

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 10th OCTOBER 2017

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Welcome to H.E. The Lieutenant Governor

The Deputy Bailiff:

On behalf of Members I would like to welcome His Excellency Lieutenant Governor to the Chamber this morning. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Resignation of Connétable Christopher Hugh Taylor of St. John from the Privileges and Procedures Committee and Corporate Services Scrutiny Panel; Nomination of the unelected members of the Public Accounts Committee

The Deputy Bailiff:

Under F of the resignation, in accordance with Standing Orders 129(2) and 137(2), the Connétable of St. John has given written notice to the Bailiff of his intention to resign from both Privileges and Procedures Committee and from the Corporate Services Scrutiny Panel. Also in accordance with Standing Order 124, the chairman of the Public Accounts Committee has given notice of 2 unelected members, which he would like to nominate for membership of the Committee. Connétable.

2.1 Connétable C.H. Taylor of St. John (Chairman, Public Accounts Committee):

It gives me very great pleasure to reappoint Robert John Parker and Mr. Michael John Robinson. Both have been members on the former committee. I have worked with them over the last 3 years and they are very valued members of the P.A.C. (Public Accounts Committee) and I would like them to continue.

The Deputy Bailiff:

Is the nomination seconded? **[Seconded]** Are there any other nominations? If not, then I declare those persons appointed as members of the Public Accounts Committee. **[Approbation]**

Connétable L. Norman of St. Clement:

As chairman of the P.P.C. would you just allow me to say how grateful that I am to the work that Constable Taylor has done on that committee here in his term of office. He has been a dedicated forthright and a much valued member of the committee. I am sorry to lose him but I certainly wish him well in his new role. **[Approbation]**

The Deputy Bailiff:

Thank you very much, Connétable.

3. Written Questions

4.1 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MENTAL HEALTH STRATEGY FOR JERSEY 2016 – 2020: [1(525)]

Question

Since the publication of the Mental Health Strategy for Jersey 2016-2020, can the Minister outline what, if any, progress has been made towards further reducing waiting times for access to talking therapies and/or counselling for those with mild to moderate mental health issues? Can the Minister also provide a breakdown of the stages that are followed from the point at which the patient makes initial contact with their GP?

Could the Minister further advise what progress has been made towards achieving Key Priorities 2 ‘Prevention and Early Intervention’ and 5 ‘Leadership and Accountability’ of the strategy and outline what actions have been taken in respect of each of those priorities?

Answer

Investment was made into adult mental health (Jersey Talking Therapies) in 2013 – 2015. Currently, most referrals to the service come from GPs. In the last quarter there were 454 referrals, with 354 coming from GPs. There has been a 50% increase in referrals since the launch of the Jersey Talking Therapies service. The GP will typically make that referral using the designated referral form and the person will get seen for an assessment, on average, within 4 weeks. Following that assessment, they will then go onto a waiting list for treatment until there is a slot available for them to begin. We have recently introduced a system where those people that are waiting are called on a regular basis to see how they are doing and for their risk levels to be assessed. The service, which has been such a success in terms of the level of referrals since its inception, was reviewed this year and workshops are being held to identify service improvements.

Activity	Waiting Time Before Investment	Waiting Time After Investment
Assessment	20 weeks	4.5 weeks
1:1 Support	36 weeks	10 -15 weeks
Counselling	8 weeks	5.5 weeks

Since the Mental Health Strategy was approved in November 2015, good progress has been made with the agreed priorities for ‘Prevention and Early Intervention’ and ‘Leadership and Accountability’:

Prevention and Intervention

The focus of investment and improvement for ‘prevention and intervention’ since January 2016 has been on Older Adults Mental Health services, Primary Mental Health workers in schools, and, latterly, the Recovery Network development:

1. Older Adult Community Mental Health Service

This comprises:

Older Adults Community Mental Health Team (CMHT)

Service description – a multidisciplinary team for people with complex and/or high risk mental health needs including depression and psychotic illness, and people with dementia, with a single point of access, integrated, person-centred care planning and care for older adults and their carers in their normal place of residence or in a community location.

Status – Fully implemented. Staff recruited and integrated into the service. Core service values agreed, care pathways agreed.

Memory Assessment Service (MAS)

Service description – an enhancement and expansion of existing services, which ensures that dementia is diagnosed as early as possible in the mild stages of the condition, and supports service users and carers to make informed decisions and choices about care and support. People with dementia and their carers will have more information and signposting to help them manage their care more effectively and understand how to access other assistance, with personal care plans to meet identified needs. The service will improve the ability of care professionals (including GPs) to identify signs of cognitive impairment and will raise professional awareness of the service to ensure that GPs, the Hospital, Voluntary and Community organisations and Community and Social Services understand their roles and processes and are confident about making referrals.

Status – Fully implemented. Core service values agreed, care pathways agreed, vacant posts filled.

Hospital Liaison for Older People with Mental Health Difficulties – a single point for information on any mental health issue for over 65s at the hospital with training, support and guidance to hospital staff – including delivering training, supporting discharge planning and advising on the care of a patient. The service provides advice on the diagnosis of people with suspected organic and functional mental health problems and supports the delivery of good clinical care, care planning and discharge planning. This includes advice on managing behaviour that challenges others, and options for support in hospital, intermediate care, reablement and referral to local services in order to promote early discharge opportunities.

The Liaison service also provides urgent response and advice to the Emergency Department and Emergency Admissions Unit on non-hospital management options, and works with ward staff and Community teams to ensure good communication, sharing of information and smooth transfer of people into Community-based care.

Status – Clinical Nurse Specialist post filled and Nurse Practitioner will commence induction at the beginning of November 2017.

Rapid Response and Reablement Team (RRRT) development – Two Rapid Response and Reablement mental health nurses were employed in Q1 2017 to provide timely support and intervention for older people in order to prevent admission to hospital or to enable a timely discharge.

The mental health nurses:

- support their colleagues in the RRRT with joint working and education
- undertake assessment, care planning and care for short-term mental health interventions
- offer education and support that enables staff in residential care settings and Community providers and family members to continue to care for older people with mental health difficulties when they are experiencing an acute, short-term mental health issue.

Status – Fully implemented. Staff recruited and integrated into the service

Older Adult Primary Care Mental Health Team (PCMHT) – this service will work closely with the individual's GP to:

- Undertake assessment and review of care as part of care co-ordination for older people with mild to moderate functional and organic mental health needs
- Provide social prescribing to older people with mild to moderate functional and organic mental illness, promoting independence and recovery

- Co-ordinate pre-referral tests/examinations ahead of referral to MAS
- Provide case finding for people with key risk factors for dementia
- Ensure effective communication and care planning for people with mild to moderate functional and / or organic mental illness and other comorbidities
- Provide a focal point for work with the Rapid Response and Reablement service, CMHT and Hospital Liaison services.

Status – Two of the four Primary Care Teams are fully operating with posts filled. The Clinical Nurse Specialist for a third cluster is due to commence induction in early January, and the final cluster has the potential to go live in early 2018 pending successful recruitment. Challenges with nursing recruitment has resulted in delays to full implementation. In the interim, transition measures have been put in place to enable other areas of the Older Adult Community Mental Health Service to align with new ways of working. This will enable a swift implementation of remaining clusters once remaining posts are filled.

2. Primary Mental Health Care Workers – Education and work in schools

Two Primary Mental Health Workers (PMHWs) commenced work in June 2017. They complement and extend the overall offer of early intervention services available for children and young people. The PMHW roles reflect thinking regarding how the pathway for children and young people with emerging mental health needs will become more integrated. As part of this, there is a clear commitment to bring education and health closer in delivering evidence-based interventions for children, young people and families at the very earliest opportunity.

3. The Recovery Network

The Recovery Network will champion and provide sustainable practical resource to co-produce locally. It will connect people with an interest in mental health and wellbeing, having people with lived experience at the core and creating opportunities to partner with mental health services. It will be pro-active, positive, accessible, empowering, transparent and compassionate. Its purpose will be to:

- Inspire change
- Challenge attitudes
- Cultivate mutual respect
- Value and share lived experience
- End stigma
- Advise policy makers and service providers
- Provide peer support between individuals who may be experiencing or recovering from mental health issues
- Provide peer support to individuals whose loved ones are experiencing or recovering from mental health issues
- Connect people and services
- Promote early intervention and contribute to the development of services.

The Recovery Network is being scoped following a number of workshops with a range of stakeholders, many of whom have lived experience. This is being led by the Recovery College.

In relation to the work of the Recovery College itself:

Students in Semester one completed a questionnaire:

- 97% of students stated that they would recommend the course to family and friends
- 95% of students felt the courses met or exceeded their expectations
- 66% of students felt the College helped them feel more confident, have more direction and connect to other people
- 100% of trainers who worked with the College would recommend working there
- 71% felt working with the College helped them grow professionally and feel more positive about the future.

Feedback included:

"I just wanted to say a huge thank you for enrolling me...I got so much from [the course] at a time I needed it most in my life. Please pass on my thanks to [the trainers] they were amazing and added so much to the experience." Student, Balanced Living for Beginners, Summer Semester 2017

"Jersey Recovery College has empowered me to feel more confident and open to new experiences whilst giving me hope and positive progress towards a life worth living." Student, Open Water Swimming, Summer Semester 2017

"There is something so liberating about the whole idea of service users working with mental health practitioners. Until I heard of it, I would never have thought it was possible...we are smashing down the barriers by working together. We get to see each other in a different light. It's brilliant." Peer Trainer, Jersey Recovery College

Leadership and Accountability

The Mental Health Engagement day on 15th May 2017 was attended by over 120 people. The Minister for Health & Social Services opened the day, confirming his commitment to improving the island's mental health services.

18 different organisations helped raise awareness of existing services and networks. These included: Prison Me No Way, Recovery College, Samaritans, Triumph over Phobia, Mind (Jersey), Eating Disorders, Jersey Alzheimers, Staying Put Housing, Silkworth Lodge, Alcohol and Drugs Service, Brighter Futures, Youth Enquiry Service, NSPCC, Citizens Advice Jersey and the Jersey Online Directory, Child and Adolescent Mental Health Service, Adult Mental Health, Early Help and the Multi Agency Safeguarding Hub (MASH).

Attendance and participation in the Engagement Day confirmed that people remain enthusiastic and committed to working together and to discussing issues and opportunities openly and with mutual respect. The day enabled delegates to share their thoughts on:

1. Recruitment Changing Practice
2. Recovery College
3. Community Triage
4. Suicide Prevention
5. Older Adult Mental Health Redesign
6. Mental Health in Schools
7. Mental Health Estate
8. 'Family Smiles' Programme
9. 'Letting the Future in' Programme

10. Implementing New Legislation

In the afternoon, 60 people attended a workshop to discuss Armed Forces Veterans' Mental Health, with guest speakers from Rock2Recovery. The workshop confirmed the interest in this subject, and identified that priorities for further work included raised awareness of veterans' mental health care needs and that the challenges veterans face regarding transition from the military are potentially complex, multi-dimensional and multi-agency in scope: learning to avoid isolationism, establishing strong relationships and developing confident skill sets to reduce stress and anxiety and creating resources and choice when moving forward are key. It was felt that a 'golf bag' of diverse strategies beyond medicine and psychological intervention to maximise tolerance to change, mental health and wellbeing was needed.

In addition, the following work continues to be progressed:

Social Inclusion and Recovery

- The Recovery College was live from January 2017; 176 students have enrolled since its inception, with many doing more than one course (see positive feedback above)
- Mental Health Public Awareness has increased, with additional content on the Jersey Online Directory and increased social media
- Suicide Prevention Training

Access & Care Coordination

- Feasibility study for a new Mental Health Estate is being finalised
- Mental Health Criminal Justice Pathway – a gap analysis has been produced and the Forum is developing investment priorities including improved pathways and services
- Listening Lounge – finalising plans for a new service, which will be provided by Shelter
- Community Triage – finalising plans for a new 'out of hours' service, working closely with Police and Ambulance
- Jersey Talking Therapies has been reviewed; workshops are being held to identify service improvements

Quality and Innovation

- A quarterly Mental Health dashboard and Annual Report are being produced

4.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING OVERSPENDS AT HAUTE VALLÉE SCHOOL IN 2015 AND 2016: [1(527)]

Question

Further to the generation of overspends at Haute Vallée School of £292,000 (7% of budget) in 2015 and £384,000 (9%) in 2016, will the Minister –

- (a) inform members of the circumstances that led to such overspends;
- (b) state what failures, if any, arising from these underspends have been identified in his departmental financial governance processes (as set out in the Education Business Plan 2015);

- (c) state what measures are in place, both within the Department and in schools, to ensure there is no repetition of such overspends;
- (d) detail what these overspends were spent on and what consequences, if any, there were for staff in the school;
- (e) state whether the head teacher was subject to disciplinary proceedings and whether the head teacher had his salary protected in taking on a new role within the Department; and
- (f) advise what lessons, if any, have been learned over the extent to which head teachers are given complete autonomy over significant issues within their school?

Answer

The 'overspends' specified above do not represent the true financial position of the school. This is because the figures quoted compare the actual spend with the original budget. However, during the year there are fluctuations in the budget and, for example, funds have been added for items such as back-dated pay awards and carry forwards. The expenditure in relation to these variations is included in the total spend but compared only to the original budget so the comparison quoted does not give the full picture.

The correct financial measure of performance is actual spend against final approved budget (ie original budget as adjusted for the variations). On this basis, the outturn for Haute Vallée School was £50,000 underspend in 2015 and £194,000 overspend (4.5% of budget) in 2016.

(a) School funding is allocated annually by the AWPU (Age Weighted Pupil Unit) funding model based on the number of pupils registered at the start of the September term. The overspend in 2016 for Haute Vallée can be directly related to the drop in pupil numbers at the school over the past few years as follows:

	2016	2015	2014	2013
Pupil numbers	603	618	646	692

A fall of 15 pupils results in a reduction in budget of around £100,000. The decline in 2015 was offset by a planned carry forward from 2014. This flexibility is needed to manage these fluctuations in demographics over the longer term.

The school is continually reviewing its finances, staff numbers and curriculum to operate with the financial budget allocated. It is often not possible to achieve this within one financial year and schools are allowed to carry forward underspends and overspends in order to manage their finances over the medium term.

The main reason for the overspend is staff costs. Although there is fluctuation in pupil numbers, it might not be enough to close one class. Therefore, the same number of teachers are required and the staff costs do not fall but the budget does.

(b) No failures have been identified in the financial governance process arising from the Haute Vallée overspend in 2016. As noted above it is usual for schools to manage and ultimately eliminate overspends over a number of years.

The above simply highlights the need to have year-to-year flexibility and longer term financial planning in order to accommodate the fluctuations in pupil numbers and to manage the mismatch between the financial and academic year.

(c) Regular meetings are held throughout the year between the school head teacher and the Education Department's senior management and finance staff to identify ways of achieving budget savings without directly impacting on pupil standards and achievement.

(d) The school overspend of £194,000 in 2016 primarily relates to staff costs which account for approximately 90% of the school's budget. The head teacher is continually managing and reviewing staff and non-staff costs to bring school spending within budget.

(e) As stated above, there were no breaches of financial governance, and therefore there was no need for disciplinary procedures. The salary levels of individual staff within the States is confidential.

(f) One of the workstreams set out within the Education Business Plan is greater freedom for schools (autonomy). The work is ongoing and research is drawing on previous experience from within Jersey and the UK. This incident highlights the potential difficulties caused by the difference between the States accounting year (January to December) and the school year (September to August).

4.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECOMMENDATIONS OF THE 'WILLIAMSON REPORT': [1(528)]

Question

Following the publication of the 'Independent Jersey Care Inquiry Report' (R.59/2017), will the Minister advise whether the adequacy of the response to the recommendations of the 'Williamson Report' into vulnerable children has been re-examined and will the Minister produce an RAG (Red-Amber-Green) action plan against every recommendation of the 'Williamson Report' which explains the progress his Department has made on implementation; and, if not, why not?

Answer

On 4 February 2009, the then HSSD Minister presented the Williamson Report – implementation plan approval and funding (R.8/2009) to the States. Since then, the HSSD Minister has reported to the Assembly on several occasions in relation to progress, including a detailed answer to written question 9147 on 19 January 2016. It is important to stress that the work in relation to the Williamson recommendations (which included other departments as well as Health and Social Services) was largely complete by 2013, when the associated funding ended as agreed.

The Children's Service has also been working to an improvement plan since 2016, reporting to the Children's Services Improvement Board chaired by the Chief Minister.

Since this time, the agenda has moved on and been superseded particularly by the work of the Independent Jersey Care Inquiry (IJCI) and the publication of the IJCI Report on 3 July 2017.

The Inquiry Response Group, comprising a number of senior officers, is tasked with planning and developing a response for Jersey to the Report. The Chief Minister has committed to bringing an initial plan to the Assembly in response to the Report in autumn 2017.

