far as I am concerned, we really do need much more land to provide affordable homes and there is now, as I say, an issue in supply. There is a great shortage and the only way to bring back homes in the affordable market is to increase supply and within that supply to make homes that will be perhaps in the Homebuy market, particularly for first-time buyers, and schemes that will allow people to access a home. But at the end of the day, you cannot make them so cheap that you will create a demand that ordinarily would not happen. Security of tenure is the other question. Security of tenure is virtually ready for going out as a Green Paper. The consultation documents

have already been considered. I am a bit disappointed with Deputy Southern who insisted on lodging a proposition on rental deposits. The consultation document was quite clear that it sought to create a debate on that particular point but I am quite clear in my mind that rental deposits will be a recommendation in part of the scheme in early next year. There is no question about it that I have worked on many cases with Deputy Breckon who has been a stalwart in assisting me in being able to recover and assist clients and people that have found themselves in difficulty of the non-return of deposits. So for Deputy Breckon, a vote of thanks for all the work he does. He is very, very keen that if there is a landlord that is playing the fool then he will assist the client to take him to court.

Deputy G.P. Southern:

Can the Minister state whether his rent deposit scheme will apply in the case of rental charges made by the States Department for wear and tear and damage to properties when they are being vacated? There is obviously a cost allocated to them and will they be subject to the fairness test of the scheme?

Senator T.J. Le Main:

I am not sure about that one in the current discussions but if the Deputy would like to drop me an email on it I would be very pleased to put it forward and we will consider that. It is still not too late for any Members of this Assembly to comment on the issues. I will be very happy to accept that and to look at it. As I say, the security of tenure paper Green Paper will be ready very soon and I have extended the time period for that. The issue is that I hope that in January or February the Minister for Housing, whoever he or she may be, will be able to come forward with a report and proposition to clear that point up and that will affect also the ... there will also be some consideration for the unqualified in the recommendations. Deputy Breckon asked me about the age of the population in decisions. I could not quite understand that, but the issue is quite clear that in consideration of demand for all kinds of housing demand, as I say, we work with the Economic Adviser. Age of the population criteria and all that is taken into consideration. I seek advice and get advice from those areas. Deputy Southern, the approved defined repayment scheme on house sales, I presume it is the Le Sellière houses we are selling at the present time and the position is quite clear at the moment that the Homebuy scheme, in selling homes to tenants, the tenant buys 100 per cent of the property at first time buyer value. The homes are valued by 2 independent valuers and are sold; the person buys 100 per cent but 25 per cent is left in abeyance on the property. So they own the property, they do not pay rent on the 25 per cent but the 25 per cent is recoverable when the property is sold on in the future at any time, or inherited, and it is then valued at that time of the sale of the property, the 25 per cent returned back to the States. Now, Deputy Southern also wanted to know, and I think that Deputy Power was basically on the same issue, about the Gateway scheme for home buyers but I am a little surprised Deputy Power asked me these questions. We have got a meeting at lunch time. I have not been part of the working party. The Minister for Planning and Environment, because one or 2 Members in this Assembly showed some concern, asked my opinion and I said: "By all means, if Members want to sit on this little working party to realise the scheme and put it in place and give us the guidelines then I am delighted. I am delighted." There are some issues with this Gateway scheme. There are some issues that need to be resolved. I am advised by my officers they were a little bit disappointed that they did not come back to the officers before calling a meeting because it went in a [consultation] paper. But, anyway, the issue is we have got a meeting at lunchtime and my officers are very confident that the concerns raised by the little working party can be met. One of the main concerns was that the Minister for Housing, whoever they are, he or she, should have the final say. I think that is right. Quite honestly I think that it could be open to ... not abuse, but it could be open to difficulties where everybody knows everyone in the Island and all of a sudden you get a friend or someone that has been approved a property like this, and I think that the Minister for Housing should keep well away. We are quite happy to do the Gateways scheme but there should be a body

or otherwise who perhaps approves or otherwise. Deputy Southern wanted to know what work was to be done with the Professor Whitehead proposals. Professor Whitehead met with the Assistant Minister and myself on Monday this week and the first draft of the policy is ready to go for our consideration. Again, we believe that the Professor Whitehead proposals will be in a Green Paper before this Assembly by the end of the year for consideration early next year. I have mentioned the rental deposit scheme and the service levels by Deputy Southern ...

Deputy C.J. Scott Warren:

When the Minister said that the Homebuy Gateway Scheme, that the money when the property is sold was returned to the States, I wanted to know whether it is returned into the scheme to continue this scheme of purchasing, as I believe that is what happens in the U.K.

Senator T.J. Le Main:

Yes, the money that is returned from the sale of tenants' houses will come back to the Housing pot and it is not decided yet on the Homebuy scheme because the Homebuy scheme predominantly is a planning issue at the moment. The Minister for Planning and Environment has control of that, working with myself at the present time, and I am not absolutely sure on the Homebuy scheme in the private sector where the money will sit, but it is to improve and to further social housing in the Island. That is the aim of it but it has not been finalised. Deputy Southern wanted to know about service levels and what have you. I think that our service levels and our working with the tenants is of the highest order now. We have tenant forums, we have got tenants that work on behalf of the other co-clients and it is something that I seek to improve all the time. I think that the service levels, yes, definitely do need looking at again, improving, but I think they are improving all the time.

Deputy G.P. Southern:

One specific part of the question I asked was development of links with external partners and part of that question was - which external partners?

Senator T.J. Le Main:

The links with external partners, of course, will be taken within Professor Whitehead's deliberations, working with trusts, working with other providers and that. It may very well be that there will be opportunities in the private sector to provide prompt commercial sites and developers which have not happened in the past, and certainly Senator Ozouf and the Minister for Planning and Environment are very, very keen to see some benefit coming out of commercial sites in St. Helier with affordable homes where, in fact, all these (luxury) homes are being constructed. They are all (a) to (h) as it happens at the present time. Some local people call them 'luxury' but there is a request from certainly Senator Ozouf and the Minister for Planning and Environment that we should consider more planning obligations perhaps, or otherwise having some consideration that developers provide a percentage of more affordable housing in the town areas. I support that wholeheartedly. It is a wonderful initiative and I have got to forewarn the developers of this Island that they cannot carry on building, building, building, particularly in the regeneration of St. Helier, without providing some affordable housing that are going to be in the model. **[Approbation]**

Deputy G.P. Southern:

I am somewhat confused by the Minister's answer when he starts talking about development and getting social housing from developers when the question refers to Objective 4, excellent relationships between the department and its tenants. What is the relevance of his answer about making developers contribute to social housing stock to the relationship between the department and its tenants? I do not understand the connection.

Senator T.J. Le Main:

The relationship between the department and the tenants is at an all time high where we have high-rise panels, we have residents that represent other residents and are working with the department. Many of you will know Colin Russell who is doing a great job leading that team and there is a very, very good working relationship and an improving working relationship with all our tenants at the moment. Deputy Southern wanted to see the maintaining of the rental at 10 per cent behind outside rent. Professor Whitehead is looking at all of these, about the rent levels, what they should be, what they should not be, the regulation, whether we should not be regulating ourselves and that will be part of a consideration that the Deputy and others will be able to look at. We are not sure whether we should continue on the basis of increasing rents all the time to below 10 per cent or so; it will put a lot of people into extreme difficulty. So we have particularly asked that question this week about the rents and those particular points that the Deputy is raising. So I am very pleased that the Deputy did raise that point, it is a very valid and concerning point to us at the moment. The impact in 2009 on rent components, this is something that Social Security are working on and the officers are working with Social Security on that particular point at the moment. Deputy Power, well, I do not think I can answer the non-profit body. I have certainly not checked the 1962 law. I did not even know there was a 1962 law. I am sure at lunchtime the question will be raised by Deputy Power at the meeting and that will be asked of the officers. Really the questions he asked are all questions that could be determined at lunch time. The working party will be working on it, and I will thank the working party for putting their names forward, so we can get this Homebuy scheme on the road and going as soon as possible. We have got several hundred people waiting to buy homes in the first time buyer range, something around 800 homes, 800 buyers. Deputy Le Hérisier wanted to know what success in reducing arrears. We have had huge success in reducing arrears, we are well below the U.K. arrears and we have rejigged our department and officers now deal with a specific amount of clients and they are able to deal with those clients on an ongoing basis. I think that each officer deals with about 800, 900 or 1,000 clients and has an ability now to be able to see with the new Saffron system, to see when someone goes into arrears immediately and they can attend to that and assist those clients. But I have to say that the reduction of arrears has been in great part also thanks to the low income and the officers at Employment and Social Security. That has assisted us in that way. Deputy Martin spoke about the Homebuy families excess. It is something that really we would like to make sure that the proper families and the proper people are going to be able to access these homes, and I am sure Deputy Martin will have some say on that and I would hope she does, and other Members. I would like to thank all Members of this Assembly, as I say, who voted for the property plan. It puts the Housing Department in fine shape. We are in excellent financial management shape, the best I can ever remember in all the years I have been in the Assembly. It is thanks to all the help and assistance from many of you. Not all of you have agreed with what we have had to do at times but I see now the success that is coming through with happy clients, with the homes coming on line. Some of you I would urge to go and have a look at Clos du Fort, go and have a look at Le Marais, Le Squez and have a look at the way people are now living and enjoying their homes. As I say, my Assistant Minister has been a valued member, working with the tenants specifically, and she deserves a great thank you. **[Approval]** I would like to thank all of you for assisting me over the past year.

The Deputy Bailiff:

The objectives are adopted.

6. Annual Business Plan 2009 (P.113/2008): Objectives of the Planning and Environment Department

The Deputy Bailiff:

We come next to (a)(vii), the objectives of the Planning and Environment Department, and I invite the Minister to propose them.

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

2009 is a year in which sustainability will lie at the heart of much of what we do, both in the environment division and the planning and building division. We will bring forward a climate change adaptation and mitigation strategy in order to prepare the Island for the challenges ahead, such as rising sea levels and changes in weather patterns. We will work towards the delivery of secure, affordable and sustainable energy through the delivery of the energy policy, including hopefully providing insulation for low income families. We will drive forward the Coastal Zone Management Strategy to ensure our marine coastal environment is managed in a sustainable manner and use the provisions of the Water Resources (Jersey) Law to better protect this most vital resource. Implementation of the Waste (Jersey) Law will help ensure our Island complies with wider environmental obligations. The States veterinary service will help protect agricultural and fisheries by reviewing animal health legalisation and delivering contingency plans in the event of serious animal disease such as avian flu. The Rural Economy Strategy will allow us to support a working countryside in which diversification is supported, land is used in a sustainable way and biodiversity is encouraged. Eco-active and eco-active business will be promoted and developed in order to encourage sensible environmental decision making. We will deliver excellence in architecture and we will drive forward the delivery of more sustainable buildings. Implementation of our new building bylaws will significantly increase the energy policy. The new Island Plan which will be subjected to extensive public consultation will set the framework for development over the next 10 years and help resolve one of our greatest sustainability challenges, how we meet housing need without using green fields and other than in exceptional circumstances no development should take place in green fields. We will drive forward the regeneration of St. Helier through the waterfront development and associated regeneration and protect Jersey's unique character through a review of our historic buildings framework. We propose significantly improving our planning service through a new service level agreement. This will be funded by raising commercial application fees. We will speed up the planning system through developing an online planning system. I commend the objectives to the Assembly.

The Deputy Bailiff:

Are the objectives seconded? [**Seconded**] Then there is an amendment in relation to the objectives, the 11th amendment, part 1, lodged by the Deputy of St. Ouen.

7. Annual Business Plan 2009 (P.113/2008): eleventh amendment (P.113/2008 Amd. (11))

The Greffier of the States:

(1) page 2, paragraph (a), in paragraph (a)(vii) after the words "pages 26 to 28" insert the words "except that in success criterion (i) in Objective 3 on page 26, after the words "public realm" there shall be inserted the words "to include a funding mechanism to help extend the mains drain network."

7.1 Deputy J.G. Reed of St. Ouen:

Over a number of years I have been endeavouring to work with both Planning and Environment and the Transport and Technical Services to seek to provide mains drains extensions into the countryside. I accept it might not be the most interesting topic; however, for those who live in the more rural areas of our Island this is still a major issue, which in recent times has been overlooked. Statistics show that 14 per cent of Island homes are still not connected to the sewer network. With the last foul sewer extension being completed in 2005 this just is not good enough. I would ask Members to look at the success criteria included under the objective entitled "Promote a safe, just and equitable society" which can be found on page 26 of the Business Plan. It states: "Use planning policy and planning gain to secure improvements in the public realm." The only problem with this sort of criteria is that it is difficult to determine exactly what it means or what could be classed as improvements to the public realm. That got me thinking, especially if one then considers the overall objective of promoting an equitable and just society. As already mentioned, many Islanders enjoy access to mains drains; however, there are one in 7 households that do not. An

opportunity to use planning policy and planning gains for helping to achieve this while at the same time making the process more equitable for all is available. After all, drainage is very much part of any planning application consideration and there are already requirements placed on certain developments to provide mains drains where none existed before. New developments, however, with access to mains drains are not faced with that cost and enjoy literally free access to the sewer system. In recent times, a relatively new mechanism has been introduced and used by the Planning Department to deliver public art. This is, in itself, a worthy aim, but I ask how does this compare with the provision of extensions to the sewer network across the Island? The Minister in his comments seems to reject my idea that a similar mechanism could be introduced to help - and I underline the word "help" - extend the main drains network. Indeed, he goes to great lengths to inform Members how difficult it would be to introduce such a scheme and yet we have a percentage for art. Why not some form of percentage for drains? Planning gains and obligations will, I am sure, continue to develop over the coming years, so why not incorporate a mechanism to help the mains drains extension? We already have the ability to provide for road improvements, community centres, pumping stations such as that of Goose Green development, and other facilities by way of planning gains and obligations. So what is the difference? The Minister claims that existing properties which are not part of a proposed new development might benefit as well as the new ones. So, is the whole idea not to use planning gains and obligations to improve the public realm? Is that not the purpose of such a policy? As Members will notice, I am not expecting the whole of the cost of mains drain extension to be provided for using this option. It is just simply it could be part of the solution. I recognise that at present our legislation is based on English law but I would tell the Minister we are not England and we have different priorities. Our law should reflect those priorities and the needs of our community. If the law is unable to provide for funding to help extend the main sewer network, it is possible to change it. We do not have to slavishly follow the U.K. in local guidance. I am pleased to note, however, that the Minister is aware that in the U.K. the Government in England is seeking to introduce a scheme which would require money to be levied from developers for infrastructure provision or improvements and that a similar mechanism could be explored in Jersey. I am tempted to ask when. In the comments the Minister tries to identify differences between the mechanism to deliver a percentage for art and using a similar mechanism to provide funding for drains. He points out that with a percentage for art scheme, developers are choosing to enhance their own developments rather than contribute to a funding pool. However, I do understand that this is not always the case and, anyway, perhaps those developers should be encouraged to contribute to the Island's infrastructure which they are ultimately benefiting from. At this point I am not making any suggestions as to whether there should be an additional contribution or that funding of drains should replace the percentage for art. I am simply suggesting that perhaps some issues deserve a greater priority to that which they receive at present. I would also like to point out to the Minister that he is also responsible for the environment and there is no doubt that reducing the amount of sewage being discharged into the groundwater should be one of his goals. I would, therefore, ask the Minister to reconsider his opposition to this amendment and remind him that he is not expected to work solely on his own to solve this problem. The second part of the amendment is directed towards the Minister vfor Transport and Technical Services and it encompasses and enables both departments to work together to find a solution. I hope that Members support this part of my amendment as it will offer some hope to those who have patiently been waiting for mains drains to be provided in their areas and perhaps help break the present deadlock in carrying out previously planned work. I ask if the Minister is not prepared to help, who can?

The Deputy Bailiff:

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

7.2 Senator F.E. Cohen:

I hope I am not conflicted in this matter as I live in the country and am not connected to mains drains and find it particularly annoying. However, while I feel that this is exceptionally well intentioned and I respect the principles behind the Deputy's amendment, this is simply not a way to do it. We simply cannot deliver pooled funds in the way that the Deputy of St. Ouen proposes through planning obligation agreements, and I have set that out clearly in my comments. He makes much of the percentage for art scheme which has been recently introduced and has been an enormous success in terms of the number of works being commissioned. There is some amazing works of international calibre currently being commissioned. However, these are private works. It is not a public percentage for art scheme, it is a percentage for art scheme that delivers private art on private developments that are, however, able to be viewed by the public. So when you see a sculpture that has been delivered through the percentage for art scheme or, indeed, a magnificent pair of gates, or perhaps a bronze, they will be owned by the individual or company who commissioned them. They are not given to the public, although they are displayed to the public. So it is a very, very different concept and while I am sure some people do have an interest in drains, I think it would be hard to generate the enthusiasm for drainage contributions that many developers have shown for the percentage for art scheme. What I would say is that I am more than happy to work with the Deputy and with others to form a formal group to examine how we can bring forward proposals that deliver greater access to a mains drainage system. But this proposal is not the way to do it and I am perfectly happy to set that up immediately if the Deputy chooses to do so. Thank you.

7.3 The Deputy of St. Martin:

Could I just ask the Minister if he is willing to set up a working party, bearing in mind what we have here, could he not accept the proposition or the amendment?

7.4 Senator F.E. Cohen:

I do not think I can accept what we have here. I think it is too tightly drawn and I think we should look at this more generally from a far more general perspective and not start with a principle of trying to deliver this through planning obligations agreements. I think there are other alternatives.