4.4 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RECOMMENDATIONS OF THE INDEPENDENT JERSEY CARE INQUIRY: [1(529)]

Question

Given the praise of the Probation Service by the Independent Jersey Care Inquiry in R.59/2017 and the recommendation of the Inquiry that the high standards and best practice of that service should be shared with other services which care for children, what, if anything, has the Minister done to

facilitate the implementation of this recommendation and how will her Department demonstrate that this has occurred and will continue to occur on an ongoing basis?

Answer

The Care Inquiry recommended putting in place a plan for the recruitment and retention of staff in Children's Services, and that this plan should take into account the positive experience that there seems to be in the Probation Service in creating a much more stable staff group (para 13.26).

At present, the oversight of the Probation Service does not involve the Minister for Home Affairs. This oversight arrangement for the Probation Service in Jersey differs from that found elsewhere in the British Isles. The Minister for Home Affairs does not have responsibility for the services which care for children. Accordingly, it is not within the remit of the Minister for Home Affairs to take the action requested.

4.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECOMMENDATIONS OF THE INDEPENDENT JERSEY CARE INQUIRY: [1(530)]

Question

Given the praise of the Probation Service by the Independent Jersey Care Inquiry in R.59/2017 and the recommendation of the Inquiry that the high standards and best practice of that service should be shared with other services which care for children, what, if anything, has the Minister done to facilitate the implementation of this recommendation and how will his Department demonstrate that this has occurred and will continue to occur on an ongoing basis?

Answer

The Independent Jersey Care Inquiry made explicit in its report that there were areas for improvement across the whole system (all departments and services) with no room for complacency. Key to sustainable improvement is the need for services and organisations to work across their organisational boundaries to remove silo working in the system in order that children are supported to improve outcomes.

The Report referred to the progress made by the Probation Service in recruiting staff and suggested that others, including Children's Services, could learn from this.

It should be noted that while there are similarities within the Probation Service and Children's Social Work, such as qualification requirements, there are also differences in terms and conditions which may make a significant difference in recruiting and retaining staff. Both Probation and Children's Social Work have endeavoured to use a trainee system to 'grow our own' professionally qualified staff. This has in terms of conversion been a challenge in children's social work. While a significant number of potential applicants wanted to become social workers, very few of them were able to make the commitment to go off-island to study and carry out placements. In addition, Community and Social Services had only the funding and full-time equivalent headcount on establishment for two posts at any one time.

Probation staff are paid at a different salary grade to social workers in children's services. Staff are paid at Civil Service Grade 11, while social workers in Children's Social Work are paid at Civil Service Grade 10 – this applies to both newly qualified staff and very experienced and long-standing social workers. In Children's Services, Senior Practitioners are paid at Civil Service Grade 11. However, this is a role that must be applied for ie it is not a matter of progression and involves the holding of a smaller more intense complex caseload along with some supervisory and

mentoring roles. Over a period of time, staff have left children's social work to take up posts within the probation service.

In recognition of staff in the probation service regularly working outside core business hours, staff receive 'additional' annual leave days due to the application of an approach described as 'annualised hours', amounting to an additional five days per annum around which the service continues to deliver its operational requirements. This approach stops the service having to accommodate requests for time off in lieu (TOIL) throughout the course of the year. This is not currently available to Children's Social Work staff.

In addition, all staff in Children's Social Work are expected to participate in an out of hours standby and on-call rota. This is carried out in addition to their daily operational duties. It is exceptional in other jurisdictions for social work staff to routinely participate in such a rota as there is usually an emergency out of hours duty service in place. This is an additional task for staff working in Jersey.

The Director of Children's Social Work is actively involved with partners, including the Probation Service, in developing the on-island social work degree. It is hoped that this course will be available in Jersey in partnership with Highlands College and a UK university in the autumn of 2018 offering placements to 12 students. Resource has been identified in contingency money towards set up costs and student fees for this course. However, there remains significant work to be done on a funding and support structure for students in order that they 'convert' to the States of Jersey as professionally qualified social workers. In the meantime, the service is funding and supporting three members of staff to undertake their professional social work degrees while retained in employment. To fully exploit an on-island degree course, the 'right' students must be supported – some of whom will require financial assistance to undertake the course. The options will be scoped and costed fully for consideration.

4.6 DEPUTY J.M. MACON OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL STATUS OF LIVING WILLS: [1(531)]

Question

Under Jersey law, what is the status of living wills and what significance, if any, do the Island's courts give to living wills?

Answer

The law on the subject is set out in the decision of the Royal Court in *Attorney General v X* (2004 JLR 1). In that case the Royal Court upheld the right of a legally competent adult to give an advance directive refusing certain treatment, which would be effective both while he or she maintained the necessary mental capacity and after he or she had lost that capacity. For a living will to be legally binding the individual must have had mental capacity when he or she made it, have envisaged the type of situation that has subsequently arisen, and have understood the consequences of the decision.

Further, Part 3 of the Capacity and Self-Determination (Jersey) Law 2016 (the "2016 Law"), which is to be implemented in 2018, will provide a statutory foundation for advance decisions to refuse treatment ("ADRT"). The 2016 Law will enable persons aged 16 or more to make a decision in advance to refuse treatment if they should lose capacity to give or refuse consent in the future. The effect of a valid ADRT will be the same as a decision made by a person with capacity to refuse treatment, so that medical professionals will be required to act in accordance with it.

4.7 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING CHANGES TO EMPLOYMENT PRACTICES IN LIGHT OF RECOMMENDATIONS OF THE INDEPENDENT JERSEY CARE INQUIRY: [1(532)]

Question

In view of the recommendations of the Independent Jersey Care Inquiry in R.59/2017, will contracts issued by the States of Jersey contain a clause that employees may be expected to undertake a secondment; what work, if any, has the States Employment Board done to build partnerships with other authorities to enable States of Jersey staff to participate in inspections in other jurisdictions and to learn best practice; how will the States of Jersey demonstrate that this has happened; and if no work has been undertaken by the Board on this matter, why not?

Answer

Currently the States of Jersey employment contracts do not contain an express condition that requires an employee to accept a secondment. However, secondments and development assignments do and have taken place from time to time. The arrangements for these are determined in consultation with the employee and the needs of the particular service.

The main recommendations of the Independent Jersey Care Inquiry are being fully considered and will be subject to a report back at the end of October. How service partnerships with appropriate authorities may be established will be part of the ongoing work.

4.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE SAFETY PLAN FOR ACCESS TO MILLENNIUM PARK: [1(533)]

Question

Will the Minister inform members whether the safety plan from Parsons Brinkerhoff which suggested automatic rising bollards for access to the Millennium Park from Tunnell Street and Robin Place was considered by his Department, in conjunction with the St. Helier Roads Committee or separately; who was responsible for the decision to reject the suggestion, on what grounds was it rejected, and when did this occur?

Answer

My Department does not have jurisdiction over Tunnell Street or Robin Place. The Parish of St. Helier Roads Committee is the responsible authority and is the only body that can direct changes to its roads layout or operation, all decisions and implementation work on these roads were undertaken by the Parish.

4.9 THE DEPUTY OF ST. JOHN OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING DISCLOSURE AND BARRING SERVICE CHECKS FOR ELECTION CANDIDATES AND ELECTED MEMBERS: [1(535)]

Question

Will the Chairman advise whether any consideration has been given to requiring election candidates or elected members of the States of Jersey to undergo a Disclosure and Barring Service (DBS) check and, if not, why not?

Answer

The States of Jersey Law 2005 provides that a person shall be disqualified for election as a Senator or Deputy if, within the 7 years immediately preceding the date of their election, they have been convicted, whether in Jersey or elsewhere, of any offence and ordered to be imprisoned for a period of not less than three months, without the option of a fine. No similar statutory provision exists in respect of Connétables but they are subject to the supervisory jurisdiction of the Royal Court and the view of the Comité de Connétables is that the legal provision regarding disqualification for election as Connétable are at least equivalent to those for election as Senator or Deputy (P.138/2016 Com.). Following the Assembly's agreement to P.138/2016 PPC is preparing a draft Law which would bring into alignment the statutory bases for disqualification for election applying to Connétables and Senators and Deputies. The Committee has not recently considered other proposals to change the law on disqualification for election and is not aware of any concerns having been raised about States Members not being having undergone a DBS check.

4.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING POLICY IN RESPECT OF ALLEGED CRIMINAL ACTIVITY WHERE A DECISION IS MADE NOT TO CONTINUE WITH THE CASE: [1(535)]

Question

Will the Minister advise what the policy of the States of Jersey Police is in respect of corresponding with alleged victims of, or complainants about, alleged criminal activity when a decision has been made not to continue with a case; how long has this policy been in place and what was the previous policy, if any?

Answer

It is the responsibility of the investigating officer, often referred to as the officer in case (OIC), to keep the victim apprised of developments including any final outcome.

This has been the States of Jersey Police policy since 2006/07 and is stipulated in both the Crime Investigation Policy and the Crime Screening and Investigation Policy. These policies are amended and updated as appropriate.

Post any offender being charged and proceeding through the Criminal Justice System it has (since September 2011) been the responsibility of the States Police Victim & Witness Care Unit to keep the victim updated, including after the outcome of the case. This is outlined as part of the 'Witness Charter' which can be read via the following link:

<https://jersey.police.uk/media/32536/witness-charter.pdf>

In June 2016, the Attorney General issued guidance on contact with prosecution witnesses before trial. This included guidance in respect of violent or sexual offences where a decision is made to discontinue or alter any indictment. The relevant extract states:

Meetings to explain a decision to discontinue a case or significantly alter a charge

It is important for witnesses who are victims of a violent or sexual offence to be informed of the decision to discontinue a case and the reasons for such discontinuance. A meeting with the Crown Advocate may not be necessary in all cases but should take place in all serious cases. This also applies to a decision to significantly alter a charge, e.g. to discontinue a rape charge in favour of accepting a guilty plea to indecent assault. In the case of a child victim it may suffice to meet the parents of the child only. A careful note of the meeting should be taken and communicated to the officer in the case if he or she is not present during the meeting and, in any event, provided to the police for their files. In any event, in every case the Police should consult victims in respect of any such decisions – if the Crown Advocate is unable to do so.

The full guidance can be read via the following link:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20AG%20guidelines%20on%20contact%20with%20prosecution%20witnesses%20before%20trial%2020161007%20ALS.pdf>

4.11 THE DEPUTY OF ST. JOHN OF H.M. ATTORNEY GENERAL REGARDING HIS DEPARTMENT'S POLICY IN RESPECT OF ALLEGED CRIMINAL ACTIVITY WHERE A DECISION IS MADE NOT TO CONTINUE WITH THE CASE: [1(536)]

Question

Will H.M. Attorney General advise what the policy of his Department is for corresponding with alleged victims of crime when it is decided that a case will no longer be pursued as a criminal matter?

Answer

Generally a decision not to pursue a criminal matter will be communicated to an alleged victim of crime by the States of Jersey Police. However, not all criminal offences are investigated by the States of Jersey Police. Some cases are investigated by other agencies, such as the Department for the Environment or the Department for Education, and in the same way as complaints are made to the States of Jersey Police, a complaint will need to be made to the relevant department and not directly to the Attorney General or the Law Officers' Department (Criminal Division). Where advice is sought by a particular agency from the Law Officers' Department a file containing relevant evidence will need to be provided. The decision whether or not to prosecute will be made by the Attorney General or a lawyer in the Criminal Division, in accordance with the Code to Prosecute. When the decision is reached that there will not be a prosecution this will be communicated by the Attorney General or a lawyer in the Criminal Division to the agency seeking the advice.

There are circumstances, however, when notification of such decision is made direct by the Attorney General to the complainant. In those circumstances the Attorney General will write to the complainant indicating that he has decided not to institute criminal proceedings against the person in question as he considers that there is insufficient evidence or, on rare occasions, that it is not in the public interest to do so. The Attorney General will then usually state that it is not his policy to give reasons for such decisions but will often provide a comprehensive note which explains the procedure followed when deciding whether or not to prosecute a criminal case so that the complainant understands the factors that have been taken into account.

The note sets out in some detail the process by which the Attorney General becomes involved in decisions in relation to criminal prosecutions; the way in which evidence is reviewed; the relevant criteria for making decisions under the Code to Prosecute and the policy reasons as to why the Attorney General (like the prosecuting authorities in the United Kingdom) does not generally give reasons for his decision in a case where he decides not to prosecute.

In respect of discontinuance of a case which has been prosecuted the Attorney General gave guidance in June 2016 which provides that witnesses who are victims of a violent or sexual offence should be informed of the decision to discontinue a case and of the reasons for discontinuance.

4.12 THE DEPUTY OF ST. JOHN OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING CODES OF PRACTICE ISSUED UNDER

THE EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (JERSEY) LAW 2005: [1(537)]

Question

Given the functions of the States Employment Board, as set out under Article 8 of the Employment of States of Jersey Employees (Jersey) Law 2005, and the requirement of Article 10A of that Law for chief officers to ensure compliance with codes of practice issued under Article 8, how does the States Employment Board ensure such compliance is maintained and meets employment and best practice expectations?

Answer

The States Employment Board has formally delegated the responsibility to the Chief Executive Officer to issue the Codes of practice, and then to Chief Officers and Accounting Officers to actively comply with their application, implementation and monitoring in departments.

Chief Officers and Accounting Officers are required to produce Governance Statements for the States of Jersey Annual Report and Accounts, which include details of compliance with the Codes for the areas of their control. Compliance with the Codes is also monitored through performance and development reviews.

The States Employment Board monitors its delegated authorities to ensure compliance with the Codes of Practice, which cover Conduct, Employee Development, Employment Relations, Equality and Diversity, Health Safety and Wellbeing, Pay and Reward, Performance Management, Recruitment and Selection, Terms and Conditions of Employment, Travel and Expenses, Risk Management, Business Continuity and Information Management.

Other monitoring mechanisms are:

- PWC, the States auditors produce a regularity report of all expenditure and this specifically addresses compliance with the Code on Travel and Expenses (which is also governed by Treasury Financial Directions).
- The States Employment Board regularly discusses issues related to Employment Relations, Reward and Terms and Conditions of Employment and Health and Safety. The Board also has a nominated member who reviews suspensions and disciplinary matters.
- The Departmental Risk Management Group provides regular updates to the Audit Committee and the Corporate Management Board .
- The Information Security and Governance Board oversees compliance with the Information Management Code.

4.13 THE DEPUTY OF ST. JOHN THE MINISTER FOR EDUCATION REGARDING CHANGES AT HIGHLANDS COLLEGE SINCE 2014: [1(538)]

Question

Will the Minister set out the changes made to staffing arrangements, budgets and curriculum at Highlands College since he was elected as Minister in 2014?

Answer

Curriculum

Level 2

Since 2014, Highlands has reshaped its Level 2 curriculum. The Jersey Progression Diploma (JPD) has been introduced in 14 vocational subject areas for students coming out of secondary school. The JPD is designed to significantly improve the life chances of young people by giving them the skills to progress from a Level 1 course at school to Level 2 courses in the College, which makes them more employable.

In 2014, **20.4%** of full-time students were enrolled on Level 1 or entry level qualifications. In 2017, only **5.9%** of students are on Level 1/entry courses.

The JPD has been developed in line with UK best practice in further education by:

- enabling students to try vocational subjects
- ensuring that literacy and numeracy and wider communications skills are well developed so that students can gain employment
- focussing on students who have under-achieved by giving them the knowledge and skills to progress
- engaging employers and asking them to contribute
- developing students' resilience
- offering meaningful work experience that develops self-esteem.

New Courses

- In 2016, new full-time courses in Animal Management and Performing Arts were introduced and new courses in Digital Games Design and Uniform Public Service are in development for 2018.
- In 2017, a new BSc Degree in Psychology and Criminology was introduced and recruited to target.
- A new Level 4 Apprenticeship in Hospitality Management has been developed and starts this term.
- The Highlands Professional Development centre has created new short courses in response to requests from industry. These are taught in the newly refurbished Professional Development Centre on the d'Hautree site.

Standards

- In 2015 the overall pass rate for full-time courses at Highlands College was 87%. The overall pass rate for 2017 is 95.6%. This is an increase of 8.6% over three years and 5.6% higher than the benchmark of 90% for further education colleges in England.
- The 2017 pass rate for the qualification element of apprenticeships that Highlands delivers stands at 87.6%, which is 18.7% higher than in England.

Staffing arrangements

The number of managers at Highlands College since 2014 has reduced by two on the senior team and by two on the middle management team. The management structure has been re-balanced so that each senior manager has a specific overarching cross-college responsibility and a reporting team of five departments. There have been no changes to the roles of lecturing staff or business support staff beyond the usual process of reviewing responsibilities and accountabilities.

Budgets

Budget	2014	2015	2016	2017
Income	£2,722,698	£2,903,146	£2,941,450	£3,127,210
Grant from the Education Department	£9,888,186	£9,688,734	£9,169,903	£8,998,773
Total income	£12,610,884	£12,591,880	£12,111,353	£12,125,983
Staff	£10,553,425	£10,522,392	£10,009,489	£10,016,287
Non staff	£2,057,459	£2,069,488	£1,881,864	£2,109,696
Total expenditure	£12,610,884	£12,591,880	£11,891,353	£12,125,983

- The figures are for financial (calendar) years rather than for academic years.
- 2014/15/16 are actual budgets but 2017 is planned income and expenditure.
- The increase in income reflects the growth in commercial activity of the college.
- The reduction in Department grant is due to a fall in the number of school leavers for this year group (the College is funded per student) and the accelerated progression of students into employment or apprenticeships (fewer are on three-year full-time programmes).
- These figures include £158,000 in 2015 for the ICT strategy, minor works of £50,000 in 2015 and £40,000 in 2016, and £63,798 in 2016 for the teachers' pay award.
- The 2017 budget includes £200,000 for IT Infrastructure upgrade.
- The difference in staffing expenditure between 2015 and 2016 reflects savings in management salaries
- The percentage of budget spent on staffing in 2014 was 83.7% and this is projected to reduce by 1.1% in 2017.
- The projected ratio of public funding of the college to income in 2017 is 74.2% subsidy and 25.8% income, which is a 4.2% reduction in reliance on grant income compared to the position in 2014.

4.14 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING SUDDEN DEATH INQUESTS: [1(539)]

Question

Will the Chief Minister request confirmation from the Viscount's Department of how many inquests (following sudden death) have taken place since January 2016; what the average waiting time is for inquests to be completed; how many inquests have taken more than three months to complete; and how many have taken more than six months?

Answer

The Deputy Viscount has confirmed that in the period from 1 January 2016 to 3 October 2017, there were a total of 288 reported cases of sudden or unexpected death and 63 inquests were held. As at 3 October 2017 there are 30 inquest cases due to be held, of which 16 cases are where the death occurred more than six months ago.

The aim is to complete all inquests as soon as possible following the date of death and, in any event, within a period of six months of that date. This reflects the target time for the holding of

inquests in England & Wales (although the law and procedure is different). However, the six month target time may not be met for a number of legitimate reasons such as ongoing criminal proceedings; or the need to wait for information and reports, such as specialist accident investigator reports, or serious incident reviews; the availability of experts and witnesses; and the needs of the family of the deceased.

Further information on waiting times is not currently collected and collated, but more detailed information about the coroner service is contained in the Court Service Annual Report 2016, which can be found in the reports and documents section at www.gov.je/viscount, and the Viscount and the Deputy Viscount are content to discuss these matters with any Member.

4.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING RENT LEVELS FOR TENANCIES OF ANDIUM HOMES: [1(540)]

Question

Further to the response to Written Question 1(497), will the Minister –

- (a) provide her assessment of whether the figures shown for rent levels of all new tenancies for Andium Homes (post-July 2014) can be categorised as ‘affordable’ for those in the lowest household income quintiles (i.e. with incomes below £23,900) or whether these households are consequently placed in housing stress;
- (b) provide an assessment of whether the increases in rent levels of up to 30% for around 1,300 Andium tenants will either cause hardship for many or raise significantly the tax revenues required to fund the Income Support housing component;
- (c) clarify whether the average rents shown will rise over time to 90% of the private sector rent levels indicated in the second table of that response and, if not, what levels will apply;
- (d) explain how the restoration of the rent tribunal system levels can reduce high rents given that properties let for a term of less than 9 years on a written contract made under Article 7 and properties in respect of which the States or any administration of the States is either the lessor or the lessee are exempt?

Answer

- (a) The rent levels for all new Andium Homes tenancies set out in response to Written Question 1(497) reflect the policy of charging 90% of market equivalent rents for social housing properties. This policy was adopted by the Assembly in P.33/2013 ‘The Reform of Social Housing’. The policy ensures that tenants pay a fair level of rent that reflects the value of their property, and underpins the substantial investment that is being made in social housing.

Many Andium Homes tenants will be in receipt of Income Support and the housing component of the benefit provides financial assistance towards the reasonable costs of renting a social housing property. In these circumstances, Income Support will recognise the full amount of rent charged for a social housing property provided that the household is occupying a property appropriate to its need.

Moreover, Andium Homes' refurbishment programme means that all tenants will benefit from improved insulation and energy efficiency in their properties, which will decrease the amount of disposable income they will spend on energy costs.

- (b) As stated above, the 90% rents policy should not cause hardship for Andium Homes' tenants because low income households are protected from rent increases through the assistance provided by Income Support and the refurbishment programme funded by the policy.

The financial implications to Andium tenants receiving Income Support of the 90% rents policy were set out in P.33/2013 and are built into the Income Support budget. The impact was outlined in the 2015 Annual Update to the MTFP Social Security Department Annex (p. 94). Andium Homes makes a significant return to the States each year, and in 2016 made a return of £27,728 million to the Treasury, which is greater than Income Support housing component expenditure for Andium Homes Tenants.

- (c) The average private rented sector levels set out in the second table of Written Question 1(497) are reflective of a range of different types, sizes and locations of property across the sector. It does not, therefore, necessarily translate that the rent levels in the Jersey House Price Index will reflect the rents of the social housing portfolio owned and managed by Andium Homes.

Social housing providers set rents by obtaining independent valuations from reputable estate agents who will conduct a valuation of social housing properties against comparable properties in the private rented sector.

- (d) The Minister is giving consideration to reinstating the Rent Control Tribunal under the Dwelling-Houses (Rent Control) (Jersey) Law 1946 in order to provide tenants in the private rented sector with protection against unreasonable rent increases.

Where a tenancy to which the Law applies had been referred to the tribunal, the tribunal would be able to review the sum of rent payable and (with reference to market rents for equivalent types of property) determine whether that rent was reasonable. If the tribunal determined that the rent was not reasonable, the tribunal would have the power to increase or decrease the sum of rent payable as appropriate.

The tribunal would not apply to tenancies where a landlord had used the standard lease provided under the 1946 Law or where the States was either the lessor or lessee. The provisions of the 1946 Law are consistent with the types of rent control used in a number of European countries, where rents may not increase above specified rental benchmarks. However, it is important to stress that economic evidence suggests that imposing restrictions on rents can have the opposite effect and reduce the supply of rented properties in the market, therefore raising rents in the market (R.87/2015). The Minister will take all these matters into consideration before making a final decision.

Separately, the Minister for Housing will shortly be lodging proposals to introduce a regulatory framework for social housing which will include service delivery standards relating to rental levels.

In order to keep housing affordable, the most effective policy is to build more homes. In this regard, we are on track to deliver more than 1,000 affordable homes by 2020 – for affordable rent and purchase – and have commenced work on a Strategic Housing Market Assessment in order to determine the island’s housing needs up to 2030, which will inform the next Island Plan.

4.16 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING NITRATE LEVELS IN JERSEY’S MAINS WATER SUPPLY: [1(541)]

Question

Can the Minister outline and reference what evidence he has, particularly in regard to nitrate levels, to assure the public that Jersey’s mains water supply is safe for consumption for:

- (a) adults and children over the age of 2;
- (b) pregnant women;
- (c) children under the age of 2;
- (d) breastfed babies under 6 months whose mothers drink Jersey tap water; and
- (e) formula-fed babies under 6 months whose main source of nutrition is powdered milk made with boiled Jersey tap water?

Answer

Jersey’s mains water supply is provided by Jersey Water, is governed by the Water (Jersey) Law 1972, and regulated by my department. The law includes physical, chemical and bacteriological parameters and limits for water to be deemed wholesome, meeting European Union Directives on water quality.

Jersey Water monitor the quality of their supplies frequently and test thousands of samples taken throughout the year from water sources, treatment works, storage reservoirs and customers’ taps. Their monitoring programme is discussed with my department and agreed by me, and is based on health parameters adopted across the world. The samples are taken according to agreed protocols and are tested in both Jersey Water’s own laboratory and suitably accredited external laboratories. Results from this monitoring are supplied to my department. In addition other samples are taken by my department from time to time.

The results of Jersey Water’s sampling is published and available on their website, <https://www.jerseywater.je/water-quality/water-quality-report/>

In 2016 of 19,997 regulatory analyses carried out on treated water only 2 were outside the regulatory parameters. Neither of these posed a risk to health. On the very rare occasion there is a regulatory breach, Environmental Health within my department is notified immediately and

investigations are undertaken. If there is deemed to be a health risk the public is informed by Environmental health in consultation with Jersey's Medical Officer of Health.

In relation to Nitrate levels, throughout 2016, and for the third consecutive year, nitrates in the treated water supply complied with the regulatory limit of 50mg/l. This is in spite of levels in streams and raw water sources exceeding this limit during part of the year. Nitrate levels are subject to a RAG (Red /Amber/Green) rating and Environmental Health is kept aware of the nitrate levels leaving Augrès and Handois treatment works. If levels approach the regulatory limits the frequency of reporting is increased. Environmental Health will inform the public should there be a potential or perceived health risk and advise on any action required. The level to date in 2017 has not exceeded 40 mg/l. RAG rating is currently green.

The UK Health Protection Agency (now Public Health England) has reviewed and reaffirmed its health risk assessment in relation to nitrate in drinking water. This health advice has not changed and remains as follows:

there is no concern for adult human health from consumption of drinking water with nitrates up to a level of 100 mg/l. (The regulatory limit is 50 mg/l).

However, bottle-fed infants are considered to be more susceptible to the effects of nitrates. Therefore there may be concern for the health of bottle fed infants consuming water failing the nitrate standard of 50 mg/l in certain circumstances (see footnote).

There is no specific advice for expectant or nursing mothers, however it would be prudent to follow the same advice as that for bottle fed infants. It should be noted that there has not been any recorded incident of methaemoglobinaemia in Jersey and the last recorded case related to nitrates in the UK was in 1972.

The current drinking water standard for Nitrate is 50 mg/l (milligrams per litre), consistent with the UK and other EU countries. This EU standard is based on the World Health Organisation's guideline value for drinking water, which is also 50 mg/l. This level is intended as a safeguard against methaemoglobinaemia (blue baby syndrome).

I am pleased to be able to state that for all parameters, including nitrates, Jersey's mains water supply is safe for consumption by all those in the categories mentioned in the question.

Footnote:

Public Health England advice note on nitrate is that:

Bottle-fed infants up to the age of 6 months, and in particular those under 3 months, are considered to be most susceptible to infantile methaemoglobinaemia (blue baby syndrome) caused by high nitrate level. Therefore, when nitrate concentrations exceed 50 mg/l as NO₃, it may be necessary for bottle fed infants up to the age of 6 months to be given ready-made liquid formulae or feeds made from an alternative low nitrate water supply. On the basis of WHO advice these precautions are recommended when the high nitrate water supply is also of uncertain microbiological quality or it is known to be microbiologically contaminated. The general population should not consume water when nitrate concentrations exceed 100 mg/l as NO₃ or nitrite concentrations exceed 3 mg/l as NO₂- in the short term.

4.17 DEPUTY J.A.N. LE FONDRE OF ST. LAWRENCE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE INTERNATIONAL CONFERENCE ON SEA LETTUCE MANAGEMENT: [1(542)]

Question

With regard to the International Conference on Sea Lettuce Management being held on 5th and 6th October 2017, will the Minister outline –

- (a) the total cost of arranging and running the conference (including any entertainment, and grants and contributions to attendees and / or speakers);
- (b) whether any practical solution or result has arisen, or is likely to arise, from this investment; and
- (c) whether there has been any liaison with French academics or researchers (for example, at Caen or Rennes) researching this same subject?

Answer

- (a) Firstly I must thank the Deputy for this question and for his attendance at the public conference summary and Q&A session on Friday afternoon. This international conference, the first of its type in the world was well attended and received by internationally renowned scientists who specialise in Ulva (Sea Lettuce). Over 60 delegates attended the main event and approximately 35 attendees were at the public summary and Q&A session.

As the International Conference on Sea Lettuce Management was only held within the past few days the full out turn costs have yet to be finalised however the current estimated full costs are expected to be in the range of £38,000 - £40,000. This covers an initial feasibility study, event planning and work to contact a range of worldwide and keynote speakers, event organisation and venue costs, keynote speaker and overseas delegate costs where appropriate and conference follow up administration costs.

Whilst there was a significant cost to host this event the long-term value in the knowledge gained and contacts made will outweigh the short-term cost. Indeed the avoidance of future unjustified capital investment is an important factor. For example, the knowledge gained at the conference of a similar situation in New Zealand where considerable costs in diverting the effluent water from their sewage treatment works away from the bay, resulted in no reduction in the Ulva problem that they face.

On this point alone, local comparison figures are a £40K conference cost, versus a £10M 'long-sea' outfall extension pipe for the new STW (capital project cost of £69M) plus ongoing additional energy costs for its operation.

- (b) The aim of the conference was to bring together impacted stakeholders and leading experts from varied international backgrounds so that research findings, ideas and practical experiences could be shared and management strategies discussed.

It provided local States members, officers and regulators, environmental action groups, industry stakeholders, interested public attendees and the media with a unique insight into the research and work being carried out internationally to deal more effectively with this ongoing worldwide problem.

These conference aims were achieved.

The conference presentations confirmed that the long-term key to reducing the growth of this algae lies in reducing nitrate levels in streams and groundwater which will also assist the levels emitted through the STW. Locally this means continuation of the work already underway by DoE, Jersey Water and the local agriculture industry to reduce nitrates entering the land through the work of the 'Water Plan' and the 'Action for Cleaner Water Group'. We are, however also affected by high level of nitrates in the surrounding waters and are in part reliant on similar work being carried out in the 'local' French agricultural industry to reduce their nitrate use which feeds into local waters.

The conference also highlighted a number of local non-States initiatives and ideas that are either under trial, being re-visited or under consideration.

On the international level: one output from the conference was the intention for a forum/portal to facilitate further sharing of knowledge between all involved with this problem globally, to the set up – possibly by our consultants, Ricardo Energy and Environment.

On the local front: the setting up of a Sea Lettuce Forum, possibly chaired by my Department, was seen to be required leading to better education and communication on this subject.

The UK, Irish and New Zealand answer to dealing with collected sea lettuce by composting is an option previously considered by DfI, and indeed is already carried out in small quantities by the Department, however the size and location of the available composting site limits the greater user of this method of disposal.

The Department is involved with trial work on another of the other 'worldwide' disposal options which is to spread sea lettuce directly onto suitable agricultural and more work on this will continue in 2018.

- (c) I am pleased to confirm to the Deputy that the significant international contacts made ahead of the conference included several French organisations who are actively involved in research, management and/or re-use of sea lettuce.

Contact was made with senior representatives from:

Ifremer - Dinard Laboratory (Institute Francais de Recherche pour l'Exploitation de la Mer)

DRAFF Bretagne (Direction Régionale de l'Alimentation, de l'Agriculture et de la Forêt de Bretagne, Rennes)

Lannion-Trégor Communauté (Local catchment committee chair)

Le Comité de Basins Versants de Léguer

Smel – St-Lo, Normandy (Synergie mer et littoral)

and CEVA (Centre d'Etude et de Valorisation des Algues)

Indeed one of the key-note speakers was from CEVA, which is the only technical centre in Europe dedicated to the study and valorisation of algae, and were well placed to represent the forefront of algal research in France and possibly globally.

The key contact at Ifremer would have attended but for a clash of commitments.

In addition, two French commercial organisations involved with the harvesting and re-use of Ulva also were amongst the attending delegates.

Other keynote speakers presented papers on work in:

New Zealand

Eire

England

Wales

Jersey

4.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE OPERATION OF THE LOWER CONTRIBUTION THRESHOLD: [1(543)]

Question

Will the Minister explain how the rules around the lower contribution threshold of £880 per month operate; is it her assessment that the rules operate fairly and, if not, what measures does she propose to improve matters?

Will she also advise whether a worker whose monthly contributions (in the relevant quarter to claim Short-Term Incapacity Allowance (STIA)) are £900, £700 and £900 (giving a quarterly total of £2,500) qualifies to receive STIA and whether an employee whose monthly contributions are £850, £850 and £850 (also giving a total of £2,550) fails to meet the threshold and does not therefore qualify for STIA?

Answer

In 2017, £884 per month is the minimum amount a person must earn (the “Lower Earnings Limit”) to pay enough contributions to be insured and entitled to claim working age contributory benefits. This limit is directly linked to the value of contributory benefits available.

Contributory benefits are paid based on a person’s monthly contribution record. Contributory benefits include maternity benefits and incapacity benefits. These provide a standard rate of benefit with this rate being set approximately equal to the minimum weekly wage needed to create a contribution record. If a person is off work sick they can claim a Short Term Incapacity Allowance (STIA) of up to £204.19 a week, which is equivalent to just over £884 a month.