7.5 Senator P.F.C. Ozouf:

Just building on that, I think that the procedure of this House is that we agree the terms of the amendment, not the actual report. If you could confirm your ruling that in fact the report is superfluous, not superfluous but it is the wording of the amendment that matters and you consider that just while I make my remarks, because there may be a middle way there.

The Deputy Bailiff:

I do not think I need to, Senator, you are absolutely right that the only matter which comes before the Assembly is the proposition or the amendment.

Senator P.F.C. Ozouf:

The wording of the proposition clearly says that in conjunction with Planning and Environment and other interested parties funding options brought forward to extend the main sewer drainage network, bring forward and considered by the States by the end of 2009. The Deputy of St. Ouen appears to be taking up the campaigning zeal of the former Deputy of St. John and I also notice that the Deputy ...

The Deputy of St. Ouen:

Could I just interject, you are looking at the wrong part of the amendment. We are looking at the first part which indeed is related to the Minister for Planning and Environment which asks just to add some additional word to their existing success criteria.

Senator P.F.C. Ozouf:

Okay. Well, maybe that is not possible but I will just carry on. I agree with the 2 rural Deputies that there is a real issue about mains drainage in the rural parishes. The difficulty is that the last 14 per cent of properties needing to be connected are going to be expensive. The experience in St. John with the extension of Bonne Nuit was certainly difficult for the former Public Services and Environment and Public Service Committee to deal with. It was expensive. But there is a real unfairness, there are families who are burdened with very high costs of sewage tankers across the Island, and we have berated other Ministers for a postcode lottery system but you have got the postcode lottery system in terms of sewage charges and these sewage charges can be, in some cases, extremely high. I know of one family in the centre of the Island in St. Saviour, or it may be Grouville, who was paying something of the order of £3,000 or £4,000 in terms of sewage charges, and they could do nothing at all about it. That is dreadfully unfair. I have wanted to deal with this since my time at Environment and Public Services and I regret that more progress has not been made, but I think we must make more progress. In other places the reality is that the foul sewer network is paid for out of the water rates systems, a supplement on the water rates. I did some investigations in this. Most of the water authorities in the United Kingdom and most other countries combine waste, not in the same pipe, and fresh water. There is synergy between that. There is going to have to be some additional public funding found, I think, for some of the more difficult areas, but I have always favoured looking at the issue of Jersey Water. I have been fairly critical, and I am sorry about this but I am going to be again, I am still critical of the efficiency of the way that Jersey Water operates. As 86 per cent owner, as the public is the 86 per cent owner of Jersey Water, I think we have got some work to do with this organisation. I think that we can and should consider a supplement on water rates once we have dealt with the dreadful unfairness of the urban parishes as I mentioned in the debate a week or so ago, and once we get more people on meters I think that we can ... not a massively expensive scheme, but we can look at putting a supplement on water rates. If there are ways that we can improve the efficiencies of the utilities - there was the proposed takeover, or merger rather, of Jersey Water and Jersey Electricity - I still think that there are savings that can be made in these utility companies. If we could save hundreds of thousands of pounds in the administration of these utilities, that is the kind of resources that could be invested. I am treading on difficult territory here but there are some important issues of reform of the utilities and particularly Jersey Water. I was the architect of planning obligations and I fully understand what the Deputy of St. Ouen is saying in relation to his desire to catch some of that uplift in the planning process. Unfortunately the planning obligation law and arrangements that we have taken do not work for this general infrastructure that he is trying to achieve. The planning obligations must relate to the actual planning application itself. If I give the example which is publicly known, the supermarket extension at Longueville was one of the first planning obligations that we put forward. We put forward a planning obligation which required all of the additional infrastructure work on roads and pavements and it was expensive and it is not done yet, but it is going to be ... if they go forward with their plans, all of that additional infrastructure was going to be paid for out of the planning obligation. You can put a planning obligation where it directly relates to the planning application but you cannot do it in the generic sense. We do need to tighten up and we need to extend further planning obligations but you cannot do it in a generic sense. So where I agree that we need to look at a funding option, if I cannot support the amendment - and I certainly support the spirit of it - we cannot use planning obligations to do that, that is not permissible unless it relates ... and I am sure the Minister for Planning and Environment and the Minister for Transport and Technical Services will use planning obligations where it relates to a specific site but not in the generic sense. The solution is a hard look at the overall infrastructure costs that are required for waste water, looking at the water rate and dealing with the unfairness of the haves and have nots.

7.6 Deputy S.C. Ferguson:

Senator Ozouf has stolen my comments about the Deputy taking up the mantle of the former Deputy of St. John. It was quite like old times. I think both the Planning and Environment and

Senator Ozouf, the Minister for Economic Development, have forgotten, perhaps, that the sewers on Noirmont which run from the old holiday camp to the main road at Woodman Corner were, in fact, built by the developer as part of his obligations for building the holiday village. That is way back in the dim and distant past. Unfortunately we have had a whole new plethora of ...

Senator F.E. Cohen:

That is the very point that this is specifically related to the development. The Deputy of St. Ouen is seeking to extend that in a way that planning obligation agreement cannot deliver. But I have said that I am happy to work with him and try and find a mechanism.

Deputy S.C. Ferguson:

I thank the Minister for his intervention; however, he has been putting a whole plethora of building up in that area and we are still using the old drains. He needs perhaps to go along there during the summer, along Route de Noirmont, before the Transport and Technical Services mastic up the drain covers because it can be incredibly fragrant. I think part of the problem that we are having over the mains drains is the insistence by the Environment Department on tight tanks. Frankly, with the way technology has moved on, I am absolutely certain there must be another way - and perhaps the Chairman of the Environment Scrutiny Panel may well be about to help us on that - that is not as expensive to the consumer. Whether it is something that you can put so that you can use a soakaway but the soakaway is not contaminating the groundwater, I do not know. But really, in this day and age it is quite stupid to insist on something that is so expensive to the consumer. If the Minister for Planning and Environment can achieve this then the pressure for the mains would be relieved, but in the meantime I think he should be looking at it as part of the planning obligation and I will be supporting the Deputy of St. Ouen.

Senator F.E. Cohen:

I may add a little further information - it is simply that we are currently running experiments exactly along the lines the Deputy has suggested.

Deputy S.C. Ferguson:

Alternatives to tight tanks?

7.7 Deputy G.P. Southern:

I, too, cannot help but mention the previous Deputy of St. John who I hear is due for a second coming, and I await his arrival with both trepidation and interest because whatever he was, he was always value for money. So it is entirely appropriate that the Deputy of St. Ouen should be bringing this amendment today. I have been here 7 years and I am hearing the same old arguments and this is one of the classic defences to a Back-Benchers proposition who asks a Minister to get off his bottom and do something. The classic defence is: "This is the wrong way." I agree with you entirely in principle that this is the wrong way and we have seen that from 2 speeches already. Now, one of the speeches said: "I am quite happy to work with you to develop exactly what you say, to include a funding mechanism to help extend the mains drains network. I am quite happy to work with you but do not put it in my business plan because then I will have to do it and I cannot put it off." As the Deputy of St. Martin said: "Why can he not simply accept the statement?" It is clear. It is a well-designed amendment to a budget plan. It does not, like yesterday, as the Deputy of St. Ouen said, find X amount of funding, this sum and this sum, by slashing your budget elsewhere. It does not say this should be total priority and, therefore, spend an extra £2 million on it, "Let us take £2 million out of the pot and give it to you to go and do it." It says: "Include a funding mechanism to help extend the mains drains network." Absolutely logical, absolutely sensible, absolutely doable. But now we are told: "No, it is the wrong way." It is the wrong way, find the right way, because you will be, if this is accepted, under an instruction from this House to get on with finding the right way and that is exactly what we need to do. Entirely appropriate,

certainly doable to finding the right mechanism within the year at no spectacular cost, let us get on and support this. I certainly do support this. This is an issue that has been rumbling on for years and we could deal with it in principle - that is all it is, in principle - to find the mechanism. A simple instruction. Wonderful. The Deputy of St. Ouen is to be heartily recommended for bringing this sensible proposition.

7.8 Deputy J. Gallichan of St. Mary:

Well, from all the eyes that looked on me when I did the solitary foot stamping when the Deputy of St. Ouen said percentage for drains, you will remember that I have said that myself. Now, I do understand exactly what the Minister says about how percentage for art ties with specific developments, it is privately owned art for public enjoyment. I understand that exactly. I just ask him to think about how people feel about the policies we have and how the family that takes its washing half way across the Island because it cannot do it at home because it has got a tight tank feels when they know that there is a lovely piece of art and sculpture somewhere. They understand too that that is privately owned and it is an enhancement to the general environment, but they do not understand how they cannot have mains drains. That is all I have to say about this. What we are saying here is not: "You must have a percentage for mains drains", it is not saying: "Instead of the percentage for art you must do something else." It is saying: "Let us build a measure of success that if some way it can be done to include a funding mechanism to help extend the mains drain network that will be a measure of increased success in the department." All I can say is Senator Ozouf has some strong ideas of how this inequality, as he rightly calls it, could be handled perhaps through Jersey Water, whatever. He may very well be right in the long term and if this working party gets off the ground, I hope he is on it, I hope he puts those ideas up for consideration. All I can say is that that has not happened yet. Despite all the time that this has caught Senator Ozouf's attention, it has not happened yet because, as everybody knows, it is a complex problem, it has not happened yet and that solution may never present itself. All I am saying is if we adopt this amendment now, although it may not be perfect, I do not believe it ties the Minister for Planning and Environment's hands in any way of what he does with his present percentage for art. It talks as much about planning policy as about planning gain. What that does is focus the mind, it gives an aim, a measure of success to aim for. If, at the end of the day, that aim is not achieved certainly the people who are not on mains drains now will not be any worse off but they will at least have the prospect or the very glimmer of hope that at least this matter has not slipped once again beyond the horizon for States Members' consideration. I will support this even if it is unachievable, even if it does not achieve exactly an extension to all the mains drains networks and even if it does, as the Minister has alluded, perhaps target homes who already are connected, I say, so what? I am going to support this because it brings this to the focus of the mind again.

7.9 The Deputy of St. Peter:

Quite a considerable percentage of that 14 per cent seems to sit in the Parish of St. Peter because certainly my constituents keep reminding me of the fact that there is a shortage of mains drains in several areas in St. Peter. We have had the ridiculous situation certainly since I have been living down the bottom of Jubilee Hill, where we had mains drains developed in that area. They stopped about 100 metres from an area where there were 14 households. It fed 8 households in the area that brought it up to within 100 metres of this area. So for the want of a further 100 metres of piping, which was downhill all the way - which I understand from technical terms is important - they did not do it. The contractors packed up and 14 households were left either on tight tanks or on leaking cesspits. Now, that is something that is factual. If you got down Jubilee Hill and you go down Rue de la Pointe you will see on the left-hand side seepage coming out of the hedge. That is coming from sewage. Something must be done. We cannot just sit back and say: "Well, it is just a little too difficult. We are just servicing the system." We need to do something now and certainly the proposition, as written, sets a marker in the sand and says: "Something has to be done." I support the proposition.

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

It seems to have escaped Members that we do have a department who deal with the waste, liquid waste system, and the sewage system and that is the Transport and Technical Services. It might surprise you to note that on page 31 of the Draft Annual Business Plan, we do have, as one of the success criteria, the approval of the Liquid Waste Strategy which is to be gained in the implementation plan prepared. I have never really been one for piecemeal planning and it strikes me that we are asking one particular department to do with the work or to begin to do the work of another department. The Liquid Waste Strategy has been promised for a number of years. I am told it is imminent. One would expect not only for it to deal with proposals for the replacement or refurbishment of the existing Bellozanne facilities, or indeed the replacement elsewhere - I think La Colette has been mooted - at a cost of £60 million, but it is not actually highlighted as yet. But I would have thought that part and parcel of the Liquid Waste Strategy must be to address the question of whether or not the remaining 14 per cent of the Island who are not a party to a connection to the centralised system should be provided for. If indeed they are going to be provided for, what would be the best way of making that provision? It does not make sense just to put an amendment to the objectives under planning because without a fundamental agreement which must come to the House on the Liquid Waste Strategy, we would not be in a position of bringing the proposals forward to any great extent because the monies for doing the work fall within the Transport and Technical Services remit. I cannot support this proposition as it stands, but I do agree that perhaps it might be a good suggestion to look at the work that is already being undertaken by the old sewage working party, and indeed perhaps that body, if they are still going strong, could take on an injection of new members and perhaps be party to adding in any kind of constructive criticism or, indeed, innovative ideas to the Liquid Waste Strategy when it does come forward to this House for consideration.

7.11 The Deputy of St. John:

I have had 3 years of parishioners contacting me about drain issues in St. John. I have a similar issue to this particular issue as the Deputy of St. Mary. Little progress has been made. Percentage for art, art in the community, is nice to have but drains is a must have and I do question why we are putting art before drains on occasions. If we are not, Minister, I would like to hear your words confirming that because that is the way it looks to the public, which is more important, drains or art? I know what my parishioners think. I think it is a high priority which should be for infrastructure for any country, island or nation: drainage, and certainly foul sewage drainage in particular. If Senator Cohen wants to engage with the Deputy of St. Ouen and discuss a way forward and is very eager to do that, then I do not understand why he cannot accept this amendment because that would go a long way to progressing it and engaging with him and setting up a working party and doing all the things that the Deputy of St. Ouen would like to see happen. There is another way, of course, and this is perhaps outside of the remit of the Minister for Planning and Environment. But in most countries people pay for disposal of their sewage in some way. Now, we could argue that we pay it through our taxes. But at the moment those that are connected do not pay anything for being connected and those that are not connected, bizarrely, have to often pay to have their tanks emptied. It is simply not equitable. It is not fair. That is something that seriously needs to be looked at because the funding from such a provision, some kind of charge for connection, could assist greatly this process moving forward much more quickly. I urge Members in the future to look at that and it is something I would like to talk to the Minister for T.T.S. (Transport and Technical Services) about. I would like to ask the Minister one particular question which has been put to me by parishioners. Is he fearful of extending the sewage network into the countryside because it may encourage development in the green zone? Because once you are connected in the green zone areas, of course, there is a fear that it may encourage further development in the green zone. It is an understandable fear and I would like the Minister to reassure people that is not the case because of his strong feelings about developing in the green areas. But that is a fear, a genuine fear that people believe, which I think sometimes compromises

possible extensions. I would like to know what the Minister has to say on that matter. I am also slightly concerned, I looked at a scheme in St. John quite recently whereby the parishioners were more than happy to pay for the scheme if they could be connected. So we looked at a scheme, got a private contractor in to look at it, and managed to put quite a good scheme connecting some significant properties and a business - 2 businesses, in fact - for about £60,000. When we spoke to T.T.S., the same scheme, they said: "Oh, no, you have to do it like this and it will cost you £350,000, so therefore we cannot possibly look at this." Because the way they wanted to do it was clearly going to cost £350,000. So I would like to see a bit more outside the box thinking when it comes to this type of activity, in conjunction with the Minister for Planning and Environment and, hopefully, through money coming through planning gains. Because joint ventures, private/public partnerships in this type of activity I think would move things forward a lot quicker. The public are prepared to pay in some instances for this if it can be matched maybe by government, too, because it is an infrastructure that the Island will benefit from longer term after those residents have paid for it in their particular street or road. So I would urge Members to give serious consideration to supporting this amendment. I have stood here on probably 3 or 4 occasions now, so has the Deputy of St. Ouen, and we are no further forward, and that is why the Deputy of St. Ouen has brought this forward today and I would urge Members to support it.

7.12 The Deputy of St. Martin:

Like the Minister for Planning and Environment, I have also got to declare an interest. I have my own septic tank. Fortunately it works very well. I also know that if, indeed there was a list of priorities, I would not come very high because I fully understand where I live, I am down or up a lane and it would cost a lot. But I am more than happy with the present situation with my personal drains. Mine works. I am talking about my sewage drains here. Although I am born on Halloween, my patron saint is St. Jude. He is the patron saint of lost causes. The reason I say that is because I brought a number of propositions to the States in the past; many I have been successful with but some have been lost causes. I say that because it must be some 7 or 8 years ago that I brought a proposition to the House following a petition of many, many thousands of Islanders who were concerned about the slowness of the drainage situation, the drainage programme. My proposition, really, was to ask the States to agree to a sustainable programme to ensure that all properties were connected to the main drains. It was in those days when you had committees and committees would invariably vote along the party line. I lost. I did not lose by many but the proposition failed. What we are now seeing, of course, is that: "I told you so," because what is rather sad now, it would appear that not only have we not got a sustainable programme, we have not got a programme at all. We have been hearing about the unfairnesses of the system whereby 40 per cent pay for the removal of their own foul waste, et cetera, but 86 per cent pay nothing. Not only do they pay nothing towards the removal, they pay nothing towards the sustainable ... to ensure the infrastructure is repaired. It seems, again, totally unfair. That unfairness has been repeated constantly this morning. That was very much my platform for my proposition those years ago. What is rather disappointing, although I am ahead of the Minister for Transport and Technical Services (I know he will speak soon; I suspect he will speak soon), what I am disappointed in is the responses that we have got from the comments. I am delighted to hear that the Minister for Planning and Environment has now agreed to set up some working arrangement with the Deputy of St. Ouen and that is why, again, I cannot understand, really, as written here, why the Minister cannot accept the amendment. It really is not committing himself to anything other than looking at some other arrangement. Also, if one looks at the comments from the Transport and Technical Services, it is rather disappointing because I have heard what Deputy Duhamel said and I think Deputy Duhamel is right. I am talking about Deputy Duhamel being right about saying it is the responsibility of Transport and Technical Services, which I think is correct. But if one looks at page 3 of the Deputy of St. Ouen's proposition or amendment, and I am looking at page 2, paragraph (a)(iii), he says: "In conjunction with the Planning and Environment Department and other interested parties." Well, I would have thought the most interested parties would have been

Transport and Technical Services. Really, again, I cannot understand really why this amendment cannot be accepted. I am certainly going to support the Deputy of St. Ouen. The present situation is totally unfair and we have heard a lot about sustainability today from the Minister. I would say that what we have here is totally unsustainable. So I would urge the Minister to accept the amendment but also Members also to support the Deputy of St. Ouen. Could I, in conclusion, say that if we are looking for money, in one fell swoop we can find about £40 million by looking at an alternative incinerator, not the one we are looking for today. So I would ask Members to support the amendment and can I also propose the adjournment?