The amount a person can claim depends on the contributions they have paid. To get the full amount of STIA the person must:

1. **Have contributed for at least three months during their working life** – they must have paid enough contributions for at least three months during their working life and before the end of the relevant quarter
2. **Have a recent contribution record before their sickness** – they must have paid or been credited with enough contributions for each month in the relevant quarter

Enough contributions means paying contributions on earnings at or above the lower earnings limit (£884 per month in 2017).

The following table explains when the relevant quarter is:

If your claim begins during:	You must have paid contributions during:
January to March	July to September in the previous year
April to June	October to December in the previous year
July - September	January to March in the same year
October - December	April to June in the same year

If a person has contributed enough for at least three months during their working life, but only has a contribution record in one or two months of the relevant quarter before their sickness, they will get 1/3 or 2/3 of the full rate of STIA.

The eligibility rules are clear and are applied fairly to all workers covered by the Social Security contributory scheme. The current scheme was established in 1975 and the last major review was undertaken at the end of the 1990s. The Social Security department is now reviewing the Social Security scheme again to ensure that it continues to meet the needs of current and future generations of workers. A series of public consultations and expert reviews will look at all major areas of the scheme and a programme of changes will be drawn up for approval by the next States Assembly.

The examples quoted in the question provide monthly earnings between £700 and £900, giving weekly wages of between £161 and £208. With an hourly minimum wage rate of £7.18 this represents part time work of no more than 29 hours per week. With part time wages at this level, the worker is likely to qualify for assistance from Income Support or may be a member of a household that includes another working partner.

The first example in the question is someone who earns £900, £700 and £900, which is above the threshold in two of the three months of the relevant quarter. They would get 2/3 of the full amount of STIA each day they are sick. If the worker is a member of an income support household, this benefit can also be adjusted if there is a shortfall in the basic income of the household.

The second example in the question is someone who earns £850 on a regular basis each month. At minimum wage, this represents part time work of 28 hours a week. This worker falls below the minimum level at which a contribution record is achieved and they would not be able to claim any STIA.

If there is a legitimate reason why the worker cannot work full time, they are likely to be covered by Income Support. When people who claim Income Support are off work sick, their benefit will adjust upwards to make up for the loss of wages.

4.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING COMMUNICATION WITH THE EMPLOYMENT FORUM: [1(544)]

Question

Given that the Chair of the Employment Forum, when referring to the recommended rise in the minimum wage, has stated that “*on top of this, the Minister [for Social Security] asked the Forum to recommend the highest rate that it can for April 2018*”, will the Chief Minister inform members what actions, if any, he took to promote this aim and what communications, if any, took place between his officers and the Employment Forum on this matter; and will he advise how he has ensured that any such actions or communications have not placed undue pressure on the Forum and called into question its political neutrality?

Answer

The Social Security Minister asked the Employment Forum to recommend the highest rate it can for 2018, and I fully support that aspiration. Indeed, I wish to accelerate the timetable for increasing the minimum wage, doing this carefully and in discussion with industry, in particular, seeking to support our agriculture and tourism businesses as they adapt to a higher wage economy.

This is what I am focusing on for the minimum wage consultation process in 2018 and beyond.

As to the latest recommendation, the Employment Forum undertook an evidence-gathering process before making its minimum wage recommendation and that process included inviting officers to update the Forum on the wider economic and strategic context, including the latest statistics, as it does each year. This process also includes consultation with employers, employees and their representatives.

This evidence-gathering process does not undermine or call into question the political neutrality of the Employment Forum, and nor should it be seen to do so. On the contrary, the Employment Forum is scrupulous in gathering all the available evidence, including economic and statistical information, and then making an impartial and independent recommendation.

4. Oral Questions

The Deputy Bailiff:

We now come to Oral Questions and the first question is asked by ... Senator Ozouf is not present to ask the first question, then we move to question 2 ...

Deputy G.P. Southern of St. Helier:

May I request that the Minister for Treasury and Resources circulates the answer he has got prepared to Members so that we can find out what is going on?

Senator A.J.H. Maclean:

Indeed I am delighted to do that. Disappointed I did not have the opportunity to give it personally.

The Deputy Bailiff:

We now come to question 2, which Deputy Southern will ask of the Minister for Economic Development, Tourism, Sport and Culture. Deputy Southern.

4.1 Deputy G.P. Southern of the Minister for Economic Development, Tourism, Sport and Culture regarding the economic standard of living in Jersey: [1(549)]

I am just checking that I am here, Sir. Will the Minister give the reasons for the continuing decline in the economic standard of living, as detailed in the latest G.V.A. (Gross Value Added) productivity figures recorded by the Statistics Unit and explain why targets for productivity improvement have not been met?

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

The fact is that on an annual basis Jersey's economy grew by 1 per cent in real terms in 2016 and that this was the third successive year of real growth; that is a little higher than our Fiscal Policy Panel anticipated. We may have seen a slight deterioration in banking G.V.A. We have also seen strong growth, particularly in the construction and hospitality sectors. The trends in G.V.A. per head in Jersey since 2000 need careful interpretation because they have been driven by trends in

financial services profitability and banking profits in particular, due to sustained periods of low interest rates affecting the banking sector profitability and global restructuring of that sector. I would also point out that productivity in the non-finance sectors remained essentially unchanged in 2016, in fact it grew slightly. Jersey is not alone in experiencing weak productivity growth at the moment, especially in the years since the global financial crisis. But what is important is that we stick to our plan to continue to improve productivity and grow the economy in the medium to long term.

Deputy G.P. Southern:

Do I not get a supplementary myself, Sir?

The Deputy Bailiff:

Yes, I beg your pardon, Deputy, I think you do. I apologise for that.

4.1.1 Deputy G.P. Southern:

I was joking when I said I was checking I was here, you obviously cannot see me. The Minister talks about continuing growth in various sectors, can he not admit there has not been growth? The average economic standard of living for Jersey residents, for example, has decreased by more than a sixth, 18 per cent since 2007; these are the facts. Productivity, as measured by G.V.A. per full-time equivalent worker, declined by 2 per cent in 2016 in both the financial and the non-financial sectors. When is this Minister going to admit that he has failed in his attempt to grow both productivity and the economy in this Island?

[9:45]

Senator L.J. Farnham:

I am not sure what planet the Deputy is on this morning or which reports he is reading but he is clearly mistaken. He seems to delight, as do the Reform Party, in being disappointed at good news. The economy is growing and has continued to grow continuously over the last 3 years. Jersey has weathered the storm extremely well since 2007. The Deputy needs to understand that because our financial services sector accounts for almost half of our economy, trends in that sector have a much bigger impact on our G.V.A. per head of population. We are still one of the highest G.V.A.s in the world. I think we rank number 7. We are 53 per cent ahead of the U.K. (United Kingdom). But perhaps we should look deeper than G.V.A. because while G.V.A. is only one way of looking at the standard of living, there are other more qualitative ways to consider the issue and I refer to Jersey's Better Life Index and that is where this Assembly, the Government and individual Members should perhaps be concentrating when we are talking about improving life for Islanders.

4.1.2 Senator S.C. Ferguson:

Much as I hate to disagree with the colleague on my right, the banking industry is suffering enormous increase in regulation and our productivity is greatly affected by the overall increase in the various compliance requirements, health and safety, which, although they are absolutely essential, are being overstated. Our productivity has dropped 20 per cent since the year 2000; what is the Minister doing about improving productivity?

Senator L.J. Farnham:

Improving productivity is at the heart of the States Strategic Plan approved by this Assembly. The 4 key objectives, education, the environment, developing St. Helier and the economy, are right at the heart of everything we are doing. We have dealt very well with the restructuring of the Island's economy since the global economic crisis and our economy continues to grow. Having reduced the number of workers in the public sector, we have increased more jobs right across the economy. I

think if the Deputy refers to the G.V.A. report that was issued by the Statistics Unit he will see that jobs outside of the financial services sector grew by 5 per cent and that is all as a result of the strategy we are following there, to create jobs and grow our economy. Productivity will remain a challenge. It is a challenge; we are struggling with that but every modern economy ...

The Deputy Bailiff:

Senator, if you could bring your answer to a ...

Senator L.J. Farnham:

Thank you very much, Sir. But I am just trying to say that every economy in Britain and Europe have the same challenges at the moment.

4.1.3 Senator S.C. Ferguson:

What is the Minister going to be doing to reduce the burden of regulation on business? It is all right talking about number of jobs growing but given that quite a lot of these are in fact zero-hours jobs, what is the Minister going to be doing to improve both the productivity and reduce the number of zero-hours jobs?

Senator L.J. Farnham:

I think there are about a half a dozen questions there. I will start with the regulation; that is not in the remit of my department, financial regulation. But while I like to see the minimum amount of red tape for all business, the fact that we are one of the most highly regarded regulated financial service sectors in the world says for something; that has been very, very good for our business. But the Senator will need to redirect those questions perhaps to the Chief Minister on another occasion. I have forgotten the second parts of her question.

4.1.4 Deputy S.Y. Mézec of St. Helier:

It is not just the G.V.A. stats that are important for the context of this question but it is also what we know from the Income Distribution Survey that shows that for a very large proportion of people in our Island life under this Government is getting worse; it is not getting better. Is the Minister and his department concerned for the real impact on people's lives that those statistics show and, if he is concerned, what is his department's specific plan to make sure that when there is economic growth that the proceeds of it are distributed fairly and that ordinary people are seeing their lives improve, not get worse, as has been the case over the last few years?

Senator L.J. Farnham:

I do not share the Deputy's view that everything is bad in this Island in relation to the economy. We have created more jobs for more people. There are more people in work than ever before. Yes, of course we are mindful of making sure people can enjoy full and good quality lives in this Island and, comparatively speaking, they do. But we have to continue to grow the economy. We have to continue to generate wealth because without it we cannot afford to look after those in our society that need to be looked after.

4.1.5 Deputy S.Y. Mézec:

I think the lack of answer in that statement from the Minister shows, I think, what complacency he and his Government have towards these objective statistics. It is not about whether you agree with me or not, it is about what the statistics show, which is that for many people in this Island their spending power, their economic standard of living is reducing. I am asking the Minister again, what tangible plan measured against what objectives does his department have for making sure that when the economy grows the proceeds of that do not all go to the top 5 per cent of earners in the Island but go to the ordinary people who, in many cases, are struggling to pay their rent, who are on

zero-hours contracts, who are struggling to make ends meet? Does he have any vision at all for how the economy can be balanced to make sure it does work in the interests of those people? I am not interested in any political, that is just what Deputy Mézec would say, would he not? This is the stats, they are in front of us. They show that the standard of living is getting worse for many people. What is his department doing to try to address that?

Senator L.J. Farnham:

The Deputy interprets the stats in his own way. He should really try to understand the G.V.A. report and if he looks - and I will repeat it again - that outside of the financial services sector, which I have already explained is suffering, due to long and sustained periods of low interest rates that has a significant impact on profits in the banking sector, which has a big impact on our economy because financial services make up just about 50 per cent of it outside of those sectors since the year 2000. G.V.A., okay, per head, per population, has increased by 3 per cent outside of financial services. Since 2000 the G.V.A. has shown very small but steady growth. It is all there.

4.1.6 Deputy M. Tadier of St. Brelade:

Let us quote; it is not the Reform Jersey Report incidentally, it is called *Measuring Jersey's Economic G.V.A. and G.D.P. (Gross Domestic Product) 2016* by the Jersey Stats Department with the States of Jersey logo on it and their own figures say that: "Indeed, the financial sector has declined by almost a third, 32 per cent productivity and that other areas have declined by 5 per cent since 2007." Does the Minister accept that even by his own moribund economic ideology he is not even meeting the targets that he should be doing and that not only the poor in Jersey who have never had confidence in his economic policy or the Council of Ministers but even his business colleagues in this Island who used to vote for him have got no reason to have confidence because he is failing in his job?

Senator L.J. Farnham:

I disagree with just about everything the Deputy said then in answer to his question.

4.1.7 Deputy A.D. Lewis of St. Helier:

Does the Minister accept that low productivity in some sectors is due to low wages, therefore, would he support a speedier transition to a minimum wage that is 45 per cent of median average earnings to get to a living wage for everyone? The proof is out there and countries that have a high minimum wage, they see a significant increase in productivity. What does the Minister think?

Senator L.J. Farnham:

The overall impact of a speedy move to a minimum wage that equates to 45 per cent of the average wage would not have a huge impact on these G.V.A. figures; it accounts for such a small part of the equation. But, yes, I do think, as do many business owners and business operators who want to pay their staff as much as they possibly can while making their business viable ... so I do support a move in that direction but I do not support doing it too quickly because I represent the Island's agricultural and hospitality sectors and other areas of commerce, such as retail. That will need time to realign their business models to cope with this.

4.1.8 Deputy A.D. Lewis:

Can the Minister explain then what time he thinks is reasonable because at the moment it is set at 9 years? Businesses do not plan, with the best will in the world, 9 years in advance but they do have 3 and 5-year business plans. Does he not think that 3 to 5 years would be acceptable, realistic and go a long way to increasing productivity in some sectors?

Senator L.J. Farnham:

I think it certainly should be achievable within 9 years but we have to set a timescale and absolutely stick to it. I would think somewhere between the 9 that is proposed, 2026; I mean 2020 is too soon, in my opinion, but somewhere between the 2 would be sensible.

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

The Minister has made great play about the growth of employment in the Island but is he not aware of the changes that are taking place in the finance industry at the present time, that will increase productivity but at the expense of jobs, as greater computerisation and procedural changes, which are going to affect the entire finance industry, including the legal and accountancy professions? These changes are coming, they are happening now in a number of firms in the Island. What provision is the Minister making to deal with this, which I think will be a considerable loss of jobs in the industry?

Senator L.J. Farnham:

The global restructuring or the restructure in the banking sector is an example of this where they are becoming more productive as a sector and less reliant on people to do the jobs. Fortunately, the financial services sector - and I am speaking outside of my remit at the moment because responsibility for this area was transferred to the Chief Minister's Department - we all know that the financial service sector, thankfully, is very diversified and as one sector shrinks other sectors grow. It is important but, as I have said before, all jobs in this economy are important, as far as I am concerned, whether they are deemed to be low paid or high paid or somewhere in the middle or zero-hours contracts or full-time contracts, I think putting people back to work remains at the heart of my department's and the Government's top priorities and that is what we are doing. We are going to continue to do that. We have created more jobs over the last 3 years. This economy has created more jobs. They might not be in the financial service sector, they might not be deemed as high-value jobs and this does give us challenges with our productivity. But the important thing is we find jobs, they are not just jobs but career opportunities for Islanders and we are going to continue to do that as best we can.

4.1.10 Deputy G.P. Southern:

I shall attempt to get the Minister to agree with some facts, facts that come from the Stats Unit and not from his own wishful thinking. Does he agree with the Stats Department when it says: "The average economic standard of living of Jersey's residents has decreased by more than a sixth since 2007."? Does he agree, the second fact, that: "Productivity in the non-finance sectors has declined by 5 per cent since 2007" and that in 2016 it was indeed 3 per cent higher than it was 18 years ago, 3 per cent growth in 18 years? Does he not agree with the facts presented by those Stats Departments?

Senator L.J. Farnham:

I agree with all the statistics presented in this report but it is not all bad news, sadly, for the Reform Party. There is quite a lot of good news. There is quite a lot of good news in here. More people are in work than ever before. The financial services sector has returned to employing the same number of people as it was in 2007. Yes, there are challenges, there are real challenges for this Island in keeping people at work and improving our productivity as the financial services sector restructures and our population grows. That is going to make it very challenging because I am sure Members realise that the G.V.A. figure is worked out by the gross operating surpluses of businesses, add to that the compensation of employees, i.e. gross profit and wages divided by the number of population that give you the figures. As long as our population is growing and our financial services sector is restructuring, it is going to be incredibly challenging for us to grow productivity but that is what we are aiming to do. We have not been unsuccessful. We still have a very high G.V.A. in comparison to other countries.

4.2 Senator P.F. Routier of the Chairman of the Comité des Connétables regarding the accessibility of Parish buildings to electors and candidates with physical, sensory or health disabilities: [1(545)]

Is it the policy of the Comité des Connétables that all buildings and facilities used as polling stations or venues for hustings should be accessible to all electors and candidates with physical, sensory or health disabilities?

[10:00]

If so, will he ask the Comité to carry out an accessibility audit of such buildings and request the Connétables to proactively promote barrier-free access to Parish buildings?

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

Yes, indeed that is our policy but it is a policy backed up by law because the Public Elections Law 2002 requires the provision of polling stations such that: “The Autorisé is satisfied that all persons have reasonable facilities for the exercise of their right to vote.” The law goes on to make specific provisions for those who are disabled or ill. Just as an aside, I should say that the hustings meetings are the responsibility of the candidates, not the Connétables, although the Connétables do co-operate with the candidates for hustings meetings. As to Parish buildings, Parish Halls, certainly most of them were built in less-enlightened times but over the decades successive Connétables have recognised that the Parish Halls are indeed the heart of the community, need to be inclusive so that all members of the community have access to those buildings. I think over the years the Connétables have made tremendous efforts and successful efforts to ensure that all people have access to the Parish Halls.

4.2.1 Senator P.F. Routier:

I am reassured that the Connétable recognises in the legislation there is a requirement to enable everybody to be able to get into the Parish Halls and to take part in the election process. But would the Connétable consider involving people with disabilities to carry out an audit of existing facilities?

The Connétable of St. Clement:

If any individual, disabled or otherwise, believes that access to the Parish Halls or other Parish facilities can be improved, each and every Connétable would be pleased to hear from them and I am sure will take appropriate action.

4.2.2 Deputy G.P. Southern:

Will the Comité des Connétables be considering increasing the number of polling stations in certain Parishes? Certainly, I feel that, for example, for the disabled St. Clement’s Parish Hall is not particularly conveniently placed; the fact in my own District, in No. 2 District, we have to trek out to Springfield when Hue Court is in No. 2 and is right opposite the Parish Hall, the Town Hall. Will he consider increasing the number and thereby the access for all to polling stations?

The Connétable of St. Clement:

That really is not within the remit of the Comité des Connétables. It is the Autorisé who is responsible for ensuring that all electors have a reasonable access to cast their vote and that would be the position. If we could improve voter turnout by increasing polling stations, that might be a possibility but it is not the responsibility of the Connétables.

4.2.3 Deputy G.P. Southern:

In the absence of an actual election, who is the authority to whom I have to go to say: “Is it possible to increase the number of polling stations?” Can the Chairman tell me about that because the Autorisé is not appointed yet? Who do I go to?

The Connétable of St. Clement:

This is something that the Constables could take up on behalf of an individual, certainly speak to the Court or the Autorisé or the Jurats. It is not something that has been considered before.

4.2.4 Senator S.C. Ferguson:

Would the Comité des Connétables consider bringing pressure to bear on the Executive to improve access to this Chamber for the public and for elected Members? There is no lift to the public gallery for anyone who is disabled ...

The Deputy Bailiff:

Senator, this is not something within the responsibility of the Comité des Connétables.

Senator S.C. Ferguson:

No, but perhaps the Connétables, as a body, Sir, can lean on the Executive.

The Deputy Bailiff:

No, Senator, this is simply nothing for which the chairman of the Comité des Connétables has any responsibility at all. You cannot ask him to do anything on behalf of the Connétables because the Comité have no responsibility.

4.2.5 Deputy M. Tadier:

Would the Comité Chairman take on board the comments that have been made? It is a strange observation, it is a strange fact that, for example, in my constituency or my Parish there are 2 polling stations, one in St. Aubin and one in Quennevais, right in the heart of the constituency. Yet in St. Clement, which is a much bigger Parish population-wise, there is only one polling station. It would seem obvious, for example, to have another polling station at the Good Companions Club where a lot of the population live in that district and, similarly, many parishioners in St. Helier want to vote at the Town Hall or the old Magistrate’s Court because that is central and it is something they know. Could provisions be made in short order to supplement the great work that has been done by the Greffe to encourage voter turnout in practical terms and, in particular, in these 2 districts?

The Connétable of St. Clement:

Clearly I cannot talk about St. Brelade but I can talk about St. Clement, if you wish, but I thought I was answering questions as chairman of the Comité. But certainly, as far as St. Clement is concerned, the Parish Hall is an excellent venue because it has good parking, as a polling station. If you move to the Good Companions Club or the school you are then talking about a lack of parking, making it difficult for people to ... a small number would be able to walk there but most people want to use their vehicles and that there is very little parking facilities there. But I am quite happy to discuss the matter further with the Deputy but I do not really think this is a matter for the Chairman of the Comité.

4.2.6 Deputy M. Tadier:

The supplementary would be just to add that it is not an either/or. I think parishioners in that Parish would be grateful to have a choice and it might be worth that the Comité consult generally with their parishioners about what optimisation can be made for voting in all elections. Does the Chairman agree?

The Connétable of St. Clement:

Yes, I do agree to make it as easy as possible for people to vote. One of the things that I am working on with another hat on, of course, is the online voting, which will make it even easier for people who will not even have to go and leave their own homes to cast their vote. [Approbation]

4.2.7 Deputy J.M. Maçon:

Is there scope for the Connétables to be able to inform individuals that have been highlighted in this manner to remind them of the alternatives, such as pre-poll voting at St. Paul's Centre, which does have disability access, as well as the home visits that can occur in order to get votes because people are not necessarily always aware about the options about how they declare their vote? Could the Connétables be doing more in order to make people aware of that, as it is not just about voting on polling day?

The Connétable of St. Clement:

No, the Deputy is absolutely right. Over the years this Assembly has made it easier and easier for people to cast their vote, so pre-poll voting is an obvious example and those who are unwell, unable to leave their homes, can also vote by having people collecting their votes from them. A lot of publicity is given leading up to any election or particularly a general election about how people can vote, where they can vote. Certainly, for the first time this year before general election a notice will be going out a few weeks before from the Parish Halls, which will remind people who are on the electoral roll and, obviously, who are on the electoral rolls, households will be able to work out from that who are not and that will include all voting information as well. I really think a tremendous amount of information, sufficient information for them to make their choice about how they wish to cast their vote.

4.2.8 Senator P.F. Routier:

As the chairman is speaking on behalf of the Comité, would he be prepared to put on a future Comité agenda the issue of all Parishes being very proactive in enabling people to get into their Parish buildings to enable them to vote, if they wish to vote, by going to the Parish, as opposed to doing online voting? It is quite possible that people want to be able to have the freedom to be able to go into a barrier-free building. Would he put it on the agenda of the next Comité?

The Connétable of St. Clement:

As I tried to say in one of my earlier answers, the Constables have worked extremely hard over the decades to make the Parish Halls, where most of the voting takes place, accessible to as many people as possible. There will always be those who are ill or disabled sufficiently that they cannot leave their home. I cannot bring them into the Parish Hall, it would be silly to try and do that but I think the vast majority can get into the Parish Halls. The Senator is responsible for the States Disability Strategy. I would welcome him to come to a future Comité meeting to discuss his concerns if he really has them and to tell us how we can improve even further. We want to improve what we can. Perhaps he would be able to guide us as to how that improvement could take place.

4.3 Deputy M. Tadier of the Minister for Infrastructure regarding the application of B.R.E.E.A.M. (Building Research Establishment Environmental Assessment Method) to the design and maintenance of buildings: [1(551)]

Does the Minister's Department have regard for B.R.E.E.A.M. (British Research Establishment Environmental Assessment Method) when designing new buildings and maintaining existing ones? If so, how many buildings and what percentage of buildings currently owned by the States meet a very good standard or above under B.R.E.E.A.M.?

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

The B.R.E.E.A.M. new construction assessment applies to new buildings and has been used in the public and private sector in Jersey. The assessment process starts with a feasibility stage and continues through to assessment of the building in operation. B.R.E.E.A.M. has recently introduced technical assessments for buildings for in-use and for refurbishment and fit out. I am not currently aware that these assessments have been used in Jersey in either the public or the private sector at this time. The reference to B.R.E.E.A.M., rating as a percentage of all States buildings, is, therefore, not relevant. The first States building to be assessed under B.R.E.E.A.M. new construction assessment process was the new police headquarters and station, which was assessed as ‘Very Good.’ The Les Quennevais School will be assessed against B.R.E.E.A.M new construction assessment criteria and as will the future hospital main building works. The assessment process is quite involved and I cannot do it justice in an oral response. I would be happy to invite the Deputy and any other Members to meet with the relevant officers who can provide a comprehensive briefing on the whole B.R.E.E.A.M. assessment process and its application.

Deputy M. Tadier:

Sir, may I have a supplementary?

The Deputy Bailiff:

Yes, Deputy but ...

Deputy M. Tadier:

I thank the Minister for the answer ...

The Deputy Bailiff:

Deputy, I would not try to deny you a supplementary, it is just that it is important to be prompt, otherwise I assume there is no supplementary and move on to the next question.

4.3.1 Deputy M. Tadier:

That is okay, Sir, my brain probably works slower than yours, so I was just getting my second one ready. **[Approbation]** Some approbation for once coming across the floor. **[Laughter]** The Minister will know that ‘Very Good’, which has been given to the police station, is the middle standard for B.R.E.E.A.M., as we are going to call it, I think, from now on. There is a ‘Pass’, a ‘Good’, ‘Very Good’, ‘Excellent’ and ‘Outstanding.’ While it is great that the first building to have been assessed under these criteria meets a fairly good benchmark, what assurances can he give that in the future all of our new public buildings will be fitted to the highest possible and reasonable environmental standards from now on?

Deputy E.J. Noel:

Very few buildings manage to attain ‘Very Good’ status, even completely new-design buildings. I am advised that, due to various local conditions, it is going to be very challenging under the new B.R.E.E.A.M. assessment process, which has recently been implemented, for any buildings on the Island to get to the ‘Excellent’ or the ‘Outstanding’ stage. I believe one building has been deemed as ‘Excellent’ and that is the new office block built by the S.o.J.D.C. (States of Jersey Development Company).

4.3.2 Deputy G.P. Southern:

In order to assure Members of his firm commitment to achieving good energy-saving levels in our buildings in the Island, will the Minister, despite his reservations and his mention of difficulties,

commit himself to a target level for all new buildings in the Island and refurbished buildings to meet a standard given by B.R.E.E.A.M.?

Deputy E.J. Noel:

I encourage the Deputy and his fellow party members to investigate more B.R.E.E.A.M., as I have been doing over the weekend and I have only just scratched the surface of it. It is a process that is quite complex, it is quite technical and it would be unwise for me to commit future States builds to anything other than where appropriate using B.R.E.E.A.M. to the standards that we can realistically expect to achieve. B.R.E.E.A.M. is quite an expensive process. It is a voluntary process. But we also have the building standards to comply with of a very high level in Jersey and we do endeavour to make sure that any public building is built, firstly, so it is fit for use but, secondly, that it is as efficient in energy terms as possible.

4.3.3 Deputy G.P. Southern:

Will the Minister commit himself now to return to the Chamber with some realisable realistic targets to be met by the Island in terms of B.R.E.E.A.M. standards?

Deputy E.J. Noel:

No, I will not because the simple fact of it is B.R.E.E.A.M. is a moving target in itself; it has recently changed.

[10:15]

For example, the S.o.J.D.C. building, which I have just mentioned, that achieved the 'Excellent' status; if it was being built now to the same specification it would not achieve the 'Excellent' status because the B.R.E.E.A.M. process is an ongoing process and, therefore, it would not be wise for myself or any other politician to make such a commitment of public funds.

4.3.4 Deputy M. Tadier:

I think we can learn a lot from the States of Jersey Development Company's new office building, namely if you keep it half empty all the time you will only use half the energy, so I think maybe that is something that we can extend across the board. But on a more serious note, whether it is B.R.E.E.A.M. or just generally building our office blocks or our buildings to a decent environmental standard. It is true that there is an expense upfront, it is expensive to do, but there are long-term savings to be made. It seems to me that there is not across-the-board working in departments between the aspirations of Environment and then Property Holdings on the other side, with limited budgets to make sure that we are getting the best value into the future. Will the Minister and the Council of Ministers give an assurance that whenever new buildings are put forward there will be a long-term plan for environmental sustainability and costs to be factored-in and not just to look at the overall construction build but to look at the ongoing build and maintenance costs, including environmental expense?

Deputy E.J. Noel:

The Deputy needs to do his homework. He needs to look at the planning applications that are currently going through ...

Deputy M. Tadier:

Objection. It is because we have been doing our homework this question is being asked, so I do not like that patronising tone from the Minister.

The Deputy Bailiff:

Well the Minister will answer in whatever tone he wishes provided it is in accordance with Standing Orders. So, Minister, answer the question, please.

Deputy E.J. Noel:

I maintain what I said. We have a major planning application currently going through the process in the Deputy's own district and that is the new Les Quennevais School. If the Deputy had done his homework he would see that we are doing exactly what he is asking us to do. We do not have to be asked to do it twice, we are already doing it.

4.4 Deputy R.J. Renouf of St. Ouen of the Minister for Health and Social Services regarding the feasibility study examining the requirements for Jersey's mental health estate: [1(548)]

Further to information provided to the Health and Social Security Scrutiny Panel on 23rd February 2017 that a feasibility study examining the requirements for the Island's mental health estate would be completed by September 2017, will the Minister state whether the study will identify a site for the location of mental health services, explain why the study is delayed and give an updated timetable for its completion?

Senator A.K.F. Green, Minister for Health and Social Services:

My Assistant Minister, Deputy McLinton, will answer this question.

Deputy P.D. McLinton of St. Saviour (Assistant Minister for Health and Social Services - rapporteur):

I am pleased to confirm that good progress has been made with the feasibility study into the requirements of the mental health estate. An initial draft of the study was presented to the H.S.S.D. (Health and Social Services Department) strategic estates meeting by Jersey Property Holdings in September as planned. At that meeting a number of matters were identified as needing further consideration and this is currently underway. It is anticipated that it will be presented to the senior management team of H.S.S.D. for approval towards the end of this month. I believe there are a couple of dates possible in the diary. The feasibility study has been informed by a wide range of stakeholders, including staff, patients, voluntary and third-sector partners and a citizens' panel to ensure that views are sought and listened to. The feasibility study is considering what is in scope and how the estate should be configured and designed to support best practice and integrated working that benefits patients and families. This will include an appraisal of where the estate is best located.

4.4.1 The Deputy of St. Ouen:

Would the Assistant Minister specifically state whether the study will identify a single site for the location of mental health services or will the study attempt to put forward a short list of sites and then we get into the scenarios we have had with the General Hospital? Will the Assistant Minister be specific in that respect?

Deputy P.D. McLinton:

It is very hard to be specific about a study that is incomplete as yet, so I am afraid we are going to have to wait until we have the results of the feasibility study which I am sure will be able to keep the Deputy in the loop coming the end of this month.

4.4.2 Deputy M. Tadier:

Does the Assistant Minister agree that the building that may be used for part of mental health services provision is only a very small part, although an important one, when it comes to treating

mental health issues? Does he agree that we have serious problems that need addressing in dealing with mental health issues across the board in terms of Housing, Criminal Justice, Health and Social Services and Social Security so there is more joined-up thinking in all of those areas to be sensitive to the needs of those who may suffer from mental health issues?

Deputy P.D. McLinton:

Absolutely. There is a very wise saying that goes around that there is no health without mental health. I am very pleased this has become something that has been more and more talked about in society in general. It is not that there is less mental health, it is just that more people are prepared to talk about it. So, yes, the very fact that we have an excellent mental health strategy helping us move forward and that everything is being considered is something I am very proud of and I know the Minister is as well. So, yes, the feasibility study will inform exactly how the mental health estate is positioned. Again, we will be able to inform Members of this Assembly in the very near future exactly how that works out.

4.4.3 Deputy M. Tadier:

Would the Assistant Minister on behalf of the Minister agree that we need an independent review of mental health provision in Jersey more generally to tell us what the areas are that perhaps need attention?

Deputy P.D. McLinton:

I am sure that the Minister and the department will discuss the possibility of an independent review but we have an immense amount of work. I do believe that many other mental health services across the U.K. are looking to us for the work that we are doing which is very inclusive. All interested parties are talking together and, I have got to say, an annual event I am very, very proud of when people from all over the Island come together to talk about how best to tune the service that we have. So it has been extraordinary so far and anything that can help move mental health services, on this Island and anywhere, forward to a better conclusion to help more and more people is fine in my book.

4.4.4 Deputy G.P. Southern:

Does the Assistant Minister accept that the identification of a new site whereby integrated services can be co-ordinated is essential to solve some of the recruitment problems that we have got in the mental health service?

Deputy P.D. McLinton:

The feasibility study about the property and the mental health strategy is all about integrating services and it is about working together. So absolutely, yes, I entirely agree that working together into the future is absolutely the way to go. It will be great if more and more people did it within various States departments.

4.4.5 Deputy G.P. Southern:

In terms of recruitment, will the Assistant Minister say what levels of recruitment are currently established in the mental health services; how many people are basically not occupying or are temporarily appointed?

Deputy P.D. McLinton:

Again, there is a struggle across the board, across the world, in recruiting people into mental health services. We are trying our very best. I do not have the figures at hand but I am certainly very happy to circulate them.

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

In the Care Inquiry report it stated: “While the current C.A.M.H.S. (Child and Adolescent Mental Health Service) system appears well integrated into safeguarding systems, even today, its essential work appears to be undervalued as it struggles with heavy and increasing demands while operating from premises ill-suited to the needs of children and families.” Can the Assistant Minister tell Members whether the C.A.M.H.S. building is under consideration for a move to more suitable premises?