The Greffier of the States (in the Chair):

Minister, I understand you wish to inform the Assembly?

7.13 Senator F.E. Cohen:

After careful reflection and on the basis that the proposition for the amendment can be separated from the report, I am happy to accept the amendment and, in addition to that, I commit to working with the Deputy of St. Ouen to try and bring forward a way of resolving this as quickly as possible and I thank him for raising it.

The Greffier of the States (in the Chair):

Very well. Does anyone wish to speak in the light of that?

7.14 Deputy C.J. Scott Warren:

I just wanted to add because it might ... although I will not bother with most of the speech now, obviously. I just wondered, because it had occurred to me before lunch that had the success criteria said: "Identify a funding mechanism to help extend the main drain network," there would be no problem with the fact it has been coupled with the wrong scenario, basically. So if the Minister can accept this amendment, I wonder if perhaps he could ...

Female Speaker:

He has done.

Deputy C.J. Scott Warren:

Oh, I know he has, but what I am saying is he has accepted it but it might be possible - I do not know if it is - to put it into a separate criteria because then you will not have any problem at all in the fact they do not work together as 2 different parts of a sentence. Thank you.

The Greffier of the States (in the Chair):

Do you wish to reply, Deputy?

7.15 The Deputy of St. Ouen:

Just very briefly. First of all, I would just like to pick up one point that has been made by the Minister and others: that it is not just the use of planning obligations. It is the use of planning policy to achieve the aims as set out in the amendment. Equally, I would expect that the Minister himself would acknowledge that over a period of a number of years I have tried to work with the department to deal with this issue. However, up until now I have had a rather negative response. I hope that, indeed, if I am re-elected, we can see a more positive action and reaction to this proposal. I thank many of the speakers who stood up in support of this amendment, and, indeed, those that pointed out exactly what is being required. I would like to also suggest to some Members that raised the issue about why not Transport and Technical Services, as they will notice there is a second part to this amendment which, and again, will add and create perhaps a bigger picture. I will address that when we come to the Transport and Technical Services objectives in a short while. Finally, concerns have been expressed over additional development in the countryside. Indeed, I am equally mindful of this issue. However, we have an Island Plan, which is being reviewed, and

one would expect that that Island Plan would be the vehicle to manage and organise developments, not just through the countryside but as an Island as a whole. The main issue is, however, that we should not penalise existing householders who already live in the more rural areas, to have access to the mains drains. Therefore, I thank Members and the Minister for accepting this amendment and I ask for the appel.

The Greffier of the States (in the Chair):

Yes, the appel is called for on the Deputy's amendment.

POUR: 29

CONTRE:

ABSTAIN:

Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of Trinity
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. Mary

8. Annual Business Plan 2009 (P.113/2008): Objectives of the Planning and Environment Department - continued

The Greffier of the States (in the Chair):

The debate accordingly resumes on the objectives of the Planning and Environment Department as amended.

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

I would just like to ask the Minister a question relative to Objective No. 4 and No. 2 to do with re-zonings. Members will be well aware that we debated the re-zoning proposition only some 10 weeks ago. That re-zoning proposition had gone through an extensive consultation and, in fact, the Ministers decided to withdraw 4 of the 12 submitted sites. Very recently a planning application has come in on a site that was in the original re-zoning proposition but was subsequently withdrawn, in the main because of the concern expressed by nearby residents. It was agreed by the Ministers that

that site would be rolled up in the Island Plan review. What I am seeking from the Minister is his assurance that he will not consider any planning applications on any H3 or H4 sites outside of the Island Plan review.

8.2 Deputy G.C.L. Baudains:

Just a few comments to make. We heard during the discussion of the Deputy of St. Ouen's amendment from one or 2 speakers that perhaps the money spent on art might be redirected towards drains. I have to say that the percentage for art, as far as I am concerned, from what I hear from members of the public, is not widely appreciated. I do believe people would prefer that money to be spent on basic infrastructure. If I could move on to strategic plan commitment, of course, the Minister would not expect me to agree with the implementation of the Water Resources Law, which neither protects nor manages this vital resource. He will be aware of my concerns about the Coastal Zone Management Strategy, which was either explained to him or made him aware of my feelings some time ago, to my mind, as a thinly-disguised job creation scheme. I really have a job to understand what that is going to achieve in terms of value for money. It seems to me to be managing an issue or, should I say, it is an answer being put forward looking for a question. It will not be getting my support when it comes forward. The main problem that I do have, though is with environmental taxes, and I do hope if they do come they are not going to be based on the theory that mankind is the cause of climate change and global warming because that has to be one of the biggest cons perpetrated on the human race. Obviously environmental taxes are not going to make any difference whatsoever. As I say, what we may or may not be doing with fossil fuels and whatever has an absolute minute effect on global warming and climate change and the taxes that we may or may not raise are not going to have the slightest effect on the output of the sun. I would be interested to hear from the Minister how that might affect the output of the sun. It is simply not going to happen. I do have concerns under Objective 2, environmental taxes scheme to fund sustainable travel and transport facilities. We have never really had an argument of just what is meant by "sustainable". If it is that we have to tax cars and fuels and such things in order to fund a bus service, why are we not asking ourselves why buses are so inefficient? Where is the analysis that travelling by bus is better for the environment than travelling by car? We assume it is. We have energy efficiency measures. Well, I do not think anybody could argue with that. It is a simple matter of saving cash. Surely everybody would be behind that. Improve recycling: it does seem to me and no doubt the Minister for Transport and Technical Services will care to disagree, but it does seem to me that there is actual opposition from that Ministry towards widespread recycling. So it seems to me there is going to be attention there. It does concern me that overall the environmental taxes which run through this analysis - it is under Objective 1, it is under Objective 2, it is in Objective 4 - I do hope that any environmental taxes that are raised are raised for the right reason, for honest reasons and not wrapped up in a green packaging when it does not necessarily deserve that.

8.3 Deputy J.B. Fox:

First of all, I think I ought to say thank you to the Minister for Planning and Environment on behalf of the children of St. Helier and the rest of the Island for giving planning permission for the new skateboard park which they have been patiently waiting for for an awful long time. I would also like to thank the Minister for Planning and Environment for relaxing some of the red tape rules. I am now having traditional windows put into my house in hardwood and that is starting to encourage others to do the same. Also the solar panels: I have not paid any electricity or oil or have not used any electricity or oil since last April for my hot water, so the solar panels are working, even though my panels sit on the back of the house and do not quite ... **[Interruption] [Laughter]** I notice that the ranch fences around the countryside are looking extremely good compared with the loose white tape that floats around the countryside, so again there is all sorts of environmental and planning improvements that are starting to materialise. Education and awareness, again, Environmental Week, I went out with some of our primary school children to various farms and

other areas and the effect of that week is quite considerable, especially for our town children. I did not hear one mention that milk came from a carton. They have also learned that pigs love strawberries, which was something that had not come into their knowledge beforehand, or, indeed, mine, I should say. Architectural Week was also, as far as I was concerned, very professional and produced a far greater awareness. But now I want to come to just some of the other things that I am hoping the Minister will ensure that when it comes to the refurbishment of St. Helier especially, being a St. Helier Deputy, we the Deputies in St. Helier support the good utilisation of the land in St. Helier for refurbishment, especially for future homes, whether they be from refurbished or from new developments. But, please, from the design at the very start, can we ensure that we remember that people are living in these homes? There are still, I am told, tendencies for some developers to try and squeeze the last ounce and have sizes of rooms under that minimum standard that is recommended. Also, please, that Deputies are being asked by neighbours and constituents because of their concerns that their streets are going to be overcrowded, both by the height of buildings that are being proposed which block out the light within the street, the fact that there is no amenity space often within the immediate area, let alone on the proposed building area because of the density, not even enough to put a waste paper bin or a pedal cycle, let alone one vehicle that I think that every household should be entitled to, if for no other reason so they can take out their granny to the countryside or their children with their prams, pushchairs, and not forgetting disabled people as well. So these are the areas that need site-specific attention. But there are too many, still, that are being put in. I know of one or 2 that are going to cause real problems on the streets because there is no public parking available on the street. They are already overcrowded. There is 680 white van parking just in the ring road of St. Helier at this moment in time. They also block out the light and take up the few remaining parking spaces that are available. Of course, a residents' parking scheme will help for the future. But we need the support of the Planning and Environment Committee to remember that many of these homes ... I have lived in my home for 32 years. It is very nice. It has got a nice back garden to bring up your children, with amenity space, and I have managed to create one parking space on the front, which alleviates the necessity of parking in the street. Clearly, when we are looking at the future redevelopment of St. Helier, we also must recognise that although it is a desire to remove parking, there are many people that are trapped in their homes, especially if we look at the outlying areas of St. Helier up towards Mont Cochon way. Certainly, when we have had previous discussion on transport and hopper bus services, the ones that provided the circular routes that went out as far as the east of the Island to Five Oaks area and up Mont Cochon and proposed to go straight into Halkett Place to drop off outside the market, these were very popular amongst the residents because it meant that those that did not have vehicles were able to utilise it to go straight into the centre of town and back out again with their shopping. Those that did have vehicles were prepared and quite happy to use the service to go into town, as opposed to go to shopping areas outside St. Helier. So there are many things that the new improvements to St. Helier needs. But we only get one chance. We only get it at the planning and refurbishment stages. After that it is gone. So it is very important that a Minister continues his good works. But these are danger areas that I am still seeing happening, and it is through mainly the diligence of St. Helier, the traders, and the Deputies allowing the Minister to have our undivided attention when we identify areas that need attention.

8.4 Deputy S. Power:

My questions to the Minister for Planning and Environment are related to Objective 4, which is protecting, maintaining and enhancing the natural and built environment to the Strategic Plan commitments subsection 4. My first question is related to the historic built environment. What plans does the department have to replace the Historic Buildings Officer? My second question is under Strategic Plan Commitment No. 5, the energy policy, where is the energy policy and when does he expect it to be presented to the States? A third question is related to Strategic Plan commitments under (6): "Seek to reduce unsustainable use of resources." Has the Minister given any further thought for incentives for locals to use small cars which use less fuel, that emit less than

120 grams of carbon dioxide per kilometre, and, if he were to consider those incentives, could he balance that by increasing the environmental charges, perhaps on cars that emit a lot more? Finally, can the Minister give an indication as to whether he would consider negotiating with the Minister for T.T.S. and insisting on his Environment Department purchasing or otherwise acquiring by lease and converting part of his pool cars to hybrid or electric?

8.5 Deputy G.P. Southern:

Having heard the speech from my colleague on the right there, I thought I had better stand and get my practice in for electioneering as well, because that was certainly one wowser Deputy's electioneering speech. In fact, had I had a rosette on me I would have given him one in order that it be clear. Nonetheless, a short question I have to ask. I notice that the plan suggests that we can maintain the environment while growing the economy and that is a very difficult balancing act to attempt. Certainly, we have got repeated promises from the Chief Minister down that we are going to protect our green fields come hell or high water. It seems to me that the only way to protect our green fields, if that is the case, is by building on our brown fields, and that means building to a great extent in St. Helier. So when he says: "Implement the St. Helier development and regeneration strategy and support the delivery of high quality viable and vibrant urban environment," I seek assurance that I was picking up from some of the documents circulated by the Environment and Planning Department that we were talking building higher, we are talking about building more densely and building with less amenity space rather than more and certainly eliminating substantial amounts of parking. Now, building higher may be in some way justified but socially is likely to be a disaster. Building higher in order to protect green fields is not something that should be happening. Building denser, particularly in St. Helier with its lack of amenity space and public space in many areas, would also be a recipe for disaster, socially if not environmentally. Yet I fear that that is what we are going to see. We are going to build high in St. Helier to protect the rest; we are going to build densely in St. Helier to protect the rest. I think that is a recipe for disaster for St. Helier and thereby, I believe, for the rest of the Island. I do not have faith that the laudable target of making this sustainable development somehow socially acceptable and not doing harm to the social fabric of the Island ... I find it very difficult to believe that the Minister for Planning and Environment can do that. In fact, I am looking for serious adjustments to what I read as the future for St. Helier. So if we are going to protect our environment, let us protect not only our green fields but also our brown fields, our urban environment. We do not do that by building denser. We do not do that by building higher. I seek that assurance.

8.6 Deputy C.J. Scott Warren:

Well, I wonder if there are any other Members sitting here today and yesterday who have seen the amendments. They should have, if they looked maybe for longer, seen an amendment or 2 they would have liked to add off the hoof. Because I have just seen one ...

The Greffier of the States (in the Chair):

Just do not be tempted to propose one you did not pick.

Deputy C.J. Scott Warren:

No, Sir, I certainly will not. But I would like to say that in Objective 5(c): "Promotion of the highest standards of architecture," well, though I obviously cannot add the next few words, I hope that the Minister and Members of his department and the future department will see that: "which complements the respective environment," because I think that is equally important. I did go to the Hopkins Master Plan and the Esplanade Plan talk at the Town Hall recently and I have to say that I was impressed by the presentation in that it was emphasised that the buildings would not be overly obtrusive colour wise. I think the words were: "using a light palette". The one thing I did like was the fact that it was referred that the space, the areas in the squares and everything, the spatial ... the space would "sing the song". I thought that was a wonderful phrase and I hope that for all our

major planning developments we will keep that sort of ethos at the forefront. So I think that is really what I would like to say. I am slightly concerned much as environmental taxes, I see the reason if the money is hypothecated but I am worried that people are, at the present, not willing to have more taxes put upon them.

8.7 Deputy K.C. Lewis:

Just 2 brief points: under Objective 4(1) it states that planning and building law: “to protect the Island’s environment, marine, countryside, coastline and heritage.” Does the Minister undertake these laws fully and anyone caught dumping rubbish or building materials in the countryside or off the shoreline will be prosecuted to the full extent of the law? Objective 3(4): “Work to identify and provide appropriate land for homes.” Is the Minister working closely with Property Services to identify land that is already in public ownership? I notice we are selling off various parcels of land towards the end of today and most of them will be completely useless for building. One or 2 sites may be quite useful. If there is any big profits to be made I think it should go to the public of Jersey.

8.8 Deputy C.F. Labey of Grouville:

I have been through the document, obviously, and maybe it is lost in some of the wording or maybe I am just not reading it as clearly as I might. But in April this Assembly passed a proposition of mine whereby we would be asking developers to provide a percentage of their build for social need, either first-time buyer or sheltered housing if the site was appropriate. The Minister for Housing alluded to this in his speech. But it is not very clear from these objectives. When the Minister for Housing mentioned it he said that he was warning developers that they would be required to provide social housing. Well, warning developers is not quite the same as bringing forward, developing a policy that requires developments, which is what I brought forward and this House passed it; I think it was 40 votes to 4. So I would like some assurance that the Minister is going to actively bring forward a policy to ensure that developments of over a certain size do provide first-time buyer and sheltered housing. I cannot let the percent for art go without saying anything. I am afraid many Members who have spoken on this point have just missed what the percentage for art is trying to do. The percentage for art is not there to provide for our infrastructure, no matter how the public may perceive it.