Deputy P.D. McLinton:

I am very pleased to confirm that this is under consideration. Having visited the C.A.M.H.S. building, quite right, certainly the current building is not suitable for purpose and it is as important maybe in many ways to value the staff within C.A.M.H.S. as it is to help the people who need the service. So, yes, very pleased to report that we are very close to a solution to the C.A.M.H.S. problem.

4.4.7 The Deputy of St. Ouen:

Officers told my Scrutiny Panel that this study began in 2013. So, does the Assistant Minister agree that members of the public, let alone States Members, will find it incredulous that this work has taken over 4 years and there would be fears about wasting public funds? So, does the Assistant Minister have ideas that would inject confidence of the public into this process?

Deputy P.D. McLinton:

I am going to focus on the good news that the process is well underway. We have ourselves an excellent mental health strategy and the feasibility study is just about ready for fine-tuning shortly. So, yes, we are moving in the right direction and, although I do appreciate it has taken a while, these things do, but we are very, very nearly there.

4.5 Connétable J.E. Le Maistre of Grouville of the Minister for Housing regarding the Residential Tenancy Deposit Scheme: [1(547)]

Is it the Minister’s assessment that the Residential Tenancy Deposit Scheme is working well and what feedback, if any, has she had from tenants or landlords about the scheme?

Deputy A.E. Pryke of Trinity (The Minister for Housing):

The Mydeposits Jersey Tenancy Deposit Scheme has been in operation since November 2015 and more than 6,000 deposits worth almost £7 million have been protected. Overall the scheme is working well and we receive regular K.P.I. (Key Performance Indicators) updates to monitor how the scheme is performing. However, we are aware of recent concerns raised about the length of time it is taking for some customers to get in touch with Mydeposits. The issue has been discussed with the directors of the company and steps have been taken to improve the speed of service. These include employment of 3 new members of staff with more to be recruited. A dedicated accounts manager for Jersey has also been appointed who will work directly with clients in the Island. We will continue to monitor the K.P.I.s to ensure that the scheme provides the required level of customer service and will review all performance and feedback as part of the contract review in 2018.

4.5.1 The Connétable of Grouville:

The Deputy of Grouville and I have surgeries in the Parish on a regular basis and a parishioner pointed out to us that in her case it took over a month to get a tenant’s deposit back. This particular person is not on emails so it did prolong it for more than it would necessarily have been. Does the Minister really think that that is satisfactory?

The Deputy of Trinity:

No, the Constable is quite right, if there are no problems, that is. If the landlords and the tenants both agree that the place is left in good condition, then the deposits should be handed over fairly swiftly. As I said, there have been a few issues which we brought up with Mydeposits and they have addressed it but if it is still not sorted out, then I am happy to look into that.

4.5.2 Deputy S.Y. Mézec:

Is the Minister aware of instances where landlords have simply not contacted Mydeposits to get the deposit protected in the first place and when the tenant has been made aware that this has not happened, they have not been able to get help from Mydeposits because technically they are not a customer at that point? Does the Minister accept that this is a potential problem that could theoretically be solved by the department seeking to make sure that there is an automatic penalty for when a deposit is not protected after a particular length of time rather than having to rely on tenants risking getting off to a bad start with their new landlord by complaining about them in the first instance?

The Deputy of Trinity:

Yes, it is right, the tenant, when the landlord has deposited the deposit, he should get notification. I think it is within 10 working days; I am not too sure of the exact time but it is a short period of time. If he does not get that, then the tenant does need to take it up with the landlord and Mydeposits. But the tenant also in Jersey too, the Citizens Advice Bureau have a contract with Mydeposits to be a front face here in Jersey, so they need to take it on. After that, once they take it up, Environmental Health can take it up on their behalf as well.

4.5.3 Deputy S.Y. Mézec:

A supplementary? Does the Minister not accept that in instances where the deposit has not been protected and the tenant needs to go down the route of contacting somebody for the Minister for Housing or the Citizens Advice Bureau that they can often feel intimidated doing this? Because they know that that will be souring their relationship with their landlord at the beginning of their tenancy, meaning they will be less likely to get a speedy response if they have problems with the property later on and that a more proactive response from the housing unit would be more appropriate and to say to landlords that there is a requirement to protect the deposit within a length of time and if you do not do this you will automatically be penalised for it. That would be a way of stopping landlords from trying their luck essentially and not protecting the deposit and just hoping the tenant never pipes up about it.

[10:30]

The Deputy of Trinity:

Yes, there is exactly that. But Environmental Health, who have delegated responsibility with this, need to know who the tenants and who the landlords are and tenants should not feel intimidated. If they feel like that, then it is important that that is addressed. If the Deputy wants to give me a couple of instances, I am willing to take it up and look into it. But the front place is Citizens Advice Bureau and Environmental Health does and will look into it and if necessary enforce it.

4.5.4 Deputy M. Tadier:

Would the Minister for Housing take a moment to listen to one of my constituents who contacted me a couple of weeks ago saying, and I quote: "I am going to prepare a big complaint to them, Mydeposits. They are absolutely useless. Both myself, my partner and the landlord have been emailing and phoning them constantly to say we accept the deposit and they just are not having any of it. It has been over a month. We had to borrow money to pay our next deposit." We were under

the impression when supporting the deposit scheme that it was supposed to make life easier for both tenants and landlords. In a situation here where there is no conflict between the tenant and landlord, we see both are being put in a very difficult position; indeed, the tenants are financially worse off due to the apparent incompetence of the Mydeposits scheme. The Minister has been made aware of many complaints by Members of this Assembly, members of the public and our Scrutiny Panel; will she now take action to make sure that we either take Mydeposits to task or bring the scheme here to Jersey so that £7 million pot which is growing can be used effectively in our own economy and perhaps even administered by the States directly or through an arms-length body?

The Deputy of Trinity:

There are quite a few questions there. Yes, I will take that up if Deputy Tadier wants to email me with that because that is not right. But we need to look at what is underneath it, the reasons why, and put it right. Mydeposits have said that part of their customer service has been slow and they are rectifying it and we have monthly K.P.I.s to check on that. But having some of the feedback on the customer service, the awareness is raising and 90 per cent of all tenants are aware that the deposits should be protected. So there is good awareness around but of course always more can be done but I am very happy to look at the incident that Deputy Tadier mentioned.

4.5.5 Deputy M. Tadier:

Just a quick supplementary. Would the Minister be so kind as to circulate the S.L.A.s (service level agreements) and the K.P.I. agreements to Members so that we can have a look at them?

The Deputy of Trinity:

Yes. I am a bit hesitant, but I will circulate as much as I can. Thank you.

4.5.6 Senator S.C. Ferguson:

It seems to me that it must be a fairly profitable venture for Mydeposits. Where are the accounts for the Jersey scheme and when can we expect to see them?

The Deputy of Trinity:

The scheme is self-financing so a small fee is taken from each deposit. I think it is in the region of £10 **[Interruption]** ... £5, sorry, which includes G.S.T. (Goods and Services Tax). That is kept under review as the scheme grows and interest rates rise but with interest rates currently at 0.25 per cent the fee provides the scheme with essential income. Regarding the accounts, I will ask and come back to you.

4.5.7 Deputy C.F. Labey of Grouville:

As the Constable of Grouville alluded to, we have had complaints from landlords and tenants alike. They are both having great difficulty in accessing their money and it is thwarting the whole process. Could the Minister explain why she decided to put this service out to the U.K.? Because I believe the Community Savings Bank were prepared to offer this service and it seems to be a very faceless type of service other than having to go to the volunteers of the Citizens Advice Bureau. Can she explain that, please?

The Deputy of Trinity:

Yes, the service was put out to full procurement back in 2015. There were 2 external companies and 2 local companies. The board at the time felt that the local companies did not have the I.T. (Information Technology) or the capabilities to deal with a vast amount of money which was coming in. But part of the agreement too which ended up with Mydeposits was to have a local front face here and that is where the Community Bank came into being. In the end, after I think

about a year, it was not quite the right place; not many people were accessing it for different reasons. Therefore, it was important to keep a front face in Jersey and that is where the Citizens Advice Bureau came into partnership with Mydeposits, raised the awareness and it is being better used, especially by people whose first language is not English, so that part of it has worked extremely well. Mydeposits have recognised that they have had a blip. They have recruited more staff so hopefully for instances like the Constable and the Deputy have said, that will be improved.

The Deputy Bailiff:

Deputy Southern. I am sorry, Deputy ...

The Deputy of Grouville:

Do I not get a supplementary?

The Deputy Bailiff:

Yes, you can have a supplementary but only if you put your light on, Deputy, which you ...

The Deputy of Grouville:

Well I did but you obviously did not see it.

The Deputy Bailiff:

But please do ask your supplementary.

4.5.8 The Deputy of Grouville:

Given that the Minister has said that she has had to employ 3 new staff - I thought she said that in her original answer - what is the difference in cost now with using a U.K. company and using a local company? Can she undertake to have a look at this with some urgency? Thank you.

The Deputy of Trinity:

For clarity, I have not employed any extra staff; it is Mydeposits who have employed the extra staff. They have an account especially for Jersey issues, again, to provide a much better service to Jersey. There are over 6,000 deposits put in place, so the system is working. We know that, as I said, 90 per cent are aware of the deposit scheme and there is some good customer feedback that this system is working well. It is working well for the tenants, it is working well for the landlords as well, but especially for the tenants where they feel that at least their deposit is held in safety and, providing everything is clear when they leave, that it will be given back fairly swiftly. But I do acknowledge there has been a few issues.

4.5.9 Deputy G.P. Southern:

Yes, the Minister suggested that the fee charged was £10; it is £21 including G.S.T. according to the website. She keeps coming back to the fact that there is a mechanism for complaints through a proxy in the Island but the Minister has avoided the central question, the starting question, which was: will she consider instituting a fixed penalty for those landlords who do not give over their deposit within a certain period? Why will she not seek to change the regulations to enact that?

The Deputy of Trinity:

There is a penalty. A landlord who has not put his deposit in, Environmental Health acknowledge that and, working with that landlord, if they have not for one reason abided by the law, then Environmental Health will take them to court.

4.5.10 Deputy G.P. Southern:

Not working with the landlord but a fixed penalty, automatic penalty, that makes the landlord sit up and notice. Why is that not a way forward?

The Deputy of Trinity:

It is also enforcing it but Environmental Health are there to do precisely that. They work with the landlord, find out the reason why and take it up there. There have been some disputes. Environmental Health have worked with them and I think there are several cases pending to go to court.

4.5.11 The Connétable of Grouville:

It is quite clear to me, and other Members agree, that the system is not working as well as it should. Will the Minister commit to a review and bring the results of that review back to the States and include whether or not the administration of the scheme could be brought back home to Jersey?

The Deputy of Trinity:

There have been a few blips but I think generally-wise the feedback we have got from customers themselves is that the system is working well. It is a good system, it has been set up well. The review is 2018 which is next November and that is the time we will look at everything because it is to renew the contract and that will take place next year.

4.6 Deputy M. Tadier of the Minister for Infrastructure regarding the proposed energy efficiency of the new Les Quennevais School: [1(5520)]

Will the new Les Quennevais School building include photovoltaic panels and if not, why not; and what level of recognised energy efficiency standard will the new school be built to?

Deputy E.J. Noel (The Minister for Infrastructure):

I am a little surprised that Deputy Tadier has asked this question because under our Standing Orders information that is already in the public domain should not form part of questions. I say this because this information is included in the planning application for Les Quennevais School in a design and access statement which is section 9.8 on page 26. If the Deputy had done his homework and had looked at the planning application, he would see that an extensive review of the energy options has been undertaken for the new school. The planning application sets out the energy strategy which includes photovoltaics on the roof, along with solar and heat source pumps. Members will also wish to note that the planning officer report recommending acceptance of the current scheme has been added recently to the Planning website. The project is being assessed by B.R.E.E.A.M. which considers energy efficiency among other assessment criteria. The design has been assessed as 'Very Good' based on the U.K. standards. The scheme will of course comply with all relevant bylaw requirements. The design team are fully aware of the need to conserve energy and are working closely with all agencies to ensure that the building achieves the highest possible standards within the budget constraints. The proposed energy solution reflects both the environmental performance and the cost in use.

4.6.1 Deputy M. Tadier:

It is funny we are talking about Les Quennevais School because I feel like I am back at school with the Minister, being told that I have not done my homework, it is like a bad dream, but I thank the Minister for his answers. Now does this mean that the department has learnt its lesson? Because I have been told by sources in the Environment Department that when it came to changing the boiler at Les Quennevais Sports Centre, for example, which is used by Les Quennevais School and the public, they replaced one inefficient boiler with another inefficient form of technology, I think it is oil, because it was cheaper to replace it. But in the long term we were told by the Environment

officer that it is a false economy because not only is it more carbon-polluting but it is less economic in the long term. Is there a joined-up plan when it comes to building maintenance and building new public buildings from the Property Holdings Department or does it just depend on who has any particular input at any one time?

Deputy E.J. Noel:

There is a long-term plan and we implement it. I do take issue; I wish the Deputy would contact the people who are the experts and know about these things because the boilers that were replaced at the Les Quennevais swimming pool were efficient oil boilers and that is because the costs of switching to a carbon-neutral solution, which is electricity, was too expensive. So you have to in the round look at ongoing running costs which hits directly the budget of the provider of that service which was what was Education, Sport and Culture; it is now part of Economic Development, Tourism, Sport and Culture. You have to look at the whole-life costs of an installation. I do send out the invitation again to Deputy Tadier and to his colleagues: come in and speak to my officers at Property Holdings who are the experts. If they do not have expert knowledge on a particular area, they acquire that knowledge from experts as opposed to listen to, may I say, tittle-tattle or uninformed remarks.

[10:45]

4.6.2 Senator S.C. Ferguson:

Will presumably the Infrastructure Department produce a cost-benefit analysis and the whole-life cost of using solar panels?

Deputy E.J. Noel:

Is the Senator referring to this particular question which is to do with Les Quennevais School or in general?

Senator S.C. Ferguson:

No, with reference to Les Quennevais School. If you are going to put a more expensive heating system in or electric system in, then you should be doing a cost-benefit analysis.

Deputy E.J. Noel:

I refer the Senator again to the detailed application which has that information in it. We have the whole-energy strategy and plan for the life of the school and she will find that information there. But again I extend the same invitation to Senator Ferguson to come in and speak to officers who are the experts on this matter. I am a mere politician and an accountant; I am not a heating engineer.

4.6.3 Senator S.C. Ferguson:

A supplementary? Does this mean you do have chartered engineers working in your department?

Deputy E.J. Noel:

Absolutely. D.f.I. (Department for Infrastructure) is full of highly-qualified engineers, as the Senator should well know.

4.6.4 Deputy G.P. Southern:

I am glad to hear we have got a team of experts working on the job because I would hate to have to rely on the Minister. The Minister talks shorthand to us when he said the cost of oil in the case of the sports centre was cheaper. Not cheaper in the long run. If you take the lifetime cost of the alternative, it was far cheaper in the long term. Yet again, does the Minister not agree his department was looking at the short term and not the long term?

Deputy E.J. Noel:

No, I am afraid the Deputy is wrong. He needs to come and get educated. He needs to come and speak to the experts and I am willing for him to meet with the experts because we do look at the whole-life costs of these installations.

Deputy G.P. Southern:

I have been in to talk to the experts and that is what they told me.

The Deputy Bailiff:

Was that a question, Deputy?

Deputy G.P. Southern:

No, Sir.

The Deputy Bailiff:

All right.

Deputy G.P. Southern:

I apologise for making a statement.

4.6.5 Deputy M. Tadier:

I am reassured, and I am sure we are all reassured, that the new Les Quennevais School will be built to decent environmental standards. It is our hope that this exchange has highlighted the fact that there are discrepancies from what experts in the Environment Department might tell one States Member and what the budget constraints I believe that the Property Holdings in some cases have been working under, short-term capital budget constraints, which do not take into account the lifetime cost of any projects and it is that that needs to be addressed. So will the Minister, perhaps in a spirit of conciliation, accept that there is greater co-working that can be done in departments and that we do need to move towards lifetime costing of projects and not simply the current way that budget constraints might apply?

Deputy E.J. Noel:

We do consider the lifetime costs of any building that we build and the way we heat it and the energy usage, primarily in the design and construction to reduce the amount of energy in the first place, so I do take issue with what the Deputy has said. Again, I repeat, please come in and speak to those building experts that will be able to give you the evidence that we do exactly as he is asking us to do.

4.7 Deputy G.P. Southern of the Minister for Social Security regarding the protection of vulnerable employees who failed to qualify for sickness benefit: [1(550)]

I thank the Minister for her detailed answer in the written question which is attached to this one. Given that workers on zero-hour contracts and low monthly earnings may fail to qualify for sickness benefit due to the contribution criteria which apply, what action, if any, will the Minister take to protect these vulnerable employees?

Deputy S.J. Pinel (The Minister for Social Security):

I thank the Deputy for his thanks. Vulnerable employees are protected through the income support system. Income support protects low-income households, both in work and out of work and during periods of sickness. This is available to any low-income household that satisfies a 5-year residency test. The contributory Social Security scheme is based on workers making contributions and

receiving benefits in specific situations. The contributory scheme is not designed to support all low-income families and its benefits do not cover all living expenses. Benefits are paid at a standard maximum rate. In September this was £204 per week. If you had paid contributions on earnings that are at least this amount, £204 per week, then you may be eligible to claim a benefit to cover absence from work due to illness. There are situations in which a person may only be working part-time and so have earnings that are less than this lower limit. There are also some married women who work full-time but have chosen to opt-out of paying contributions. For anyone in this situation who has lived in Jersey for at least 5 years, the income support system is available to provide a basic household income over a period of illness. Thank you.

4.7.1 Deputy G.P. Southern:

If I may take the Minister through some numbers. Is it not the case that a worker on a zero-hour contract on low earnings could have a quarterly total of contributions of £2,500 and qualify for some sickness benefit but a worker in different circumstances could be paying in contributions of £2,550, i.e. more, and not qualify? Will she commit to re-examining her mechanism in order to make it fairer in terms of the earnings of workers to qualify for sickness benefit?

Deputy S.J. Pinel:

It is very confusing inasmuch as a lot of the sums that we provide are weekly payments and the Deputy has referred to monthly payments. In some cases, as with pensions, as we have discussed before, then if there are 4 Fridays in a month, the monthly payment will be different from if there are 5 Fridays in a month. But a person on a minimum wage of 35 hours per week at the current rate of £17.18 will earn £251.65 a week which is above the contribution rate of £204, so will be entitled to the benefit.

4.7.2 Deputy G.P. Southern:

Nonetheless, the principle that applies if you make contributions for one month out of 3, you are eligible to receive a third of the total sickness benefits. If you fail to meet all months but you could earn more, then you do not qualify, so the safety net does not work well for these types of workers. Does she not accept that something should be done about that, especially in the light of the still-increasing numbers of zero-hour contracts poor-quality jobs that exist in our community?

Deputy S.J. Pinel:

Yes, I totally accept what the Deputy is asking which is why we are doing the current review which has just been launched into contributory benefits. So we are doing something about it, we recognise that there are many different aspects of this, many different levers, and that is the review that is undergoing at the moment with the consultation paper online. Thank you.

Deputy G.P. Southern:

Could I ask for clarification? Is it not the case, the Minister has just said we are doing some work on this, that sickness benefit waits for the next stage; is not involved for the moment?

The Deputy Bailiff:

I will allow that.

Deputy S.J. Pinel:

Contributory benefits are what is being examined at the moment across the board and then incapacity will be done in the next part of the review.

4.8 Senator P.F. Routier of the Chairman, Privileges and Procedures Committee regarding the accessibility of States Assembly buildings to elected members with physical, sensory or health disabilities: [1(546)]

Is it a policy of the Privileges and Procedures Committee that the States Assembly and associated buildings should be accessible to all elected members with physical, sensory or health disabilities and, if so, will he agree to the committee commissioning an accessibility audit and to seeking to remove any barriers that are identified?

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

Absolutely, yes. Anyone elected to serve in this Assembly should be able to do so without impediment. We and the Greffe are committed to supporting any Member with a disability to discharge their duties. An accessibility audit is an excellent suggestion and I will be happy to recommend to P.P.C. (Privileges and Procedures Committee) that we do this.

4.8.1 Senator P.F. Routier:

A supplementary? Would it be possible to involve people with disabilities in carrying out that audit and also to perhaps publish it as well?

The Connétable of St. Clement:

Absolutely, yes.

4.8.2 Deputy M. Tadier:

The Senator focuses on the plight of potential elected Members which is a valid question to ask but there is also an issue for members of the public having access to this building, not just the gallery which is terribly inaccessible for many with even perhaps a slight disability, but I know I had an embarrassment only a few weeks ago when I tried to meet a constituent in one of the meeting rooms and could not get them in with their wheelchair, so we met across the road at a café which was fine in the end. But does the chairman agree that this is a public building, it is important that public have access to it easily and that where it can be facilitated that we should be publicly-accessible, not just for elected Members but for members of the public too?

The Connétable of St. Clement:

Yes, I do agree with that. Once again, this building was built in a less-enlightened age. Much work has been done to improve accessibility but I am sure that more could be done. Therefore, if the committee agree to do the audit, it should be included for public access as well.

4.8.3 Deputy M. Tadier:

Would the committee perhaps consider an experiment physically where they try to get into the building with different conditions? Would they consider going about in a wheelchair trying to access this building as a member of the public might and see where the pitfalls are, where the ramps need to be and what parts of the building are quite frankly inaccessible?

The Connétable of St. Clement:

There are many types of disability, not just wheelchair users, and we need to think of people with all sorts of different disabilities. I think if the committee agree to do an audit, it needs to be done professionally together with people who have experience of disability rather than with amateurs riding around in wheelchairs which I do not think would be very helpful to anybody.

4.8.4 Connétable J. Gallichan of St. Mary:

Will the chairman also possibly take on board consideration of whether in fact this building is the right location for the future States Assembly to meet? There are, as we know, lots of implications,

not only for how the public access us but also for how we work now. This building was not constructed in the electronic modern age and we all know that the court services is desperate for extra court facilities. Perhaps the scope should be widened to consider whether this is the best place and whether the public could be better served by a more efficient use of this building, perhaps by the court services.

The Connétable of St. Clement:

I think if we go down that road now, the audit for disabled access will be waiting many, many years. I think we need to concentrate on what we can do now. Clearly, it would be nice to have a bright spanking-new building; it would be ideal to start with a greenfield and build a new Assembly building, but I think that is a long, long way away. I would rather concentrate on what Senator Routier has suggested.

4.8.5 The Connétable of St. Mary:

It is not necessarily a question of building a new building. We know that St. Helier is being regenerated, we know that things are moving around within this capital. I am sure there are other buildings that could be fitted out. Office buildings are regularly fitted out within a matter of 6 months, so I think it would be perhaps short-sighted not to consider all options at this time.

The Connétable of St. Clement:

I am prepared to put it to the committee that they should consider all options.

4.8.6 Senator P.F. Routier:

I thank the chairman for his response. Is he aware that the Commonwealth Parliamentary Association is promoting greater diversity to ensure that all sections of our community are able to be elected and that is particularly including people with disabilities? Is he aware that there are some very old Assemblies around the Commonwealth which have had alterations made which have managed to retain their character? In fact, I was at a Commonwealth parliamentary conference recently whereby the speaker's chair had been lowered because the speaker was in a wheelchair and it would enable anybody who was sitting in that chair to gain access to it. So is he aware that the Commonwealth Parliamentary Association is promoting greater accessibility?

The Connétable of St. Clement:

Yes, I am and that is why I am very pleased to accept the suggestions made by the Senator.

[11:00]

But lowering a chair is a very relatively-simple operation. It is getting access from the ground floor or outside in the Royal Square to that chair which I think is going to be the more challenging.

Senator P.F.C. Ozouf:

Prior to asking my question, may I apologise for not being here for the first question? I have sent you a note as to the reasons why; I was unavoidably delayed because of a personal matter and if I could ask the first question, in view of the time, after this question.

The Deputy Bailiff:

There is time available to do that and you have given me an explanation, Senator, which I think is an acceptable explanation. So you can ask question 1 after question 10.

Senator P.F.C. Ozouf:

I am grateful.

The Deputy Bailiff:

Is there someone nominated to ...

Senator A.K.F. Green, Deputy Chief Minister:

The Assistant Chief Minister, Senator Routier.

The Deputy Bailiff:

Very well. Thank you very much indeed.

4.9 Senator P.F.C Ozouf of the Chief Minister regarding the promotion of greater competition in Jersey's gas market: [1(554)]

Following the publication of *Oxera Report on the Jersey Gas Market*, R.1/2017, which highlighted the apparent high cost of gas compared to other energy sources, will the Chief Minister explain what steps have been taken, including by C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities), to promote greater competition for gas consumers this winter?

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

I am grateful for the Senator's continued interest in this topic. **[Laughter]** The starting point in the J.C.R.A.'s (Jersey Competition Regulatory Authority) conclusion in 2015 that there appeared to be no reasonable grounds to suspect that the Jersey Gas Market was not acting in the best interests of consumers; this was followed up by Oxera's work published in 2017 suggesting that historically profitability and prices were in a reasonable range. Since these 2 pieces of work there have been no interventions by the J.C.R.A. in that market. This is not surprising, given the evidence as market-based interventions such as regulation or competition law enforcement are less likely to come into play. Nevertheless, the functioning of the energy markets and the effect on consumers remains an important matter across the Government. During 2017, departments have continued to support consumer advice activities, work with the energy policy, with Social Security fuel payments, and also improving the social housing stock. If there is a need to revisit gas prices at an appropriate point in the future, we will of course ask the J.C.R.A. to assist.

4.9.1 Senator P.F.C. Ozouf:

I am grateful that Senator Routier does have a sense of humour and I take the comment that he makes in good spirit because he knows that I have been concerned about this and other Members, particularly Deputy Southern and others, have been concerned about what is a serious issue for many Island consumers. The report that the Senator and that I referred to in my question that was published in January did say that gas prices in Jersey were higher compared to other fuels. This has been made worse by greater competition in the oil market with 7 pence lower prices, frozen electricity prices and the report did say that there was going to be a need for actual action for those people who suffer high fuel prices who are locked-in to them. Does the Senator have any plans across other departments to do anything for those consumers who are now locked-in to very high standing charges for gas and very high gas prices and are likely to be those Islanders that are in fuel poverty? Specific action.

Senator P.F. Routier:

In recent months we have encouraged the Jersey Consumer Council, the Trading Standards Department, the J.C.R.A. and the Citizens Advice Bureau to meet on a regular basis. They have formed the Consumer Protection Network and they are monitoring the existing fuel market but also they are giving advice to consumers about what the options are to them. If there are issues with regard to helping them to perhaps change fuel supplies, that is the advice they will be able to give them. But I understand there may be some barriers to that in costs but that is an issue which we

have not been able to grapple with at the present time but certainly we are aware that there may be additional support required.

4.9.2 Deputy G.P. Southern:

The Assistant Chief Minister points to a new body set up to monitor prices but fails to state that his department, that he, will do anything if required. I did not hear any commitment to any action on his part except to say: "We have set up a monitoring body." Is it the case that he and his department are prepared to act on this issue should it prove necessary this winter?

Senator P.F. Routier:

Certainly the suggestion of us doing something, which is something which I gave in my answer to the initial question, was that we were prepared to ask the J.C.R.A. to take a watching brief on the issue. With regard to the issue with regards to this coming winter, we are given assurances that the gas prices are being maintained for this period and there will not be any increase coming forward for this wintertime. But I am sorry that the Deputy does not feel that us being able to get those 4 organisations to come together on a regular basis and to be of assistance to our community is not of value because it has been of great value to many people.

4.9.3 Deputy G.P. Southern:

Again, the Assistant Chief Minister says we could ask J.C.R.A. to adopt a watching brief. Again, he says nothing about the central question which is that gas tariffs and gas prices are higher than their competitors. If that is the case, will he consider acting on behalf of the consumer?

Senator P.F. Routier:

It is a matter of fact that gas prices are higher than the other commodities and that is a choice which some people are locked-in to, unfortunately, and it is difficult for them to change. But we need to recognise that there are choices available to those who are able to change to move to other commodities. That is the purpose of this group getting together to advise people on what the options are for them. With regard to government involvement in enabling people to move, at this stage we are unable to offer any support at this time.

4.9.4 Senator P.F.C. Ozouf:

The Senator, I think, understands the issue is that there is a reality that it is the likelihood that it is lower-income households and tenants who are likely to be those that are locked-in to high gas prices. Would he work with agencies such as the Consumer Council, or would he agree to work with agencies such as the Consumer Council and the Environment Department, to put in place a scheme which would allow effective switching for consumers who are unable to meet the capital costs of installing an electric or oil boiler where that is possible instead of their existing gas supplier? It is the capital cost issue which is an issue. Would he commit to work and, if necessary, he knows of my persistence, there are Members of this Assembly who would be willing to work on effectively drawing up a scheme to allow for energy switching which would solve the problem?

Senator P.F. Routier:

Of course. Certainly that is a piece of work I would be prepared to undertake and if there is any assistance to be given by not only the questioner but also perhaps the Minister for the Environment and other Ministers, that would be greatly appreciated. It is an issue which we need to consider carefully and to see if we can come forward in a positive way. I thank the Senator for his question.

The Deputy Bailiff:

Deputy Kevin Lewis, you, I think, put your light on a fraction after I called on Senator Ozouf. If I had looked at it, I would have called upon you to ask a question, so I am prepared to allow a question from you.

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

I also have several constituents who are struggling with gas at the moment. They have it for hot water but they cannot use it for heating because it is far too expensive. In fact, they use open-fire log burners, whatever they can other than using gas, and also they cannot afford to replace the system. Does the Assistant Chief Minister not find this unacceptable?

Senator P.F. Routier:

People's choices of how they heat their houses is obviously something which needs to be considered. Hopefully the piece of work that we will be doing with the Minister for the Environment, who hopefully might get involved and the original questioner, to come forward with options for them to switch to other fuels will be of use to them and I hope that will satisfy the questioners.

The Deputy Bailiff:

Very well. We now revert to question 1 which Senator Ozouf will ask of the Minister for Treasury and Resources.

4.10 Deputy P.F.C. Ozouf of the Minister for Treasury and Resources regarding the payment of rates by the States: [1(553)]

Further to proposals made in the 2017 Budget, why has the Minister not, in the 2018 Budget, implemented the Assembly's decision that the States should pay rates on States properties; and when will the associated Regulations for the revaluation of the "rateable value" of properties be lodged?

Senator A.J.H. Maclean:

Sir, I would also like to thank you for giving special dispensation for this question; it was very kind of you. [Laughter]

The Deputy Bailiff:

Well, to make matters clear, if a person is not present when their question is called, they are not allowed to ask it later in the Order Paper, even if there is time, unless they offer a good reason. I have been offered a good reason in writing which is of a confidential nature, which I hope the Members will accept that I have proceeded on and, therefore, I hope that clarifies the position. If you would like to answer, Minister.

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

Yes, I was just noting your generosity. That is fine and indeed it might not be generous, to be fair. I would like to remind the Senator and Members about what I did in the 2017 Budget which was to propose the change to the Rates Law to remove the exemption from Parish rates currently available to the States, effectively meaning the States would have started paying rates. Unfortunately, this Assembly rejected that proposal by 20 votes to 17. Earlier this year, Members supported P.12 under which I was asked to consult on and bring forward for debate proposals for the payment of Parish rates by the States in 2018. I have now consulted but Members will be aware that following that process, the Comité overwhelmingly rejected the whole principle of the States paying rates, later confirmed in a written submission. I hope that Members can appreciate why neither I nor the Council of Ministers felt it appropriate to oppose the majority of the Comité following that

consultation. That is why the proposal is not in Budget 2018. On the question of the revaluation, I proposed a change to the Rates Law at last year's budget to allow regulations to be introduced which would specify how a revaluation of properties for rates purposes could be carried out in the future. That proposal was accepted by this Assembly. Work on the regulations is progressing but is not straightforward so I cannot give a clear timeline for lodging at this stage. Sorry, I hope Members heard that. Unfortunately, the Minister for Economic Development, Tourism, Sport and Culture was choking. I do not know if he needs some water.

4.10.1 Senator P.F.C. Ozouf:

There are 2 issues here. The M.T.F.P. (Medium Term Financial Plan) made provision in the budget arrangements, in other words the payments of budgets of the States, for payments of rates. The States approved that and therefore there is a legitimate expectation, I believed, that proposals would be brought in subsequent budgets for the longstanding issue of payments of rates. Therefore, will the Minister understand the despair and disappointment of the parishioners that are affected who are in St. Helier and St. Saviour mainly but also St. Brelade - other Parishes are not so affected by this - that now they are not simply going to get the rates on States buildings and dealing with this longstanding unfairness? What is his answer to that? It was in the M.T.F.P. and now it has been taken away again after years of debate just because effectively a majority of the Constables appear to have a veto. Is that right?

Senator A.J.H. Maclean:

I should correct the Senator, it is not just a matter for the Comité. This Assembly also voted by a majority to reject proposals in the Budget in 2017. I then went out to consult with the Comité and I have given Members the outcome of that particular consultation. The Senator also talks about the Medium Term Financial Plan and I agree that plan was a package. But sadly since it was agreed by this Assembly, there are other elements of that package which also have been rejected. I mention, for example, a health charge and we are yet to see the introduction of a waste charge. That was all in the M.T.F.P.; unfortunately, it has not all been delivered.