8.9 Deputy G.W.J. de Faye of St. Helier:

I would like to congratulate and thank the Minister for accepting the Deputy of St. Ouen’s proposition. I think it is a positive way forward. If I could encourage him because I do appreciate his innovative approach, bringing in renowned architects. It does not make me entirely happy, necessarily, but he is on the right lines, even if it makes other people’s lives more difficult. But I would be pleased if he would devote his very innovative thoughts to some of the issues, the forward planning issues, that do surround people’s ability to join up to drainage systems. On many occasions now I have discovered that because of the planning application process and applications coming through on a largely individual basis, quite often opportunities are lost where a number of householders or householders along a developing estate find that if they had known about other people’s plans, they might have been able to combine together to perhaps install a private drainage network. I think that is an issue that perhaps he might like to take on board. Just a quick word to Deputy Ferguson, and that is to say: I do understand the issues about the smells arising from the sewage system at Noirmont. I should point out, though, that that is because the system is currently underused. These drains, when they are of a significant length, require flush through. So if you have a system that is designed for a holiday camp and then there is no longer a holiday camp, you do have a major problem, simply down to the fact that you have a large capacity drain with not enough flush through going through. But I understand that there is new housing residential down there so that problem will go away. I am afraid, much as I would like to just sit down and take the criticisms that turned up in a number of speeches, I do have to refute some of the more outrageous

suggestions. The idea that the Department for Transport and Technical Services has something against recycling I am afraid is utterly preposterous. The department not only has led the way in recycling, it has led the way in education on recycling. We do not just do it; we preach it. So I really reject most resoundingly all suggestions that somehow the department is not playing its role. If we had more money we would be doing more. But I think everybody in the House knows precisely the position we are in, bar one Deputy in front of me who has been deeply unhelpful throughout, I may say. It is just wrong to say we are not making our way on recycling. I want to thank particularly the educational side where we go out with a trailer kitted out with photovoltaics and onboard laptops, and school children really appreciate the value of recycling and so on, and they themselves, in fact, are encouraging their parents to go down the same path. I do sympathise with the Minister for using the word “sustainable” in respect to travel and transport facilities. He will notice I have dropped it. We now have “integrated travel and transport”, which I think is a little clearer. It is very hard to know precisely what “sustainable” means. I think these days it has become a largely meaningless word and I would encourage him to next time he writes, write that one out: lose “sustainable” and come up with something else. Now, I would also like just to say one thing to the Minister, which is partly to do with his overall policies. It is this. It is really trying to pass the buck a bit and I will admit that to Members. Transport and Technical Services often comes under tremendous pressure from States Members. Only recently you have instructed the department to remove the animal carcass incinerator within 2 years from Howard Davis Farm. Well, that is very nice of you to instruct the department to do that but I am afraid Members have been deeply unhelpful on that front because they have not indicated where it should go to. Similarly, Senator Norman may well have quite a reasonable point when he says: “Why do we have green waste composting at La Collette when it is a countryside activity?” That may well be true, Senator, but where in the countryside am I going to resite to? Similarly with the abattoir. Should it be down at La Collette or should it be somewhere else? I could go on. I think it is deeply unfair of Members to keep insisting on solutions to be found to problems when there is really no help in finding those solutions. It is a difficult process now that the properties are owned by Property Holdings. For example, the Minister is the regulator, in many respects, of Transport and Technical Services activities from his Planning and Environment perspective and the department is trying to paddle its own canoe into the bargain. So what I would like to ask the Minister to take on board and consider is a joint holistic approach combining, certainly, Property Holdings, Planning and the Transport and Technical Services Department to do a bit of forward thinking, do a bit of forward planning and see if we can identify sites where operations can be located. Because I have found it fruitless. I know that it was only a matter of almost hours ago I was telling Members how the department trawled around trying to find somewhere to relocate the enclosed green waste composting site to. We had public notices, we invited the private members to put up their fields or land areas, we looked at all the States sites. Where did we go? We got right back to square one, where we were. It is clearly not a good way of doing things. So, again, I would ask the Minister, whose innovation is now becoming well known, can we look at this and can we see ... because we do say that we should have a policy framework within the Island Plan that meets social needs and supports a thriving economy. Absolutely right. But I have to say, if I have to keep moving the abattoir and I have to keep rebuilding composting sites here, there and everywhere, if I have to keep moving incinerators, carcass incinerators, hospital waste incinerators from one site to the next, that is just wasting public money. That is not a contribution to a thriving economy and we need to take a positive view on identifying new appropriate sites well in advance of the necessity to move them.

The Greffier of the States (in the Chair):

I call upon the Minister to reply.

8.10 Senator F.E. Cohen:

I am under strict instructions from the Chief Minister to be under 2 minutes but I do not think I am going to be able to do that, regrettably. Just running through the points raised by various Members.

Deputy Hilton asked for a specific assurance in relation to a particular site. I am afraid I cannot give that. It would be completely inappropriate for me, as Minister, to give an assurance in relation to a particular site. What I can say is I cannot imagine that I would deal with any application on any H3 or H4 site in advance of the Island Plan review.

Deputy J.A. Hilton:

What I asked the Minister was to give his assurance that he would not consider any H3 or H4 sites outside of the Island Plan review, not a specific site.

Senator F.E. Cohen:

I have just given that assurance, Sir. I believe that the Deputy started by referring to a particular site which had raised its head recently. Deputy Baudains did not seem to like anything I did. He began by saying that he did not think much of the percentage for art and in his view neither did the public. Well, that is certainly not the feedback I have had. I have had enthusiastic support from a number of developers, who are spending much more than the amount they had originally offered to spend, and many members of the public have expressed great interest in what is planned. The problem is there is not much on the ground yet because it takes time to complete the commission pieces and to complete the buildings. But within a year we will see an array of wonderful works that have come out of the percentage for arts scheme. Indeed, I would imagine that people will start coming to the Island to see some of these works. Some of them are of major international significance. I would refer particularly to the Stephen Cox sculpture that is proposed for Castle Quays. It is really going to be something quite splendid. He does not agree with the Water Resources Law. Well, we have had many chats about our views on that and I am afraid the Water Resources Law was approved by the Assembly and the Appointed Day Act was also approved. The Coastal Zone Management Strategy is an obligation of the Strategic Plan, but, of course, Members will have the opportunity of offering their views fully on that at a later date. He does not believe in climate change. Well, that is not a unique view. Many others have a similar view. But the great weight of evidence

Deputy G.C.L. Baudains:

I am sorry but I did not say that I did not believe in climate change. I said that climate change was not caused by mankind.

Senator F.E. Cohen:

Sorry, Sir, it amounts to the same thing, that climate change was not caused by the burning of hydrocarbons since the beginning of the industrial age. Well, other people agree with him. Many others agree with him. However, the great body of scientific evidence is that climate change is being caused by this particular action by the world at large and policies internationally are being driven by that assumption. I am afraid that if Jersey took a different attitude I think we would be ridiculed internationally. He does not like environmental taxes. Well, neither do I. That is why I have lodged an amendment to the Council of Ministers' amendment suggesting that we do not implement an environmental tax at the moment. I do not believe Islanders want it, I do not believe Islanders can afford it and I do not believe in taxation without consultation. We had a consultation process which delivered a very clear result and that was that Islanders did not want environmental taxes and I do not believe it is appropriate to introduce one without further consultation. He thinks there is a lack of Ministerial joined-up thinking about recycling. He may well be right but we are doing what we can in that area at the moment. So I do hope that should I be fortunate enough to be reappointed as Minister that he will have a rather more positive view of my actions next year, with some luck. Deputy Fox raised a number of issues. I am glad that his windows are now on order as a result of the reduction of red tape. I am impressed with his solar and I may ask him for the name of the manufacturer and fitter because it sounds as though it is a good money-saving idea. He noted the success of Environment Week. Well, that is very much the domain of Deputy Pryke, who as

from, hopefully, tomorrow will have responsibilities specifically for the whole of the Environment section in the same way as Deputy Maclean has responsibility for the Harbours and Airports section. He complimented Architecture Week. What a great deal of effort was put into Architecture Week, largely by the Association of Jersey Architects, and I congratulate them. They brought a fine array of international speakers over and it was stimulating for all those who attended. The regeneration of St. Helier he raised. Well, of course, that is going to become a huge issue, largely as a result of the potentially very significant sum that will come out of the Esplanade Quarter, and it is, indeed, absolutely vital that that money is appropriately invested in the town and does not go elsewhere. He raised the issue of amenity space in new developments, and, yes, he is quite right. We need to be sure that we not only maintain amenity space but that we improve amenity space. But amenity space can be of 2 forms. It can be private amenity space and communal amenity space. We need to keep a good balance of that. Deputy Duhamel has taught me much in that area. I started with a view that everyone had to have their own private amenity space and successive developments should be measured only on that. I have now changed my view and I think we should have a balance of the 2. He raised the issue of public parking and, of course, we do have to recognise the fact that people presently do want to use their cars. We are not going to change that and we are going to have to accommodate the motorcar. But that does not mean we have to design everything around the motorcar and constrain good design around a requirement for the motorcar in every particular place. Deputy Power raised the issue of the replacement of the Historic Buildings Officer. Coincidentally, and this was not put up, I have sent an instruction this morning that temporary arrangements for the appointment of a consultant are to be put in place with immediate effect, and I would expect within a week we will have a consultant acting as Historic Buildings Officer until an appointment can be made closer toward the end of the year. He raised the issue of the energy, which is currently undergoing a revision and will be brought back to the Council of Ministers hopefully early in the New Year, and he raised the issue of hybrid or electric cars. Well, I did look at the recommended purchase of 4 electric smart cars by my department. I am afraid that I overruled the decision to purchase them. The cost of the cars was £19,500 each and I thought that spending nearly £80,000 of public money on the acquisition of test motor vehicles was rather too much. We are looking at alternatives at the moment. There are alternatives for half the price and, of course, there is the other alternative of buying hybrid cars, which mean that they have the positive function of if you run out of electricity you can still get home because they have a motor as well. Deputy Southern raised very interesting issues about the relationship of height, density and amenity space and he is absolutely right in all the points he raised. The fact is that we do have to house our population. The town can take additional units but the units must be of the highest quality with appropriate amenity space, and that means good amenity space, good-sized rooms, and that means significantly above the minimum standards and they must be designed excellently and that means through employing highly competent architects who have delivered excellent schemes elsewhere. But I do not agree with him that high buildings cause social problems. High buildings can cause social problems and high buildings can also in the right circumstances create a very positive social environment. It is all a question of quality and we need to concentrate on delivering the highest standards in terms of quality. Deputy Scott Warren raised the issue of architecture in context and, of course, she is quite right. Architecture has to be related to its context and a particular building can be wonderful in a particular location and, frankly, awful in other locations. I have noticed that the Planning Applications Panel have often said that: "Great building put in the wrong place." Therefore, she is quite right about that. She also raised the issue of environmental taxes and, as I have already said, I am not in favour of introducing any new taxation without prior consultation. Deputy Kevin Lewis raised the issue of fly dumping and I have already said on occasions that any known fly dumpers would be pursued by the department. The Deputy of Grouville raised the issue of the delivery of more social homes. It is a very key issue and it is my view and the Minister for Housing's view that we should seek to place ourselves in a position where all new larger schemes provide an element of social housing. We have commissioned a major piece of work on this. It is presently underway and we expect to have the

first draft within the next few weeks and it will hopefully drive the delivery of social housing on large schemes throughout the Island. That will be a mix of social rented and Homebuy, according to requirements at the time.

Deputy G.P. Southern:

Is the Minister saying that high quality is sufficient to mitigate the effects of high rise and high density on families?

Senator F.E. Cohen:

I am saying that a build concept must incorporate all sorts of different areas. It must include adequate density, it must include adequate amenity space, it must include adequate car parking according to the requirements of the building, and the room sizes must be adequate. All those things together determine whether or not a development will be a successful development, and architectural quality is one part of that. All I am saying is that height on its own does not mean a development will cause social problems. In fact, it can be quite the opposite. The Deputy only has to look all around the world to see highly successful, very tall development schemes. I am sure the Deputy has been to many countries where there are very successful tall schemes and there is no reason why Jersey cannot have the same. Lastly, Deputy de Faye raised the issue of a holistic approach to drainage issues and he is quite right. But I am sure that will come out of the work that we will do with the Deputy of St. Ouen in relation to his proposition and I intend to invite him to chair a working group on that particular subject. Thank you and I commend the principles to the House.

The Greffier of the States (in the Chair):

I put the objectives of the Planning and Environment Department. Those Members in favour of the document kindly show? Any against? Those objectives are adopted.

9. Annual Business Plan 2009 (P.113/2008): Objectives of the Social Security Department

The Greffier of the States (in the Chair):

We come now to the Social Security Department and I invite the Minister to propose the objectives.

9.1 Senator P.F. Routier (The Minister for Social Security):

Members will no doubt have the opportunity to read the core objectives of the department, so I will just highlight a number of key issues from the department's workload for 2009. Obviously Income Support will be the first main issue which we will be dealing with. A part of that, a new development within Income Support for 2009, will be the next step along that development process, which will be the introduction of more coherent framework for the funding of residential care for those without the means to meet the cost themselves. Thinking about the ageing population, the ongoing consultation programme: widening the understanding of the consequences and opportunities presented by the ageing society and receiving feedback in respect of the options for addressing the issues will form the cornerstone of further consultation and proposals in respect of pensions and other income provision beyond the current retirement age. We heard some stamping of feet this morning when the Minister for Health and Social Services was commenting about the long-term care scheme. I do support that we will need to be doing some work in that area. The costs of long-term care are increasingly an issue for people facing the prospect of requiring such care. Those with insufficient income or assets can currently expect support within the Income Support Scheme, yet it is obviously the growing burden on the taxpayer and the increasing numbers of people faced with the funding of their own care as a result of the ageing population that has led to obviously the growing momentum for a compulsory insurance scheme to be introduced in the Island. The department will consult, research and bring forward proposals for consideration by the States during the year. This is one of our highest priorities which can be achieved while we allow Income Support to settle down. Before the end of this year proposals will be made to the States under phase 2 of the employment reform, introducing redundancy rights and the protection of

employees involved in business mergers and acquisitions. If these proposals are adopted they will be implemented during 2009. Legislation will also be prepared for the first stage of introducing rights in respect of parental leave, flexible working and family friendly initiatives. There has been some work already carried out on incapacity benefit reforms and we will be bringing forward the mechanisms to implement the recommendations from that recommendation which came out in the report. With regard to supplementation, the costs of supplementation are currently forecast to exceed the sum allocated within the cash limit proposed for 2009. The department is currently formulating proposals to limit or reduce the cost of supplementation. These proposals, if adopted by the States, will allow costs to be maintained within the cash limits. However, if not agreed by the States further funds will need to be made available. Sir, I propose the objections.

The Greffier of the States (in the Chair):

Are the objectives seconded? **[Seconded]** Now, there are a number of amendments to the objectives, the first one is the seventh amendment, part 1 of that in the name of Deputy Southern.

10. Annual Business Plan 2009 (P.113/2008): seventh amendment (P.113/2008 Amd. (7))

The Deputy Greffier of the States:

On page 2, paragraph (a), in paragraph (a)(viii) after the words “pages 29 to 30” insert the words “except that in success criterion (iii) in objective 1 on page 29 for the year “2010” substitute the year “2009”.

10.1 Deputy G.P. Southern:

Members obviously will have noticed Objective 1 of the Minister for Social Security’s Business Plan, Objective 1(iii): “To monitor the implementation of Income Support with a view to undertaking a full review in 2010.” I point out that in January 2009 the Income Support Scheme will have been in place for an entire year. The department will obviously start monitoring what has been happening. It will have had a year’s experience of the Income Support Scheme, will have a year’s figures and it can start looking at who is taking what, what sort of delivery is being done, start crunching the numbers to see what is happening under this new scheme. That new scheme, when it was proposed, was examined in great detail by the Income Support Scrutiny Sub-Panel led by Deputy Martin. I am sorry she cannot be here this afternoon because she has got a hospital appointment; otherwise I am sure she would be backing me up wholeheartedly and in her usual inimitable way. However, what I must point out is that the report that we prepared under her guidance was so concerned about the implementation of Income Support that it said there were such serious criticisms of the impact of the scheme that it proposed the entire scheme be deferred, such were the serious flaws it found in this particular scheme. The Minister at the time was saying: “It may not be perfect and perhaps if I had a little more time I would have adjusted it here and there. It may not be perfect but we can tweak it as we go along.” Now, he has seen the results of one of those tweaks, it was not a tweak, it was a massive miscalculation for those on attendance allowance with a serious handicap. It was a large scale mistake. The Minister is shaking his head; I look forward to his words. What words is he going to use instead of mistake? Where potentially a number of families were due to lose hundreds or even thousands of pounds through no fault of their own just because they had a handicapped person in their family. If that is not a mistake, I do not know what is. That has been amended thanks to the attention that was drawn to it, I believe, largely by our ongoing work, although I am sure the Minister would say: “We had already noticed and we were doing it anyway” because Ministers often say that. So it is not a question of tinkering and it is a serious matter because the Income Support Scheme is the final safety net. There is no welfare any more, there is no back up, Income Support is it for those who require it, for those needy people, poor people, who require it. The major mistakes, and we keep pointing this out and, as we say ... I quote from the report SR17 issued in November last year, the aims of the Minister for Social Security were: “The new system will help to enable people to both avoid poverty and to take appropriate actions and life decisions to get out of poverty. The system will do this by effectively

tackling real needs while promoting work and encouraging self-reliance.” Promoting work and encouraging self-reliance. The Minister has singularly failed to do that. There are tiny incentives to work; there are severe penalties on those who save. As we say in our report, there is the opportunity to tinker with the structures of Income Support but fundamentally it is not an anti-poverty programme that makes work pay. Neither is it an anti-poverty programme for the elderly that supports savings for old age. The essence of these reforms has been to squeeze out any resources that promote and reinforce work to those on low to moderate incomes. Any radical change is beyond tinkering but would require complete rethinking. Those were the conclusions that our adviser, Dr. Evans of Oxford University, came to when he examined that proposal. However, at the time the Minister for Social Security was under intense pressure to deliver a package come hell or high water. Why? Because a commitment had been made by the Minister for Treasury and Resources that he would not bring in his G.S.T. reform, his tax reform, until the Income Support Scheme was safely in place. So despite the arguments, and I admit they came late to the House, and the request to defer because this Income Support Scheme as proposed was so seriously flawed, despite those arguments, the House allowed the Minister to go ahead. Rightly or wrongly, and I make no argument with that, we made that decision. However, where we are today, and we are continually monitoring the effect and the effectiveness of Income Support, is that many of our worst fears are coming to pass. For example, in the key findings, the work focus of Income Support, the sub-panel believes that the Minister has seriously underestimated the work required to enable Income Support applicants to enter and maintain full time work, and that the incremental approach adopted to cater for this problem is inadequate. So, how many Income Support claimants is this scheme delivering back into work? Have we heard the figures? Have we heard them being proclaimed with pride: “It is already working”? No, we have not. No evidence produced that it is delivering on that front. The Income Support Scheme, as currently designed, key finding 2, will severely curtail the benefits of entering work for those with working partners. So for working couples, both parties want to go to work, it severely curtail the benefits. Again, no advantage. Go back to work if you want but do not expect to be better off. “Is likely to result in more job access and lower job retention and may result in reduction in hours currently worked.” I have examined the Minister the other day on that sort of incentive, increase your hours, make yourself better off and we will take 94p in the £1 off you. You will find it very, very difficult to improve your standard of living by extra work. That is the effect of this particular change. Furthermore it says, key finding 3: “In moving from the old benefit system to the proposed Income Support Scheme it is those in work and those with children who will be losers along with pensioners with savings.” Again, that has happened. I am sure we shall see eventually because many couples, many families, are still on Transitional support. Transitional protection. So the full impact is not being noticed yet but it will be. Then finally on the medical aspects, where I believe we have got a serious problem and I believe it was the worst problem and identified as such at the time, the sub-panel finds: “That the proposals to reform H.I.E. (Health Insurance Exemption) have missed an opportunity to design a system which properly gives access to medical services for those with high medical needs, young children and the elderly.” The sub-panel is unconvinced that the household medical account, as designed, will succeed in delivering medical benefit appropriately and may result in additional costs through special payments, and we are already seeing that case happening. The Minister says that he can, and he will, review or not review the Income Support Scheme until 2010. For those people who are reliant on the Income Support Scheme, and there are those who can see that their circumstances are already changing, for those who are reliant on that, I do not believe that is simply good enough. The Minister gives a few reasons for not wishing to accept this amendment and he says: “A full review of Income Support in 2009 would be premature.” Why? Because some people are still finding out about the scheme. Why? Because the publicity and the P.R. (public relations) that has been put out by the department has been inadequate. So we are still finding cases of 16 to 18 year-olds completely unaware that they represent an Income Support unit in their own right, even though they are still living at home, because they are seeking work. Unaware because the delivery has failed. The P.R. has failed. After a year surely it should be expected that the vast

majority of those who are eligible will be on the scheme. Remember that the major problem with most benefit schemes is lack of uptake, people who do not uptake. It is not fraud, it is people who do not take it up because they are unaware or they are too proud to go and claim. It then says: "The Social Security Department is fully committed to other initiatives in 2009." I accept that they are committed. However, what I am suggesting is that we fund them to the tune of £100,000 to employ somebody to do the research that they should be doing. Now, they were planning to do it in 2010. I am saying let us do it as soon as you can, 2009 in January, you have had it there for a year, you have the figures coming through, you know what you can do. You can assess how effective you are being. "A review of Income Support in 2009 is very likely to lead to a delay in the introduction of a long-term care funding scheme." I accept that that might be a problem. But an additional resource to do this one extra job should not be insurmountable and can be done, I believe, in 2009. They then say: "One of the principal measures that will be needed in any review of Income Support is a relative property measure and that is being undertaken by the Statistics Department in 2009 and will be available come 2010." So that the measures, the analysis that takes place, if it does, in 2009 can then be married with the income distribution survey which will follow shortly. They do not have to be: "We have got to find this thing first, the income distribution survey in order to analyse how effective we are being on Income Support." We do not need that. What we do need is Statistics Department does this part of it, income distribution, produces its report at the beginning of 2010. Social Security does its part: how effective is what we are delivering, what our families are receiving, its calculations to analyse what they are delivering, and the 2 can be matched. It is not hard. It is not one then the other; it is 2 different bodies working on this. Let us do them together and by early 2010 we can know exactly where we stand. By God, if it is delivering and if it is doing the business and people have been lifted out of relative poverty and the work incentives, tiny that they are, are seen to be effective then I will be the first one to sit on my hands, sit down and shut up for ever about Income Support. **[Approbation]** However, I do not believe come 2010 if this is accepted I shall be sitting on my hands. I believe, unfortunately, that those of you who are still here, provided I am ... no, even if I am not here, you will hear me from outside of the Chamber, but provided that I am I think I will be saying: "Look, I told you so." It needs mending, it needs mending soon. The sooner we know about that the better. We cannot afford for the sake of the most needy in our society to leave this, to delay it any longer than we possibly can. Let us get on with analysing what Income Support is delivering, how effective it is being, what is wrong and how we can put it right. Let us do it sooner rather than later. So I urge Members to support this amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Secoded]**

10.2 Senator P.F. Routier:

Members obviously are aware that my department is preparing for a review. We recognise that a review is an appropriate thing to be doing and it is a matter and something we are planning for and it is something that we think in an orderly manner, in an appropriate manner we should start the work in early 2010. This amendment obviously suggests that a review should be moved forward to 2009. Deputy Southern's report on his amendment does not put forward any real reasons other than the change of the timetable. He has mentioned a few in his opening remarks but he refers back to the Scrutiny Report which was published last year and the States have taken a view on the Scrutiny Report at that time. When we debated the legislation, the States Members had that at hand when they debated that legislation and considered that the Regulations that we were bringing forward last October were appropriate and only 4 Members voted against the preamble. Income Support was then introduced at the end of January 2008 with, I have to say, very little disruption. It has been in place since then and it has been serving the community very, very well. Deputy Southern has suggested that there are a number of major problems with Income Support and this is why he is calling for an urgent review. I will run through some of the issues and explain how the department

is dealing with each one. The most important comment that I can make is to confirm that Income Support has been a resounding success. There are over 4,000 families on very low incomes that have seen a major improvement in their standard of living due to the introduction of Income Support. All other families receiving Income Support are currently being protected with benefit payments equal to the value of their previous benefits. This 100 per cent protection will remain in place, as we know, until January of next year but subject, and hopefully Members will support it, to the proposition of the Council of Ministers to extend that to October of next year. From this date families will still receive protection but obviously in a reducing amount, in regions of 20 per cent a year or 33 per cent, depending on their own income. Obviously the higher income they have the higher the reduction would be. But on average for the majority of people it would be 20 per cent over a number of years. Of course, families including someone with a disability will not have any reduction in their protection until October 2010. With regard to all the issues which the Deputy brings forward, so far we have only one claimant that has taken an appeal against Income Support to the independent tribunal that has been set up. There has been literally a handful of individuals who have complained about Income Support in the local media compared with the thousands of people who have been successfully dealt with through the Income Support system. The department has achieved a massive changeover since the introduction of Income Support and I would like to take this opportunity to pay tribute to the hard work of the Income Support team who have taken up the challenge of this new benefit. It is worth taking a moment to remember why Income Support was introduced and the improvements that have already been made. Income Support replaced an outdated, complicated and cumbersome system of 14 benefits which were fragmented, uncoordinated and often difficult to access. The previous system did not effectively support those with limited income and assets. My department and I have been criticised for many years over the generosity of disabled transport allowance, at the lack of help for those just above H.I.E. The Minister for Housing and the States generally were rightly concerned over the overgenerous and untargeted rents rebate and abatement schemes. The Income Support introduced a transparent benefits system. It tackles real needs effectively while promoting work and encouraging self reliance. It is equitable, it is consistent, it is sustainable, it is easily understood and accessible while taking account of the whole needs of the family. It completely removes the disincentives in the previous system, which is obviously opposite to what the Deputy is saying about the current system. He talks about the disincentives in the current system. Those disincentives have gone. It has also introduced for the first time a legal requirement for adults to work, to support themselves wherever that is practical. That is just a general overview of where we have come from. We have a major, major improvement on the way we support people. The Income Support Scrutiny Panel has maintained a constant pressure on the department during 2008 but this has not been backed up with the same level of complaints from customers. This may be an opportune moment to explain one of the difficulties that the department faces at the present. The department deals with an enormous amount of confidential information and takes data protection issues very seriously. Officers will never comment on individual stories featured in the local media and nor will I. In almost every case there will be inaccuracies in the reports and other information that has not been presented to the public. Inevitably these stories create a negative impression. If a Member is concerned regarding an individual case, it is possible to approach the individual concerned, obtain permission for disclosure of information and then the department will be able, on a confidential basis, to provide the Member with the full details of the case. I would encourage Members to take up cases in this way if they have any concerns at all regarding the treatment of an individual. Looking at the issue of incentives which the Deputy keeps on going on about, he does not like the level of incentives in Income Support. We are currently monitoring the Income Support budget very carefully. Until we have run through at least 12 months, preferably a 2-year cycle, of operation it would be difficult to fully understand any seasonal and other factor that could affect the costs of benefits. This would include obviously seasonal employment, differences in G.P. (general practitioner) costs between summer and winter, any additional demands on special payment budgets at different times of the year, the cost of cold weather payments through a complete winter

and the impact of any pay rises. Along with Deputy Southern I would very much like to improve the incentives for working and saving. Improving incentives costs money. I do not need a review to tell me that. We know that. What I need is a clear understanding of the cost base of Income Support. During 2009 the department will collect data on all aspects of the finances of the Income Support budget. Once this information is gathered and understood it will then be possible to estimate the cost of various enhancements to the main Income Support system. If the review takes place in 2009, there will not be enough information available to make a sensible financial decision for improving incentives. Deputy Southern does not like the way Income Support deals with medical costs. There is a close connection between Income Support and New Directions. Some changes have already been made to the Health Insurance (Jersey) Law as part of the introduction of Income Support. These are just an interim step towards the much bigger changes which will be needed to implement a primary care strategy for the 21st century. During 2009 the consultation on the New Directions will take place and as a result of those discussions changes will be needed to Income Support. For example, it is likely that the way the G.P.s are funded will change. When these changes have been agreed the Income Support system will need to be revised in line with the new funding method. Undertaking a review in 2009 before these changes have even been agreed would be a waste of time. Deputy Southern does not like the way the Income Support deals with job seekers. Well, the Skills Executive was officially opened on Monday. This operation between 3 departments will lead to better targeting of resources to help local people get the training and job advice that they need to make sure we have a workforce that is productive and flexible. Change will not be seen overnight. During 2009 we will be working closely with the Skills Executive developing our joint role and identifying the services that will be most effective to help people. A review of job seeking services in 2009 would only be based on a very limited operational period and it may well delay the settling down of the staff in their new roles. With regard to relative poverty, Deputy Southern suggested that Income Support has made little impact on relative poverty. Any objective review of a means tested benefit system would include an examination of the impacts of the system on the relative poverty levels with various household types. It is not enough to check the incomes of the people receiving the benefit; you also need to look at the people who may be excluded from the benefit system. This is done using a survey of the whole population. The Statistics Unit have agreed to conduct an income distribution survey in 2009 to gather this information. This is a major survey and I am very grateful to the Statistics Unit for fitting this into their tight schedule. The survey is being designed at the moment and will be conducted from the spring of 2009. The results will be available approximately 12 months later. Until this survey has been completed we only have anecdotal evidence to decide whether Income Support has made an impact on relative poverty levels among children or pensioners. A review undertaken in 2009 would be unable to draw any conclusions on the effectiveness of Income Support in reducing relative poverty levels. To summarise: during the remainder of 2008 and 2009 we need to monitor firstly spending on Income Support very carefully to gain an understanding of the benefit cost trends. We also need to co-operate with Health and Social Services on the consultation and then development of modern primary care services. We also need to co-operate with the Skills Executive on the introduction of effective services for job seekers. We also need to co-operate with the Statistics Unit on the income distribution survey to gather up-to-date information on relative poverty. Of course, aside from that during this time we will also be finishing off the Income Support Regulations for residential care. At the moment there are interim arrangements in place to provide assistance with residential care. We are now in a position to develop the remaining I.T. (information technology) support needed for administration and to draft the final set of Regulations. This work should have started at the beginning of September but is currently being held up due to the unusually large number of questions and amendments from Deputy Southern. **[Laughter]** It is no exaggeration. The time that is taken to answer questions is enormous. It delays the work we are doing; there is just no getting away from it. Sir, it is diverting my officers' time and resources to answering questions. They were supposed to be getting on with a piece of work in September and that has not happened because of answering questions. So our

work does carry on. It will carry on during the rest of this year and the new Regulations regarding the residential care will come to the new Assembly in 2009. As well as all these major items we also continue to refine operational procedures. However much preparation one does in advance, there are some things that can only be done once a system is up and running. We also continue to make small tweaks to the Regulations as we have seen. The current wording of our Business Plan objective is to monitor the implementation of Income Support with a view to undertaking a full review in 2010. As Members will see, we have substantial work to do before a full review could take place. Undoubtedly a review could be done in 2009 but it is difficult to see what use that review would be, given the number of changes that are still to be introduced. I hope I have given Members an idea of the amount of work that needs to be completed before a review would be useful. I would also remind Members that the department is already committed to undertake a review and that will be in 2010. Deputy Southern in his written report lists some of the department's other objectives for 2009 and rather flippantly suggests that either some of this work will be delayed or additional staffing will have to be engaged to deliver all the other fine sounding social initiatives that have been promised. The Social Security system in Jersey has been developed locally over many years and it is very different from the benefit systems in the U.K. Just the option of throwing money at it and saying we can buy some support in is not an option, it is a non-starter. Deputy Southern's alternative suggestion is that we should delay some of the fine sounding social initiatives while this review takes place. I will just remind Members of some of the projects that are planned to be considered next year. Those are, of course, the long-term care funding scheme to ensure that local residents who need residential care are not required to give up their life savings to pay for their care. **[Approbation]** We also need to check that the Social Security fund will be sufficient to continue to protect local workers in the future when the number of pensioners rises massively and there are fewer workers to fund pension payments. That is a massive piece of work in the review of the Social Security system. That is down to be done next year. We would not be able to do that if we are doing this other thing. We have also got to review the way in which lower paid workers received supplementation. Everybody wants supplementation to be looked at. I want to look at it. It is in our Business Plan to do. We need to do that. The reason we have to do that is we have got to ensure that people continue to receive full social security benefits while limiting the growth in the total cost of supplementation to the taxpayer. It is a big piece of work which needs to be done. So these are just not fine sounding social initiatives, they are desperately needed. We must get on with them. So it will be the role of the Minister for Social Security to ensure that these major issues are addressed in a timely manner. So undertaking what, I have to say, would be a premature Income Support review in 2009 will inevitably delay the important issues that need to be addressed, and also I have to say would be valueless because it would be an incomplete report and the outcomes from that report would not be of any value to give any direction for the future. I urge Members to reject the amendment.

10.3 Deputy C.J. Scott Warren:

Firstly, I should state I am a member of the Income Support Sub-Panel and the Income Support Scheme is still in early days. As a member of the sub-panel many problems have been identified and we had a public meeting earlier this year, which the Minister attended and he did respond as a result of the public meeting in a number of positive ways. Obviously there is a list which has already been spoken about by the proposer of this amendment about the problems that were identified. One of them is there is no incentive for those with savings when they have to put a spouse into residential care. This is where obviously I support looking at and working to get the long-term care funding scheme in operation as soon as possible. I am sure all the Income Support Panel would agree with me regarding that. Certainly that should not be delayed. I am also concerned regarding the Income Support Scheme on the situation with medical costs and whether this is now meaning that some families, some people are delaying their visits to the doctor, which may mean that when they do need treatment it costs far more. As I say there are a number ... most of the issues have been already covered. I believe that it is important that a review is carried out

before transitional protection payments are reduced. At the very least an interim review should be prepared in 2009. To sum up, I believe it is early days and I do believe that this review would show that some changes and improvements ... as I say, if they have already been identified as being needed and some have been acted on by the Minister, but some would be found necessary if a review is done next year. I am concerned, and I hope it will be October 2009 and not January 2009, the transitional benefit payments, but I would go further than that and say that unless this amendment is supported that should not change until after a review in 2010. But I have to say that we need to know that the new States Assembly will be able to make the changes to transitional protection payments in full knowledge of Income Support, how it is operating and with full confidence. Therefore, I do not see it as valueless to have a review carried out next year. I do understand our constraints on the Social Security Department but I believe that some report, even if it is an interim report, should be carried out before there are changes to the payments that are now planned to be hopefully later this year. I will be supporting the amendment.

10.4 Deputy G.W.J. de Faye:

A little earlier I think I heard the phrase coined: “No taxation without consultation.” Really woolly minded stuff. The real phrase is: “No taxation without representation.” It is a rather different concept. Frankly, if you consult people who are likely to pay taxes they will give you one answer: “No, thank you.” Hence nearly 20,000 signatures on a petition that asked precisely that. This amendment is another example of woolly minded thinking. It is that convenient approach of politicians which says: “Do not ask me tricky questions; let us have a review. When the review comes up with some recommendations I might be able to give you answer.” But a review on what? A review on something that has barely got going. I am wholly against this on the basis of my own experience of Transport and Technical Services where we have seen, over the time, the structure of the bus service change from the old service to the new system of service operator, and more latterly we now have an extension to the contract because of the way some of the licences have been awarded, we now have an integrated service. How am I to assess how an integrated service is operating unless I have had a couple of years to compare? It has been running for one year very successfully. Year 2 looks as though it is even more successful than the year before, to the tune of about 6 per cent across the board, revenue and passengers. But quite frankly, Members of the Assembly, 2 years is the minimum assessment window that I can sensibly make any judgments on. It is unreasonable to take anything less than that to make a proper assessment. Ideally you would have had longer. Unfortunately, we have a 3-year extension of contract which will allow more considered and detailed judgements to be made ...I regret I have lost my train of thought. What a shame. So I will sit down.

10.5 Deputy J.A. Martin:

Obviously Deputy de Faye’s thought was very meaningful as he forgot it as soon as somebody walked out of the Chamber. Now, I obviously would stand up, and I did second this proposition. We had a fairly lengthy in-depth speech from the Minister for Social Security. He says that Deputy Southern is a constant thorn in his side because he is asking questions. He openly asks questions. Firstly, about the appeals. If anybody remembers before the last sitting of this States before the summer break we had to put through an appeals board for Social Security because there had been a request to have an appeal. So that is why so far we have had one and they got the people through. The Minister stood up, and said: “I must get this through today. There cannot be any delay because I have a tribunal next Tuesday.”

Senator P.F. Routier:

There have been no other requests, Sir.

Deputy J.A. Martin:

I am not saying there are requests, I am talking about timing. It is July. I know there are people who have appealed after the 21 days on writing, been refused again and are in the process of forming an appeal. It is all unknown territory but that is that aside. We had many, many reports from the Minister, we had a cobbled together system, it did not work. We now have ... it is in law that this system will make people go to work. Well, that is very good if the backing is there. From what I have learned even over the last few weeks with youngsters, there is no help down there for them. You know, they are told: "At a push you can have some money." But then the Minister says we have a total success with Income Support. Everybody, bar 4, voted for it being a targeted system. There will be transition which should have stopped this October, conveniently not stopping now. I am not saying conveniently because it is just before the elections because that is where you hit people, you take their money away. For some reason it got moved to January, which is good for the people. But now, in the Council of Ministers - and I have read it - they are going to extend transition, in their own words in the debate, for people who are very well off. I heard it many times from the Assistant Minister for Social Security, we are giving money to people who are earning around £40,000. We are helping them with their rent. This should not be happening. The system is perfect but we still want to now extend that to next October at a cost of £2.2 something million. Why? Is it that perfect? This is what is making me suspicious. I have seen no reason. I heard no reason from the Minister to do so. If the system is working, if when we start taking money away from people they will not really feel it, if people are not going to be worse off by working rather than staying at home, why would the Council of Ministers bring an amendment that is going to cost him £2.2 million? If we have a review on the principles and how this is working in practice, I think we need a consultant, I think a pair of fresh eyes. We have had all the spiel from the Minister, he cannot do it. The department cannot do it. We are talking, what? I think Deputy Southern mentioned around £100,000. Get somebody in, a fresh pair of eyes. Look at the system and tell us that when people are taken off transition, because I do not see how we are going to extend it again, that they will not be hit in their pockets. It is not my proposition, and it is not Deputy Southern's proposition who has come to this House later on and asked every one of you who wanted a new targeted system to support supposedly well-off families to the tune of £2.2 million for another year, from October this year to October next year. It is the Chief Minister and the Ministers, with no explanation, so it must make you ask if anybody has got any ... you could call me cynical but I am suspicious because why would they want to give it to families who do not need it? They said it is going to start being taken away, some fully and then people at 20 per cent, but it does say in their notes it will go down to £0.2 million by 2013. Can we be sure that they have got it so right because if you put your money where your mouth is, you would not be giving it away. Your system is fine. You are sure it is working fine but you want to extend the transitional period? Now, I want the transitional period to finish when the review is done and I am happy that we are talking ... and you know how many families we are talking, well, not families, households, not people, 3,500 households are on this transition, £2.2 million taken away. So if you are happy with the system, the Minister is quite sure the system is a total success, why do it? I think we need this review in 2009. I think it can be achieved; by bringing in an external consultant we achieved it. Yes, the Minister says our report was rubbish but certainly our consultant was not rubbish because I think it has been mentioned before, he was asked to work and did work very closely with Social Security. Fresh pair of eyes. Make sure I know, you know, that this system does not hit those 3,500 households in their pocket. If it did not, why are the Ministers themselves wanting to extend it? I cannot repeat it enough. Total success, complete confidence in it, start cutting transition in January. We have already said we are going to do it until January. Now we are going to do it for another year. Why? In these days where they could spend £2.2 million better it does not make sense. I want one of the Ministers to stand up and come back from the coffee room and tell me why it is in this proposition.

10.6 The Deputy of St. Ouen:

Presently confusion and doubt seems to exist over the effectiveness of this new Income Support Scheme. We hear the Minister continually saying one thing and yet Deputy Southern and Scrutiny Panel and others saying another. Equally, we are all aware of concerns raised by the public and other Members of this Assembly over the support offered to those on low incomes. I supported G.S.T. on the basis that we would have a comprehensive Income Support Scheme in place to ensure that those who would be most affected by the new tax would be protected, and I believe that applies to many others that sit in this Assembly. I want to know that this is indeed the case. The public also want to be satisfied that the scheme works. It therefore follows that the only way to address everyone's concerns is to carry out a review. I believe this is the only way forward that will once and for all satisfy and deal with the concerns that have been raised. I accept that the Minister and his department have other issues to address. But one should not neglect ensuring that existing policies already implemented are fit for purpose. If it does need time to spend on underlining and highlighting the words that we continually hear from the Minister then so be it. The Minister has suggested there are no real reasons for a review. Well, I am sorry but there are concerns being raised nearly every week. Has the Minister already forgotten the debate we had in this Assembly last week and all the concerns that were raised, especially over the price of food and fuel? Again, I say for everyone's sake we need to be properly reassured that our support scheme works. I will be supporting this amendment.

10.7 The Deputy of St. Martin:

One concern I have got is the cost and I know that will come later on. I very much want to support what the Income Support Sub-Panel have been doing and I would also like to commend the work that people like Deputy Martin, in particular, have done because a tremendous amount of work has been done over the course of 2 or 3 years and long may it continue. However, I am concerned about this amendment because I think in agreeing to it we know that the second part will be later on asking for £100,000 to support it. Can I ask if I am correct that it will cost £100,000? If that is the case maybe the rapporteur or the mover of the amendment, Deputy Southern, could give us clear reasons as to why it will cost £100,000. It may make it a bit easier in making a decision either to support or otherwise for this amendment.

10.8 Deputy R.G. Le Hérisier:

Just a minor point ... well, not a minor point. I wonder, if the proposer of the amendment could answer as to why this study could not be undertaken by the Scrutiny Sub-Panel itself with proper advice. He may well sigh and that but he has done with his erstwhile or current colleagues a very good job thus far. Issues have been identified in his early analysis. Why can we not do it ourselves rather than have to run to consultants again?

10.9 Deputy J.B. Fox:

That was exactly the point that I was about to raise as well and I think it is a valid point that needs to be answered of why can it not be done in-house. We have had the specialists come in to support the Scrutiny Panel and I would be interested in the answer.

10.10 Constable P.F.M. Hanning of St. Saviour:

We have the advantage if these figures are gathered over a longer period of time of being more accurate. The Minister will then know exactly what is working and what is not. Two, 3, 4, even 5 years would give you a lot more accurate picture. Unfortunately, people possibly have problems now and I do not think if they have problems now they have time to wait until we have the accurate figures. I think we need to get a picture fairly quickly. I think it may not be 100 per cent accurate but I think we need to know as quickly as we can. The Minister I think has to be flexible in how he is going to deal with the problems and deal with them as they occur. But I do not think we can afford to wait. The sooner the better.

10.11 Senator T.A. Le Sueur:

It does not mean that after a review there will be no problems any more with Income Support, any more than it means that before the review there are no problems at all. The Minister has made it quite clear that there have been questions and concerns raised by many people over the last 6 months and I am not surprised in any new scheme like this where circumstances change and people's benefits change, there are bound to be queries, bound to be anomalies and bound to be cases which are of concern. What reassures me is that of all those cases that have arisen to date, with virtually no exception they have all been resolved ultimately at a departmental level one at a time, dealing with individual situations without the need for a review. I think it is only one, or certainly not very many, that have gone to appeal. Any suggestion that the Income Support system in general is not working, as the proposer alleges, is miles from the truth. The Income Support system is working and if there are anomalies here and there, the Minister and the department are quite prepared to back them up and deal with them on an ad hoc basis. So will bringing a review forward by 12 months improve the situation very much? I think the answer is it will improve it very little at all and meanwhile the disbenefits we hear are quite considerable. The disbenefits of having to bring in an outside body to do this because there are no resources in the department, the fact that it will disrupt the department from other necessary work, particularly in the line of supplementation where no one is spending a lot of money, and in other areas which do need looking at, the general social security system review. I know from my time at Social Security that there is a tremendous amount of work to be done just in order to prepare for any sort of review of that nature. One cannot pull a department in 10 different directions and still make it work properly. I am anxious that the department does work properly and that this Income Support system, which has been in place for less than year now, has got that time to bed down. Now, if there was a suggestion that there would be no review then that would be a different matter, but there is a review. We have dealt with the objectives for doing it in 2010, an orderly time once the system settles down, once the department is in a better position to deal with it. I think to impose a further review on the department at this stage will have negative effects and, therefore, I suggest that this amendment be opposed.

10.12 Deputy P.N. Troy of St. Brelade:

It was Deputy Scott Warren who said the long-term care issue is a priority that we need to consider and, of course, she is absolutely right. Then she said we do not want delays. Well, of course, if you do not want delays then you have to reject this. If you want elderly care considered and supplementation considered, you have to reject this amendment because this amendment will put a colossal amount of work on to the department. It will take it out of its planned work and move it into a totally new area where there is chaos in that we have to reorganise everything within the department. We have large amounts of information on our computer system to be analysed in any review and, as Senator Le Sueur quite rightly said, preparation for review in itself takes a lot of time. We are a department here dealing with thousands of people, data on thousands of people. To pull all of that out of the system and to analyse it all does take a considerable amount of time. I hope Members recognise that this proposal will put the department in a very difficult position. Deputy Martin then talked about transition saying why would another £2.2 million come forward to extend transition. Of course, that is a Council of Ministers initiative. They have recognised the high rising costs around the Island in food and the effects of G.S.T. and so on and many of the people who are in transition, of course, are now just ... they are the people who just fall outside of Income Support. So many people who will need that help are going to receive it through the extension of transition. But, of course, also those people who are in Income Support are receiving help, too. An interim review was suggested with a consultant. Well, if you bring a consultant into the department and that consultant starts going through the department asking for data, talking to staff, that in itself causes disruption as well. So that for us does not work. That interferes with the work programme. I remember last week there was a suggestion that scrutiny carry out a review. I cannot remember what subject it was on; it is all in the past, a week has gone by and I have forgotten which debate it was on, but I remember the Chairman of the Scrutiny Panel standing up

and saying: "But our workload is such that we cannot take on a review like this." We are using this argument ourselves that we have got a planned workload, a planned way of dealing with our work in the department, and this will cause massive problems. Last week, the Chairman of the Scrutiny Panel said exactly the same thing and declined to carry out a review on some subject but I cannot remember for the life of me what that subject was at the moment. Now the Deputy of St. Ouen asked is Income Support fit for purpose. Well, of course it is. We have thousands of satisfied customers, clients, people who are receiving benefit straight into their bank account every week and who are very content with the system, and anyone who has had any application, where they have had any disputes on an application, they can ask for any decision to be reviewed by another officer within the department and then they can go to appeal if they are not satisfied with that. As we have heard, there has only been one appeal on Income Support. Now, for a system that is crashing, as Scrutiny tell us, in the first 6 months we have had one appeal. It is not falling apart, it is a fabrication what Scrutiny are saying. We have thousands of satisfied customers and where we did have a problem earlier we have taken quick action to resolve it. I really do ask Members to reject this amendment and it is very important that Members reject this.

10.13 Deputy S.C. Ferguson:

Members may recall that the Public Accounts Committee has just done a report on the accounts. One of the hearings was with the Chief Officer of Social Security and I comment on some of the findings we have had. The financial resources of the department have been under-resourced. They have a new finance director who is just getting to terms with Jersey as opposed to the U.K. The Committee itself has concerns about the quality and quantity of management information available with the department because the functionality of N.E.S.S.I.E. (New Employment and Social Security Information Exchange) is underdeveloped and the quotation was: "Management information is perhaps not as it should be in the department." Now, my concern is that an early review will hold back the developments which will give us the basis for reform because it will give us all the information we want in an easily analysed form. As it happens, yes, I am meeting with the department on Monday regarding some of the vagaries relating to their particular disability payments, and I know that there are people who are nervous of going to the doctor because they have been put in the wrong band and at the moment they are in a band that has to pay. But on the other hand, I talked to people who are dealing with the aged *en masse*, pensioners and so on, and they have no significant criticisms. So, yes, I would very much like to see a review but I just am a little concerned that it is perhaps too much too soon. I note Deputy Martin's comment that the transitional relief is going to be running on much longer and this seems to me to tie up with the availability of management information so, you know, we are between a rock and a hard place. I will wait for the summing up.

10.14 Senator M.E. Vibert:

Very briefly, I would urge Members caution on this. I was involved in a review of the machinery of government which took place much too soon and [**Approbation**] we would have learnt so much more if we had waited until it was settled in so that we could have run a proper review. So many Members came along and told us that but, of course, the States at the time had voted for it and I think, on reflection, they probably would not have voted for it. I urge the same caution here because I think it will be a much better review if there is time for the system to really settle in and we will get much more out of the review and we will be much better for it rather than rushing it and doing it too soon and not getting full benefit from it.

10.15 Deputy I.J. Gorst:

I will try and be quick. I agree that Income Support ought to be reviewed. It is, as a number of other speakers have said, merely a matter of timing. I do have parishioners who have contacted me with concerns about some of the areas and ways that Income Support is operating. But, is now the right time? I believe that we need to iron out some of these individual cases, we need to let the

department itself work and solve those issues, and then we can have learnt from those issues. My fear is that if we do not do that what will happen is every time I go to the department with a particular concern I will be told: "Well, the whole system, Deputy, is being reviewed in 2009" and nothing will happen. I believe that 2010 is a more realistic timescale to deal with this in a whole ... to allow the system to have bedded in. We will have reasonable working examples. We will have had the proper system, not just continually topping up money so that people do not feel any worse off, because at the end of the day we need to have the full system in without the continual topping up of payments to know whether it is working sufficiently or not. I do want the review but I feel I cannot support the timescale that is being proposed.

10.16 Senator F.H. Walker:

Let there be no doubt, and other speakers have referred to this, the Income Support project is a huge undertaking by any standards. We have merged something like 14 benefits, benefit systems, into one and it has been a massive undertaking. It has also been a huge success. Of course there have been individual issues. That is absolutely inevitable with any new scheme of this magnitude involving thousands of customers. But nevertheless, when I saw this amendment I thought it was a no brainer. I thought: "Yes, new system of this sort of size, review, absolutely makes complete sense and a review as soon as possible." But I have now had the opportunity of discussing it with the Minister and I, too, have become convinced that this timing is wrong. A review is essential but for a review to be meaningful it has got to be based on accurate data and information. To conduct a review which is anything other than that could actually be worse than no review at all because it could come - and Senator Vibert referred to this in the context of the review of Ministerial government - too early and come to misleading and inaccurate conclusions which would be to the detriment possibly of the customers who need the support of Income Support. We have also heard that it would almost certainly - I think certainly - divert much needed resource from long-term care and from the review of supplementation which other Members have said, and I could not agree more, both are absolutely essential. If we undertake this review in an unplanned manner, unscheduled manner, then those things and other initiatives of Social Security will be delayed and will suffer. That surely is not what we want to achieve. So, I would say review, absolutely, and we have a commitment from the Minister that a review will be undertaken but at the proper time in the proper way, and that is 2010 not 2009. I urge Members to reject the amendment.

The Greffier of the States (in the Chair):

I call on Deputy Southern to reply.

10.17 Deputy G.P. Southern:

Well, here we have a Business Plan in which we are invited to bring amendments because it is this House that decides how we go forward and not just the Council of Ministers and not just individual Ministers. What we have is a defence against an amendment that I believe to be reasonable and, in fact, essential which consists of nothing but delay and fudge, the use of the word "orderly", in an orderly way. What a magnificently staid word that is. It must be one that is used often in Social Security circles because both the ex-Social Security President and the present Minister for Social Security both use it. Let us do this in an orderly manner, whatever that means. The Minister as part of his defence said the States have taken a view earlier to press ahead despite our report. It took that decision in good faith trusting the words of the Minister that what was being proposed would deliver: "Despite the evidence produced by the Scrutiny Panel that it was shot through with serious flaws." Not the flaws that we have talked about where individual cases ... and I have not brought one individual case to this room. I have not talked about detail, and it is not about the individual cases. Under the old welfare system we had individual cases. I took many of them occasionally, even going to the Constables Panel, having got a decision out of the Constable, met with 3 Constables and you get the right decision. Only rarely, though. I took, I think, 2 in the last 7 years and that is the sort of order on which an appeal operates. So we are given the defence there

has only been one appeal. As Deputy Martin said we only formed the panel in July. I did take that appeal. It is a very serious appeal. There is a woman about to have to spend some £40,000 of her savings as a result of divorce. Now, I am yet to receive the answer, the judgment from the panel, but it is not an easy process. We are told we have only got one appeal and what happens? Yes, you are allowed to ask for review. You get the decision: we are not giving you any more money under this benefit. You say: "I want a review." Second officer comes down and says: "No, technically it was right. Sorry." Do you then go and take that to an appeal which is 3 independent people in public? You do that and it takes months, you have got to prepare your case, and then it takes apparently another month to get any answer. We have only had one. I do not know how many we could have physically fitted in in that time. We would have been keeping the panel very, very busy if there was 2 or 3 because they would be working several days a week instead of one day a week. So that excuse, we have got thousands of satisfied customers, is not an excuse. Certainly I have had experience of having to go down on an individual level to sort out problems, some of them obviously about cases but some of them about principle. The bits that we have got wrong, why is this particular event not covered under special payments, for example? "We do not do that." "Oh, but welfare used to cover that or offer a loan, why have you changed the system? Why is this worse than the last one? Welfare used to do that." "Well, that is the rules." Social Security work by rules, it is not on the list. Constables do not work by those rules. If they thought it merited some help they would find a way to do that. But this system does not do that. Now, we are told ... yes, we are told that the States have already accepted this. We accepted it in good faith and increasingly the evidence is coming about that things are seriously wrong. The most spectacular one, I think, is the one around medical benefit. I think that is a major change to many people in that they are seriously worried about mounting health bills from their G.P., simple things like the cost of being referred for an x-ray. That is a cost. They will be charged. They worry about going to the doctor. Those people never worried about the doctor before and managed to get treatment and now they are. They are, and I have seen the evidence, they are delaying going to the doctor. As Deputy Scott Warren said, that is a danger and long term that is an increased cost not a reduced cost. We were told at one stage by the Minister that he would want at least 12 months. Well, this amendment gives him those 12 months to get it under way, so more than 12 months, and preferably 2 years in order to undertake a review. Any changes that that brings about could not possibly be implemented until 2011 and in some cases we are asking people to live in hardship for 3 years. It is all right, we are dealing with it in 3 years' time. Deputy Gorst said that if we have a review in 2009 we will get: "Oh, it is all under review," nothing will happen, nothing will change. If we leave it until 2010 it will be: "Oh, there is a review due along like a bus, in 2010. We cannot possibly do anything about that beforehand." So it will be worse. The issue over I.D.S. (Income Distribution Survey), we are told that all we have got is anecdotal evidence. No, we do not, we have the 2002 Income Distribution Survey which can very easily be updated and those figures, by and large, are fairly valid. But anyway, that is an irrelevant argument because we can review what we are delivering and check it against the new figures in 2010 as soon as possible. We are told that the system we have got is a Jersey system and that any U.K. expert will not understand it. The fact is that we found Dr. Evans, he very quickly understood what we were doing and trying to do and he was so good at understanding that that within 2 months of him appearing at Social Security asking what was going on and investigating, he was offered a position: "Do you want to come and help us?" Of course he declined because that would have been somewhat of a conflict. In answer to Deputy Le Hérisier, why can Scrutiny not do this? Well, Scrutiny did its review on the basis of expert evidence. It employed an expert. The in-house element was the Social Security Department. They did their system in-house. I believe they got it wrong. We did our review with U.K. expertise and I think we have spotted the flaws that they did not. So the difference between in-house and not is a very significant one and it is clearly demonstrated by what has happened, how things can go wrong if you do things in-house. Then we have seen some shroud waving: "Well, if we cannot do this, well, that is residential care out of the way; that supplementation, we will not be able to deal with that." This is the supplementation that I was suggesting should be amended back in 2002, in all

sorts of ways. One of the reasons why they could not possibly accept my suggestions, my propositions in those days was: "Oh, it is under review. We need to get on with it, and we are getting on with it." Well, that was 5 years ago. So we are getting on with supplementation now does not wash any socks with me because I have heard it all before, and do not expect early results because I was holding my breath in 2002, naive fool that I was, expecting them to come out with something straight away. Oh dear, we live and learn, do we not? Deputy Scott Warren, I thank her for her contribution. Of course medical costs are one of the important elements, and she passed me a little note and it is important. Yes, this will be difficult for the department, Deputy Troy; I am sure it will be difficult for the department, Senator Routier, but as Deputy Scott Warren says, it is the people that matter, not departments. The departments are a tool and this amendment is about ensuring that we are delivering to the right people. Deputy de Faye gave a useful contribution and, effectively, as usual, if I am proposing it he is against it. I am reminded of a Marx Brothers song: "No matter whoever proposes or presents it, whatever it is, I am against it." That is Deputy de Faye. Deputy Martin, in her inimitable way as suggested, has her suspicions and she points to the fact that if this system is delivering to the right people and withdrawing transitional protection will do no harm because no one will suffer, why then has it been extended? The logic of that argument, if it is that right, why have we got transitional protection for up to 5 years, 3 years for many but up to 5 years, and we have just extended it, why is that? Because, clearly, it will cause some harm. If we were to wait until transitional protection was out of the way, which Deputy Troy suggests, then we might be waiting 3 to 5 years before we did anything and that cannot be allowed to happen. The other joy of using an external adviser is, of course, that their voice is independent. Now, I have been howling in the desert as far as the Minister for Social Security is concerned. I know I have serious concerns about this, but who am I, a mere Deputy, to do such? Am I independent? Oh, no, I have an axe to grind. Am I an expert? No, I am simply a representative. So, whatever I say is ignored. Let us find somebody who cannot be ignored. That is independence. I am also then complained about because I am asking too many questions and delaying things still further: the entire department has come to a halt because of my questions. Well, I am afraid that leaves me completely unmoved. If I were to receive honest and straight answers to all of my questions the first time I asked them I would not need to keep on asking them. So, please, do me a favour and give me a straight answer occasionally and we will be fine. I thank the Deputy of St. Ouen for his contribution and for Deputy Ferguson. As she says, all is not well within the finances of the Social Security Department in any case. The whole approach is now is not the time: delay, delay, delay. For the people whom we are delivering to, this is vital and the sooner we get on with it the better. Now, we can get on with it and we can usefully get on with it. I have not heard an argument today that says we must not. Please support this amendment and I call for the appel.

Deputy J.A. Martin:

I did ask if Deputy Southern could tell us where the £100,000 ...

Deputy G.P. Southern:

Yes. Certainly, I will do. I am concerned because I have seen it before in many reviews that what we get is a review with very tight terms of reference which just skim over the surface, and you can do one of those for around about £17,000 because it happened just recently from the department over there and I was concerned that that should not happen. When I asked the department how much they thought a proper review would cost they said: "Maybe 50." I have built in a safety belt into there. I do not want anything skimmed so I have doubled that and I think that is a valid way to approach it. It may well be that we do not spend that much, but it is with a safety margin built in to make sure we do a proper review and that we do not go over that budget. That is the reason for the £100,000.

The Greffier of the States (in the Chair):

The vote is for or against part 1 of the seventh amendment. The amendment has been rejected, 11 votes were cast in favour, 27 votes against.

POUR: 11

Connétable of St. Clement

Connétable of St. Saviour

Deputy A. Breckon (S)

Deputy C.J. Scott Warren (S)

Deputy R.G. Le Hérisssier (S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy D.W. Mezbourian (L)

Deputy K.C. Lewis (S)

CONTRE: 27

Senator L. Norman

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Ouen

Connétable of St. Mary

Connétable of Trinity

Connétable of St. Lawrence

Connétable of St. Brelade

Connétable of St. John

Deputy R.C. Duhamel (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy P.N. Troy (B)

Deputy J.B. Fox (H)

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy of St. John

Deputy I.J. Gorst (C)

ABSTAIN:

The Greffier of the States (in the Chair):

Accordingly, Deputy, the part 2 of your amendment will fall away for later in the debate.

11. Annual Business Plan 2009 (P.113/2008): sixth amendment (P.113/2008 Amd. (6))

The Greffier of the States (in the Chair):

We come now to the sixth amendment, part 1 of that. It is also an amendment to the objectives of the Social Security Department, also in the name of Deputy Southern.

The Deputy Greffier of the States:

On page 2, paragraph (a), in paragraph (a)(viii) after the words “pages 29 to 30” insert the words: “except that after success criterion (iii) in Objective 1 on page 29, there shall be inserted the following success criterion with the subsequent success criteria renumbered: (4) Income Support Scheme amended to provide free access to G.P.s for some recipients of Income Support.”

11.1 Deputy G.P. Southern:

Once more into the breach, as they say, or tea break over, back on your heads, one of my favourite jokes. I have just failed to achieve a review of the Income Support system. Key to my request for a review were serious concerns about how we are dealing with medical costs for those (a) who are the poorest of our society, and (b) those who have high medical needs. At a time when, despite the black hole, we are apparently generating more money in tax revenues than we know what to do with, hence we are putting £38 million away in the Stabilisation Fund or in the Consolidation Fund later on in the year when we finally accept the budget, despite that, we have taken the unprecedented step, I believe, amongst any western democracy that calls itself civilised of withdrawing free access to G.P.s from a section of society, having established that some decades ago as a valuable tool in supporting the most needy in our society. I find that exceedingly strange. To take away free access to G.P.s which has been fought for over the years at a time when we have money in the coffers is not only, I believe, immoral, it is, quite frankly, perverse. At the same time, of course, we have given a bonus to everybody because we have taken the charges off prescriptions for everybody, rich and poor. Yet, here we were with a system supposed to target the poorest and the most needy and give them free access to G.P.s because that is essential to their maintenance and we have stopped it. Now, we stopped it because the old system was inaccurate and not targeted properly. Well, that is fine. We mended that, apparently, when we adopted the wonderful Income Support Scheme that, apparently, 27 people in this Chamber have total faith in because they do not want it reviewed early. They are quite happy to let it be reviewed later. **[Members: Oh!]** I believe it was 27. There must be some level of satisfaction because there is no need for an urgent review, as I believe. So, presumably - or perhaps we would not deny this, then - we now have a new system put in place that is better targeted, is well targeted, and delivers to the right people. Is that correct? I believe the Minister and his assistant would say, even though it might be difficult: “Yes, probably.” So, it is targeted. It is achieving what H.I.E. failed to do. So, what is the problem? Why on earth should we, at this stage, take away free access to ...

The Greffier of the States (in the Chair):

Sorry, you are being cut short again by the quorum, Deputy. Please continue, Deputy.

Deputy G.P. Southern:

To resume, for those who might have missed it. No, I think we had arrived at the point where we had a system which gave free access but which was inaccurate and, therefore, the Minister decided to scrap it. He has replaced it with a system that is more accurate, it is targeted, and it gives access to G.P.s but it is no longer free. It is no longer free because benefits are paid to all no matter what

their need, for example, but those who were on the old H.I.E. scheme have been allocated a Household Medical Account. That means that instead of receiving their medical treatment from their G.P. for free, they have some of their benefit put aside to pay for their visit to the G.P. That means in their pocket they have less money per week to spend on other things. That is taking away free access to G.P.s. That is what it does. If they have high need, they get more money, not given to them but put into their Household Medical Account from their benefit, the benefit they are due. It takes more money out of their pocket which they can spend on other things, what I call - after-housing cost disposable income. It reduces their wealth. Now, I have seen - and I know this - individual cases, but collectively there are several of them. They have come to me, people on a single benefit, used to have H.I.E., look at how much money they had under the old system with all its faults, and look at how much money they have in their pocket now. What you have to do is take out that H.M.A.(Household Medical Account) because that does not hit their pocket. It goes into their account and is paid to the doctor. That is a reduction in their standard of living and that is what has happened. It happens to people living on their own on a single benefit of £169 or £172, whatever it is at the moment, a week. That is the reality. I think that was a mistake. This H.M.A. is causing people to think twice about going to the doctor because if they start visiting more, they know that more money will go out of the Household Medical Account and less money will be in their pocket, less money to spend on food, heating or whatever. That should not be happening. Those who have high medical needs, for example, those who have to have a visit from their doctor, are worried sick, literally. Their doctors still, in many cases, are unsure what happens. How much are they going to be paid? Who is going to be paying me? From what source? Certainly, the patients have been worried to death. Again, the P.R. machine, the publicity machine, failed to put the message out about: "Don't worry, you will be covered." We are told they are covered by special payments. If you want a special payment you have to go and fill in a special payments form. It takes some time. Put it in the office and it is dealt with. It takes further time. All this time is worry. People are delaying visiting their G.P. because they are worried about paying for their doctor. I believe it is perfectly possible to provide a scheme - and I have laid out the details in my proposition - which replaces the old 3,000 to 4,000 households, badly targeted, with some 2.1/2 times as many households, targeted to those who are the poorest, those who it is accepted will be on full Income Support. Not those that are in transition because they are at the wealthier end and they are protected but they will fall out of the system; targeted to where the known needs are. Where do we have high needs? Obviously those who are defined as having high medical needs. Let us make sure that they do not have worries about going to the doctor or having a visit from the doctor, which is often the case. Then, who else has high medical needs? We have seen the curve. It is the U-curve against age of demand for medical services. There are 2 elements. One, obviously as you get older. So, pensioners are targeted for this benefit and the other part of the curve is young children. So, lone parents and couples with children are also targeted and those 3 groups, it is refined even further. So, it is targeted. Children, old people, those with high needs and not those with transition support because they are going to fall out of the system. They are slightly better off. It is good targeting, I believe, and it is a good way to proceed. I notice I am told that, unfortunately, the calculations I have made for its total cost are inaccurate: "Given the 2 major incorrect assumptions included in his calculation, the total cost suggested by the Deputy does not reflect the true cost of his scheme." Now, I have costed it at an additional £1.7 million from central taxation because they contributed to the old H.I.E. scheme, and an additional £1.4 million from the Health Insurance Fund, to give a total of £5.5 million in total. I believe those to be accurate. However, I look forward to any explanation of why they are not accurate because they certainly seemed to make sense to me, and where the errors are and what the end result is, because it seems to me from the comments on costs that, if anything, I have over-estimated the cost of delivering this scheme because it does not say: "It will cost more." It does not say that I have a low estimate. It says that I have an inaccurate estimate. So, I look forward to hearing their argument and perhaps the Minister will tell me how much it would really cost and tell us how much it would really cost. In which

case, if the principle was to go through, and I believe it should, then it would be up to us to decide whether we can afford it.

The Greffier of the States (in the Chair):

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

11.2 Senator P.F. Routier:

I have to say I just cannot believe what I have just heard, that the Deputy would be suggesting that we should support a proposition which he is unsure of the costs of. If only he had come to the department ...

Deputy G.P. Southern:

If I may, all I did was ask the Minister to tell me what the true cost is.

Senator P.F. Routier:

I presume that is a recognition that the Deputy has it wrong?

Deputy G.P. Southern:

I think my words were: "I look forward to hearing where I have gone wrong."

Senator P.F. Routier:

We have just debated a need for a major review of Income Support and in this amendment the Deputy seems to have single-handedly done the review and decided that over £3 million of public money should be immediately made available to provide free G.P. services to some Income Support households. There are so many mistakes and misconceptions in the Deputy's report and opening speech that it is really hard to know where to begin. I have to say, I really wish the Deputy had come to the department and discussed it with the officers to bring forward a proposition because this is wasting the House's time. [**Approbation**] I will briefly explain the current system for paying for G.P. costs under the Income Support and then I will outline some of the problems raised by Deputy Southern's proposals. On average, people in Jersey visit the G.P. 4 times a year. This cost is included within the basic adult and child component. For example, a family with 2 children, 2 adults and 2 children, could expect to visit the doctor around 16 times a year, and part of the basic Income Support component would be used to pay for this as the Deputy has explained. Many people have chronic illnesses and they need to visit the G.P. regularly. The Income Support system provides additional benefit to these people. If somebody needs between, say, 5 and 8 visits a year, altogether they will receive a component to provide for an additional 4 visits, giving them 8 visits in total. For more serious conditions, needing between 9 and 12 visits a year, a higher component is provided meeting the cost of 8 additional visits, a total of 12. That is, one a month. The Deputy made great play of the fact they had taken away free access to G.P.s. These people in these circumstances do not pay to go to the doctor. They have been given extra money to cover the costs of their access to the G.P. services. So, the impression that the Deputy is trying to give to Members and is trying to give to the public that access to G.P.s is costing people on low incomes money is incorrect other than for the first 4 visits that a small portion is coming out of their Income Support payment. But I have to say, we have improved Income Support payments considerably during recent times and that also helps to cover those costs. So, these clinical cost components are available to anyone on Income Support who has a medical need, not just to those previously covered by the H.I.E. scheme. I will just quickly run through 4 different ways in which a household now receives benefit. In all these cases, the person visiting the G.P. receives a £15 medical benefit like you and I do from the Health Insurance Fund and also receives free prescriptions. Firstly, the household on Income Support did not receive H.I.E. which has no additional medical needs. In the past, this family had to pay for all G.P. costs itself. Under Income Support, part of the weekly benefit can be put aside in a Household Medical Account so that when someone visits the G.P., the cost of the visit is then from the Household Medical Account. The

H.M.A. spreads the costs of the visits evenly through the year and ensures that people are able to visit the doctor when they need to without worrying about having to pay the bill. Now, the second household group is a household on Income Support that did not receive H.I.E. and also includes somebody with additional medical needs. In the past, this family had to pay for all G.P. costs itself, including the additional costs of a family member with medical needs. There were many families in this situation as the H.I.E. system only considered the medical status of the male head of the household. Under Income Support, the family will receive an extra component to meet the costs of these additional visits. The family can choose in their own free will to set up an H.M.A. They will probably decide to have a higher weekly amount as they know they will have extra G.P. costs during the year. The extra benefits will cover this additional cost. The third example, a household on Income Support previously in receipt of H.I.E. with no additional medical needs, in those circumstances this family had free access to the G.P.s although there was no one in the household with specific medical needs. As this family are not used to budgeting for G.P. costs, each member of the family has been allocated a clinical cost component to cover an extra 4 visits per year in addition to the 4 visits covered in the basic components. The family has also been allocated an H.M.A. to ensure that their G.P. costs are met through the year. So, people who were on H.I.E. previously, they still have the ability to go to the doctor and have their costs met from within the Income Support system. The fourth group on Income Support who were previously in receipt of H.I.E., who also included someone with additional medical needs, in the past this family had free access to G.P.s. As this family is not used to budgeting for G.P. costs, each member of the family has been allocated a clinical cost component to cover 4 extra visits per year. That is a total of 8. Each family member with medical needs has been allocated 8 extra visits a year and that is a total of 12. The family has also been allocated an H.M.A. to ensure their G.P. costs are met throughout the year. Of course, on top of this in all of the various household types I have described, sometimes a healthy person will have unexpected illness or an accident and need to visit the G.P. several times. So, in those cases, a special payment system ensures that anyone on Income Support who has no other means of meeting the bill can receive a payment to meet their costs. I appreciate that this is quite detailed in what I have described to you, but the main point to make is that Income Support does provide for G.P. costs through the adult and child components; through additional clinical cost components available to anyone with a medical need; through special payments and by providing Household Medical Accounts to ensure that people are not put off going to the doctor because they cannot afford the cost. Income Support has a system which provides appropriate help with G.P. costs with a minimum of checks and balances. However, it also includes mechanisms to discourage unnecessary visits, unlike Deputy Southern's amendment which would reintroduce many of the problems associated with H.I.E. The principle of Income Support, which is fully in line with the policy direction of the Health and Social Services Department, is to provide public funding to individuals on the basis of their medical needs. Those with a chronic condition receive more help than a healthy individual. In this way, additional funds can be made available to those that need the most medical assistance. I need to point out that this amendment would also reintroduce some of the problems of the old H.I.E. system. We used to receive many complaints about the H.I.E. because people with incomes just above the limit received no help at all but someone with a few pounds less per week in income had access to unlimited G.P. visits. This was, obviously, unfair but Deputy Southern is now proposing that this system is reintroduced. One of the main advantages of Income Support is that benefits are gradually reduced as income increases. So, some households will receive £1 a week in Income Support as they are very close to the limit at which Income Support runs out. Under Deputy Southern's scheme, everyone in this household will be entitled to free G.P. visits. Another household with an income of, say, £2 or £3 a week higher will not receive Income Support and will be expected to meet the cost of their G.P. visits themselves. Deputy Southern is also suggesting that free access be provided on the basis of household entitlement. For example, he is suggesting that parents with children should receive free visits. A couple without children would not be entitled to free visits but if the couple had a teenage child, all 3 of them would be entitled to free visits. This is what the Deputy is proposing. Within

Income Support, anyone who needs more than the average number of GP visits can already receive extra financial help to cover the costs of these visits. Providing free access to healthy adults and teenage children reduces the funds available to provide extra help to the chronically ill. Deputy Southern has attempted to cost his proposals and suggest they would cost £1.7 million from the States budget and £1.4 million from the Health Insurance Fund. Even though it is unclear what Deputy Southern is proposing, I can confirm that the costs he is suggesting are wrong. Deputy Southern did not approach the department before lodging this amendment. If he had done so my officers would have provided the Deputy with information on the budget previously provided for H.I.E. Without going into too much technical detail, Deputy Southern has based his costings on the cost of a G.P. visit under the old H.I.E. scheme. The H.I.E. was only available to a limited number of people and local G.P.s accepted a substantially reduced fee for those consultations. Ah! The light has struck. Good. I do apologise. So, it would be unfair and probably impractical to ask G.P.s to accept these very low rates for a much larger group of patients, which Deputy Southern's proposal is trying to do. Most crucially and quite incredibly in another part of the calculation, Deputy Southern has added together income and gross expenditure from the Health Insurance Fund to identify a total cost. As a result of these errors, the total cost suggested by Deputy Southern is incorrect. It would be very risky to accept the amendment as I am unable to give an assurance to the House that the proposals could be implemented within the budget he has proposed. As I have mentioned, the policy of both Income Support and Health and Social Services is to consider the needs of the individual and to provide funding so that each person's needs are dealt with. Providing blanket, free access across household groups will be expensive and will make it more difficult to target services to individuals where there is a real need. At the moment, my department is working on the assumption that New Directions will be available for public consultation early next year. We anticipate that the New Directions policy will make wide-ranging suggestions for the future provision of primary care and the way in which G.P.s are funded. While that consultation takes place and decisions are made on the health policy, further information continues to be collected and analysed. These strands will then come together and the Income Support system will be adjusted to fit the new model for primary care if required. As I have said, Income Support already supports claimants with the cost of appropriate G.P. visits. The effect of this amendment would be to provide unlimited free G.P. visits to a wide range of individuals with no specific medical needs. This would, undoubtedly, be expensive and divert funds from more useful schemes and people. I urge Members to reject this amendment.

Deputy G.P. Southern:

Could I ask for a point of clarification? It is a question I asked before and I have not received any clarification on it. The Minister keeps saying my calculations are wrong. Have I over-estimated the cost or under-estimated the cost? Because it seems to me from the criticism in your paper that I have overestimated the cost and we could deliver this for less. Is that the case?

Senator P.F. Routier:

The Deputy has under-estimated the costs because he has not allowed for the fees which the G.P.s used to charge which was a reduced fee.

Deputy G.P. Southern:

Does the Minister have a figure for what his estimate of the cost is? I think it is important.

Senator P.F. Routier:

I think I made that clear. We cannot estimate that because we have no idea of what it would be. We have no idea and I think I said that in my speech that it would be foolish for us to go ahead with such a proposition.

The Greffier of the States (in the Chair):

I call upon Deputy Southern to reply.

11.3 Deputy G.P. Southern:

The Minister suggests time and time again that I did not approach the department. Of course I did. I consulted with his Chief Officer and I received his advice as to whether some of the parts of the contribution that I was looking at were, in fact, correct and he did guide me towards the States contribution and the Health Fund contribution. He also reminded me that the Health Fund has made some £8 million extra income over expenditure last year. So, it is not as if we cannot afford it either from taxation or from the Health Insurance Fund. But then he says as part of his defence: "Why did you not come and consult?" Well, perhaps I will tell you one of the reasons why. Because I asked for raw data 8 weeks ago, 9 weeks ago now, going on for 10, in order to do some calculations which show that again one of his defences - that we have up-rated the benefits recently and they, too, can help with medical costs - to provide evidence that, in fact, his figures about making people better off are, in fact, false because, of course, everybody is going to up-rate for inflation in any particular year. You then cannot compare the new year's figures with the old year's figures because, obviously, you have up-rated them. So, of course, people are better off, and yet he still keeps on promoting these figures that he has produced which I believe are completely misleading. But it has taken me 10 weeks almost to receive the raw data. I still do not have it. It might be with me next week and then we will see. So, approaching the department produces very, very time-consuming and slow results. The Minister went in some detail through 4 particular cases and, according to my calculations, in cases 1, 3 and 4, each of those families in those circumstances is made worse off by the fact they are not on H.I.E. They are on an H.M.A. which means the first 4 visits are taken out of their pockets. They never see that money and it goes on their medical account. That is less income than they had the year before in any sense if you are comparing like for like. He then said again, of course, if you fall ill or have an injury you can apply for special payments. Special payments is a time-consuming business and not everybody is aware of them because, again, they have not publicised what is available and what is covered in their new scheme. At which point, since there has only been one speech, I will maintain my proposition and call for the appel and remind people that this is probably a unique event in the history of western civilised democracies, to take away free access to G.P.s from a group of people and to make them simultaneously worse off, and that is what this Minister has done.

The Deputy Bailiff:

The appel is called for in relation to the amendment of Deputy Southern. The amendment is lost: 5 votes pour, 27 votes contre and one abstention.

POUR: 5

Deputy A. Breckon (S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy J.A. Hilton (H)

Deputy K.C. Lewis (S)

CONTRE: 27

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator F.E. Cohen

Connétable of St. Ouen

ABSTAIN: 1

Deputy C.J. Scott Warren
(S)

Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy I.J. Gorst (C)

**12. Annual Business Plan 2009 (P.113/2008): twelfth amendment (P.113/2008 Amd. (12))
The Deputy Bailiff:**

We come next to amendment 12 which is an amendment lodged by the Chief Minister.

The Greffier of the States:

Paragraph 2, at page 2, paragraph (a): in paragraph (a)(viii) after the words “pages 29 to 30” insert the words: “except that after success criterion (iv) and Objective 4 on page 30, there shall be inserted the following success criterion: (5) Minimum service level for processing changes of circumstances relating to Income Support households occupying rental accommodation established.”

12.1 Senator F.H. Walker (The Chief Minister):

I think there is total agreement on this, basically. I did check with Deputy Southern earlier. As I said just now, this is purely a technicality to allow his amendment to go through and we entirely agree with the Deputy’s amendment. So I would move the amendment to the amendment on that basis.

The Deputy Bailiff:

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

12.2 Deputy G.P. Southern:

Just briefly, yes. The case was that the Housing Department, in my experience, was very slack in dealing with some administrative matters over change of circumstances relating to the old rent rebate and rent abatement scheme and under that, if your circumstances improved and you were receiving abatement, you told the department and if the department did not act on it for a number of weeks you ended up with rent arrears. Now, I believe a similar situation could occur with Social Security except that you will end up having been overpaid and having to pay it back. Now, the worst case I have seen was a total of 24 weeks in housing and that was last year. Now, God forbid that any such delay would happen with the new Income Support system, and it would not, but I believe putting in the targets which say: "We will deal with it in a time that is reasonable and, therefore, you will not incur additional payments" is the right way to proceed. I am sure the Income Support Department will put in reasonable targets and will do its very best and in the vast majority of cases will meet them.

12.3 Deputy J.A. Hilton:

I rise really just to object very strongly to Deputy Southern accusing Housing Department staff of being very slack. I am sorry, there are 2 sides to every story and I do not accept the statement that he has just made.

12.4 Senator P.F. Routier:

Very briefly, the issue regarding the turnaround of applications to our department is, obviously, something we are very alive to and we need to be sure that we do react as fast as we possibly can. In the Deputy's original proposition, he did suggest that there were 2 targets to aim for and one was that an acknowledgement should be sent to somebody within 5 working days and the application would be dealt with within 15 working days. I have to say that we are very pleased to say that we already meet the 15-day target and it does not cause us any difficulty at all with regard to meeting that 15-day target. But the process of sending out acknowledgement to people, it is something that we do not think is necessary to do because it would only delay the bringing forward of the making the application decision. So, we are very happy to accept the 15 days but the 5 days we would not put that into our work process.

The Deputy Bailiff:

I call on the Chief Minister to reply.

12.5 Senator F.H. Walker:

I thank those few Members who have spoken and emphasise how happy the Council of Ministers is to come to Deputy Southern's rescue and maintain the amendment.

The Deputy Bailiff:

Would all those in favour of adopting the amendment kindly show? Those against? The amendment is adopted.

13. Annual Business Plan 2009 (P.113/2008): Objectives of the Social Security Department - continued

The Deputy Bailiff:

Then we return to the debate upon the Social Security objectives. Does any Member wish to speak on them?

13.1 Deputy R.G. Le Hérisier:

Just a couple of quick points, despite the entreaty of the Member behind me to keep quiet. Insurance for long-term care, we have had a study going on and on. I really hope that the Minister can put some backbone into the study, some energy, some enthusiasm and some drive. I am sure he will but this has been talked about an awful long time. Time is ticking, the demographic time bomb as we have been told so many times. The second thing is partly to do with his colleagues in Health and Social Services, but he did mention that they are going to look at the restructuring of G.P. services. This is long overdue. A lot of the debate surrounding, for example, Deputy Southern's early amendment might have been seen in a different light were we offering these services in a different way. It is utterly antiquated the way the G.P. system is operated: the lack of group practices; the lack of practice nurses; the fact that to receive the free prescription you have to pay £30, which is a total contradiction. Any muscle he can put behind a reform ... and I know we are dealing, as Aneurin Bevan was to find when he dealt with the founding of the health service, we are dealing with the most powerful trade union in the land, but any muscle you can put behind a reform is long overdue.

13.2 Deputy K.C. Lewis:

I will be brief. Deputy Le Hérisier has pipped me to the post yet again on this one. Objective 1 fully implements the residential care elements of Income Support and (5), long-term care and the system of funding for social insurance. I have constituents in St. Saviour, as many do, that are terrified, literally terrified, that in later life one of the partners has to go into long-term medical care and they have to sell their homes to pay for it. May I urge the Minister to bring this scheme in as expediently as possible?

13.3 Deputy G.P. Southern:

Just briefly, I note that the Minister has already mentioned supplementation but the last report I saw from his department said we cannot explain why supplementation has gone up in the previous year so markedly. I wondered if he yet had any explanation for the unexpected rises in supplementation in recent years and when we can expect to see them. Hopefully soon.

13.4 Deputy J.A. Hilton:

Objective 2, "To provide opportunity for higher skills and better employment." The success criteria has ensured that the Skills Executive provide specialist support to help adults and young people with special employment needs that might have difficulty entering the workplace. All very laudable, but I would just ask the Minister if he would engage with the States H.R. (Human Resources) to establish exactly how many people the States of Jersey are employing with learning disabilities. Previously when I have asked this question I was told that numbers had doubled, but a doubling of numbers from single figures just is not good enough as far as I am concerned, with the States of Jersey being the largest employer on this Island.

13.5 Deputy C.J. Scott Warren:

Again, under Objective 1(b), the long-term care scheme, I know we have spoken a lot about that this week. It is a totally unfair system and we are penalising those people who have worked, paid taxes over the years, managed to save and buy their own home but then see their savings dwindle when a spouse has to go into residential care. We all know that Guernsey has such a scheme and, obviously, we can probably better that still so that the funding will enable somebody if possible to stay in their own home where applicable. I also want to say I support the mention of 2 pieces of legislation in Objective 3 and, obviously, especially the one for maternity and parental leave, flexible working and family-friendly legislation and, obviously, the one for the construction industry is also important. I will leave it there because we are running out of time.

The Deputy Bailiff:

I call upon the Minister to reply.

13.6 Senator P.F. Routier:

The long-term care issue, a number of Members have raised it and it is something which we are very keen to move on with and, thankfully, the States made the right decision with having the review of Income Support. So, we will be able to concentrate fully on ensuring that piece of work is brought forward as soon as we possibly can. There has been reference to the Guernsey system and we recognise, and also Guernsey recognises as well, there are some tweaks that they need to do to their system. We want to have the best for Jersey to ensure that we use some of their system and also what is right for us. Also, Deputy Le Hérissier was suggesting there was some work needs to be done ensuring G.P. services are brought into the modern day working practices. That is, obviously, a negotiation that the Health and Social Services Department, with New Directions, will need to lead on but to make sure that the correct medical issues are being addressed and in an appropriate way. Obviously, when it comes around to the funding side of that and if it requires a use of the Health Fund, I know there are different views on this matter but it may be possible to use the Social Security Health Fund to create some of the incentives for changes to the G.P. services. Deputy Southern was asking about the supplementation and when have we received the answers. It is a moving target. It always is a moving target, unfortunately, and we will be having a debate tomorrow, no doubt, about additional funding for supplementation. I can obviously give more detail there of how we see the current position, but there are so many facets and issues with regard to how supplementation moves, from the state of the economy, the number of people employed, the way wage rises change, so it is a combination of so many different aspects that it is very difficult to reach a definitive decision on what is causing the increase. But we will be coming forward with mechanisms to try and control that - I said that in my opening remarks - to ensure that we do try and get some control over how supplementation has been working out. Also, we have been talking to the Comptroller and Auditor General who has given us some advice on how we can prepare the States and the Minister for Treasury and Resources to prepare for the funding that is required for supplementation in the future, and he has given us some good pointers on how we can move away from this famine and feast with regards to supplementation to make sure we can have some way of forecasting it for the future. Deputy Hilton spoke about special needs and the States record of employing people with special needs. The Council of Ministers did look at a paper which was produced by the H.R. Department, which I think at that stage the States were employing about 14 people and it was agreed by the Council of Ministers that the figure would double. But I cannot say that I have seen any news of an additional 14 people being employed within the States. I am pleased the Deputy has asked that question and I did speak with the Chief Executive of the Health Department, we were discussing the same issue, and I think both of us were going to enquire of the H.R. Department to have an update of what the latest situation is because that is something we desperately need to be moving on with. I think Deputy Scott Warren was also asking about family-friendly working practices. That is in the work programme. We will be bringing that forward and also the construction industry legislation to ensure that modern laws are in place for health and safety in the construction industry. I believe I have answered all the questions and I maintain the objectives.

The Deputy Bailiff:

Would all those in favour of the objectives of the Social Security Department kindly show? Those against? The objectives are approved.

ADJOURNMENT

Senator F.H. Walker:

Can I propose the adjournment, please? I know we do have to decide whether or not we are going to sit on Friday but, subject to that, can I propose the adjournment?

The Deputy Bailiff:

Before we adjourn, I would ask the Chairman of P.P.C. to address the Assembly.

Connétable D.F. Gray of St Clement:

As Members are aware, the agenda is quite lengthy still to be debated and although Members could probably curtail their speeches, in the interests of free speech that should not be allowed. So I am proposing that we meet on Friday, 19th September 2008 as a continuation day and, if necessary, we continue on Monday and Tuesday of next week, the 22nd and 23rd September 2008, as Standing Order 7 prevents us meeting on Wednesday and thereafter.

The Deputy Bailiff:

What is proposed is that the Assembly continues on Friday and, if necessary, on Monday and Tuesday until the agenda is complete. Does the Assembly agree to that? Very well, we stand adjourned until 9.30 a.m. tomorrow morning.