[11:15]

4.10.2 Deputy M. Tadier:

As important as the Constables are in this Assembly they are only 12 out of 49 and there are 37 other elected States Members in the Assembly and there are 29 other Parish representatives in this Assembly, not to mention the Senators. I, for one, am concerned that when the Strategic Plan says that we should be prioritising in particular the improvement of St. Helier, and when Islanders have told us they want the Constables in the States because they represent the best interests of parishioners, I am really at a loss as to what has happened from the in-principle decision of fairness, especially when it comes to St. Helier, the fact that the Constables are saying: "No, we do not want this money, which we can spend in our own Parishes." It is frankly remarkable. Should this not be a decision that is brought to the States and will the Minister for Treasury and Resources bring the consultation, the results to the States, for a vote so that the States can decide before the next elections whether or not the Parishes will be receiving the States rates that they are due or not?

Senator A.J.H. Maclean:

I will repeat again that this matter did come before the States. This matter was voted on and was rejected at Budget 2017. Since then, some further consultation has been undertaken with the Comité. That was the right thing to do. They are after all the Constables, the custodians of the Rates Law, and it is right that they are supported. But at least the majority, as it turned out, that was not the case. But I want to be absolutely clear that both myself and the Council of Ministers believe in and support the principle of the States paying rates, but we have to take people with us,

we have to take everybody with us and it is important that we continue our work to find the common ground necessary to get the support of a majority of the Constables. That I believe is a sensible and balanced approach to take.

4.10.3 Deputy M. Tadier:

As part of the consultation, were parishioners consulted? Do we know what the opinion of parishioners was to the consultation?

Senator A.J.H. Maclean:

The consultation was primarily with the Constables who I would expect to know the feeling of the parishioners in each of their Parishes. If further consultation is needed then that is a matter that will be given fair consideration in due course. But I think it is very reasonable to expect the Connétables to have a fair feeling for what the feelings are of their parishioners.

4.10.4 Deputy S.M. Wickenden of St. Helier:

Of course I have great respect for the Comité des Connétables and the Connétables, but they are not an upper house, they do not get to veto other decisions in the Assembly. Will the Minister for Treasury and Resources please inform us, will he be giving any other vetoes for any other decisions to the Comité des Connétables to allow them to say: "No, we do not want this"?

Senator A.J.H. Maclean:

I do not think that is a reasonable comment at all. It is absolutely clear that, for changes of this nature to be made, it is appropriate the Comité are supportive for the simple reason that they are going to be administering any changes that result from decisions that are taken. Having committed to go out and consult, as I have done, and having the response that I have had, as I have said, we need to continue on to find the common ground necessary in order to satisfy the Comité that this matter should be progressed. I believe, and the Council of Ministers believes, it should be. At the moment we do not have that common ground. We do not have that agreement either on this matter or the linked issue, which the Senator also asked about, which was around revaluation, which I think is also critically important. But there are many complexities to that.

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

My question is in 2 parts. Firstly, the Minister for Treasury and Resources knows that I have lodged an amendment to the Budget to seek to bring back into the Budget the agreement to pay Parish rates on States properties. Will he be supporting that amendment and will he encourage his fellow Council Members to support it as well? Secondly, the Senator knows that this matter has been outstanding for more than 20 years. Does he not think that the Council of Ministers is failing to give it proper priority?

Senator A.J.H. Maclean:

With regard to the amendment, I think I have discussed with the Constable this particular issue. The Council of Ministers will decide upon the approach for the amendment. I think I have also, in the comments I have made this morning, made it clear about the support that both myself and the Council of Ministers have for the principle of the States paying rates. That has not changed; that will not change, but we have to take people with us and therefore the common ground I have referred to on several occasions is an appropriate way to deal with that matter. I do not think there is very much else that I can add on that particular point. I think there was a second question. I am not sure that I answered that.

The Connétable of St. Helier:

About whether 20 years is suggesting due priority on the part of the Council of Ministers.

Senator A.J.H. Maclean:

I believe the Council of Ministers have given this the priority necessary and we have laid out how we were going to deal with it. That is why, in the last budget, Budget 2017, the measure was brought before this Assembly. I cannot repeat that more times. We have undertaken exactly what we said we would do. We brought the measure here for the States to pay rates and the States rejected, by a vote of 20 to 17, in the Budget 2017.

4.10.6 Deputy A.D. Lewis:

If the Minister still takes great sway on what the Constables think on this and it does affect them severely, perhaps they are compromised on this basis, but what is it that the Minister needs to do to persuade the Connétables this is a good idea? What is it that he needs to do? What do you need to do to persuade the Connétables that this is the right thing to do? Does the Minister know? If so, can he tell us?

Senator A.J.H. Maclean:

There are a range of reasons why the Connétables have concerns about all elements of the changes proposed for the States paying rates and I think it is probably fair to say that each Constable has their own particular view on this matter. I believe that in time that common ground can perhaps be found to address some of the concerns that exist. On the revaluation side, as an example, there is a concern about what the potential cost could be from an administrative point of view for the Parishes and that is a matter that needs to be sorted out. I know that there are some who feel and favour the Northern Ireland model, which is overly bureaucratic, and certainly something that I think we would want to resist here in Jersey because that is not a route we wish. So there are a number of hurdles yet to be overcome but I think with appropriate work on both sides it can be done.

4.10.7 The Connétable of St. Clement:

Despite what Deputy Tadier said in prelude to his question, did the Minister include in last year's Budget Statement a comment to the effect that, if the States paid rates on their properties, it must be made clear that the Parishes would not be receiving any additional monies unless they increased their rates?

Senator A.J.H. Maclean:

The parishes would not. The beneficiaries of a change of this nature would be the ratepayers. If all matters remained equal then there would be a benefit with a reduction for the benefit of the parishioners in the relevant Parishes.

4.10.8 The Connétable of St. Clement:

If that is the case, the beneficiaries would be the ratepayers, says the Minister, therefore those who are paying the bill would be the taxpayer. Could the Minister tell me what is the difference at the end of the day between the taxpayer and the ratepayer.

Senator A.J.H. Maclean:

That is the case. That is one of the arguments that the Comité put forward and the chairman in particular.

4.10.9 Deputy S.Y. Mézec:

What consideration, if any, did the Minister for Treasury and Resources give to the idea of the States paying Parish rates, but only in St. Helier, and seeing how long it would take for the other 11 Parishes to then change their minds?

Senator A.J.H. Maclean:

Is the Deputy suggesting that the Parish of St. Helier would like to declare a U.D.I. (Unilateral Declaration of Independence)? That was not given consideration but I have noted his views on the matter.

4.10.10 Senator P.F.C. Ozouf:

Dr. John Kelleher, in his book of the triumph of the countryside, his historical account of Jersey, spoke of hundreds of years of struggle of the town over the country. The Constable of St. Helier speaks of 20 years. The reality is that I am looking at Constables' Benches where there is 71 per cent of the rates that we are talking about that would be for one Constable's Parish, St. Helier, 14 per cent to another, St. Saviour, a total of 85 per cent, and the rest, the chairman's Parish would receive 2 per cent. So there is a disproportionate amount of value, if I may say, in terms of the different values that it would be. It does not matter to the Constable of St. Clement, it is 2 per cent. So the Minister I think understands the way the wind is blowing. There is an issue here. He knows the Budget is going to be amended. My comment to him is that also to press him on why is he talking about a Northern Ireland system of rating? He spoke in his answer about spending matching revenue. I gave him the opportunity ...

The Deputy Bailiff:

Senator, you really must come to a question.

Senator P.F.C. Ozouf:

Why is he not progressing the issue of the revaluation in this Budget? It is a simple form of legislation that can be brought to deal with the revaluation of rates, even if it is just revaluation of commercial properties in St. Helier, which means office payers will pay for the rates that the St. Helier parishioners want for fairness.

Senator A.J.H. Maclean:

I would like to correct the Senator because the reference to Northern Ireland was not a quote from myself, in fact it comes from one of the St. Helier assessors, who was talking about that as a particular option. That is overly complicated in my view and it is overly bureaucratic. What is absolutely right is that this is a matter of fairness. We have to consider that when the Rates Law 2005 was introduced it was based on valuations from 2003. There is a case that one can argue that retailers in particular are disadvantaged. Retail has changed enormously in the intervening period. Office space has become more valuable, retail space arguably less valuable. That has to be evidenced of course and that is some or part of the stream of work being undertaken at the moment to understand all the complexities. But what we could see is, not an increase in the amount of rates generated necessarily, certainly a redistribution that is fairer. In particular it would be fairer for a sector like retail and smaller businesses.

Senator P.F.C. Ozouf:

So why is he not getting on with this?

The Deputy Bailiff:

I am sorry; that was the final supplementary.

Senator P.F. Routier:

May I clarify an answer I gave earlier, is that possible?

The Deputy Bailiff:

If it is to correct something that may have misled the Assembly, yes, I will allow that.

Senator P.F. Routier:

Thank you very much. During my answer regarding gas prices, I gave an indication that the prices of gas would be fixed for the winter. It depends on how you judge that. I am advised now that there is a review going to be carried out in January, which may or may not affect the price. So I just wanted to give that clarity because, if it comes in January that the gas company are thinking about a price rise, I just wanted to clarify that.

Deputy G.P. Southern:

Can I clarify the clarification? An investigation by whom?

Senator P.F. Routier:

Certainly the gas company itself will be deciding what they will be promoting.

The Deputy Bailiff:

Very well. We now come to Questions to Ministers Without Notice.

Deputy E.J. Noel:

In a similar vein, I have noticed that in the written answer to Deputy Le Fondré's question, which is question 17, there is a typographical error in the answer from my department where we refer to the S.T.W. (sewage treatment works) having a capital cost of £56 million. That should be £69 million.

The Deputy Bailiff:

Very well. That is the correction to an answer given in the Assembly.

5. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture

The Deputy Bailiff:

We now have Questions to Ministers without notice. The first question is to the Minister for Economic Development, Tourism, Sport and Culture. Deputy Southern.

5.1 Deputy G.P. Southern:

In the Minister's earlier response on the fall in productivity and on the standard of living, the Minister made much of the creation of jobs, but he did not go further and note that, since 2009, the average earnings of workers in the Island have gone down by 2.3 per cent over that period. Does the Minister not consider that the quoting of jobs, these are poor quality jobs and that what he needs to do is promote high quality jobs?

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

I do not think there is any such a thing as a poor quality job. All jobs are valuable to the economy. We are trying to promote increased productivity by promoting higher value jobs. That is exactly what people like Locate Jersey and Digital Jersey are doing, and Jersey Business, are trying to raise the value, raise the productivity in the small business sector. That is at the heart of everything we are trying to do. It is challenging. We are not alone in facing the challenge of weak productivity. Countries all over the world are facing the same challenges. But Jersey is performing well when it comes to our G.V.A. It might be down a little bit, but it is still comparatively very high compared to other places. If we had not, we have seen a drop because, as I have explained it 2 or 3 times for the Deputy already this morning, because we have seen a change in the profitability of the banking sector. That has in inordinate effect on the rest of the economy because of the size of the banking sector.

5.1.1 Deputy G.P. Southern:

Supplementary if I may. Since the Minister has gone on to it, what do the figures released by the Comptroller of Housing and Work on permits to work and live in the Island, what does that say about the quality of jobs coming, does that not also confirm that we are producing low-pay, low-quality, jobs?

Senator L.J. Farnham:

I am not sure where the Deputy is coming from. They want to chastise the highly paid in our society, yet they are not valuing the jobs we are ...

[11:30]

Deputy G.P. Southern:

I have made no mention of the highly paid in society or chastising them. The Minister is trying to put words into my mouth.

The Deputy Bailiff:

Thank you. The Minister I am sure will now answer the question, yes.

Senator L.J. Farnham:

As I have said before, I think all jobs are valuable. I think it is an insult to people working in the sectors that the Deputy deems as low-value sectors, I think it is an insult to them to say their jobs are worthless. Their jobs are very important to the economy and we have grown jobs outside of the financial services sector by about 5 per cent in 2016. So we are making headway. We always knew that we would have to work towards a more diversified economy. Now the financial services sector has done that, we have seen a shrinkage in the banking sector, but they have grown other sectors of the financial services industry in a very innovative way. We are seeing the other industries do exactly that. I accept that the pay in those sectors is not as high, and never will be as high as financial services, but they are certainly jobs worth having.

5.2 Deputy L.M.C. Doublet of St. Saviour:

I would like to ask the Minister about the proposed changes to our Marriage Law that would give legal recognition to, among many other things, humanist and open-air weddings. How is the Minister facilitating communication with the hospitality industry so that they are aware of the potential changes that are coming?

Senator L.J. Farnham:

I undertake to work closely with the hospitality sector in those particular areas and support those areas, not just on my own beliefs, but I do see economic opportunities in supporting such moves.

5.2.1 Deputy L.M.C. Doublet:

Supplementary. Has the Minister had any communication with the hospitality industry about the changes that are coming?"

Senator L.J. Farnham:

This has been on the agenda for a number of years, and I have had a number of unofficial discussions, but we have not had any official sit-down discussions, but I will undertake to do that.

5.3 Deputy T.A. Vallois of St. John:

There was an indication given in the minutes of the Tourism Development Fund Advisory Panel in March of this year that an application for recapitalisation could be taken to the States Assembly for

approval in autumn 2017 with a view to additional funding being available from 2018. Could the Minister advise why this has not been done and what the current status of the Tourism Development Fund is?

Senator L.J. Farnham:

Firstly, the status of the Tourism Development Fund is that it has just about depleted all of its funds. My officers are working with officers from Treasury to make an application in line with the process to the Economic Growth and Productivity Drawdown Fund and that process is in place now. I have been on record a number of times, and I am going to do so again now, in saying that I think the Tourism Development Fund is extremely important for the tourism sector and I am very keen to see it replenished and I will keep States Members informed. But I am expecting an application to be made this side of Christmas for additional funds.

5.3.1 The Deputy of St. John:

Supplementary. Can I just clarify from the Minister whether that means that a proposition has to come to the Assembly or whether it will just be made through a Ministerial Decision between himself and Treasury?

Senator L.J. Farnham:

No, I wish it were that easy because, if that was the case, we would have more funds now. The process for applications to the Economic Growth and Productivity Drawdown Fund are quite stringent and it is running through that process. Ultimately, it is a final decision of the Minister for Treasury and Resources after having gone before the Council of Ministers and before that the officer committee with responsibility for the fund.

5.4 Deputy R. Labey of St. Helier:

His Ministerial Decision of 9th August agreed to a £200,000 grant to the Super League Triathlon event, an event enjoyed by many and seen by many and let us take that as read, because what we want to know is what work has his department undertaken to measure and evaluate a return on that investment as was promised in the report to his decision?

Senator L.J. Farnham:

Visit Jersey Statistics, a section of Visit Jersey, are working on that and I have asked them to look at a number of issues that will demonstrate where we have seen a fiscal return through our visitor economy, but I hope that Members will agree that it went above and beyond that. It is not all about the money, I think the event was a great success and it reached deeper than the economy. I want to congratulate all of the professional athletes, including the Brownlees - these are world-class world-famous athletes - for coming to Jersey and immersing themselves in our community for a week and going to see schoolchildren and athletics clubs. So I think, over and above the economic impact, it has ticked a lot more boxes.

5.4.1 Deputy R. Labey:

Is it just Visit Jersey then who are undertaking a cost-benefit analysis of the event?

Senator L.J. Farnham:

Initially, yes, it is.

5.5 Deputy M. Tadier:

Has any study been done to show the cost or the impact of unoccupied properties to the economy and to the Treasury, particularly in the commercial sector?

Senator L.J. Farnham:

I am not aware of any study, but I certainly will make some enquiries, but I do not think it has, not recently anyway.

5.5.1 Deputy M. Tadier:

Is the Minister concerned that there do seem to be a significant amount of unoccupied properties, both commercially and residentially? If we think about the former, is he concerned about the impact that is having on his department and the economy more generally?

Senator L.J. Farnham:

Yes, and the way we can address that is continuing to make sure the economy is vibrant and growing and create a demand for these properties. In fact, we had a visit from the British Retail Association the other day and Jersey are setting up their own retail association and the observations of the British Retail Association, when visiting our town centre, were of pleasant surprise. One of the specific areas they picked up upon is the difference between our town centre and town centres in towns and cities around the U.K., is the lack of vacant premises in the town centre. So, while we do have some, again we are not in as bad a place as many other places. But it is an important issue.

5.6 Connétable S.A. Le Sueur-Rennard of St. Saviour:

Could I sneak this one in under the radar and to the Minister with his sport, leisure and tourism hat on? We are at this moment in dispute again with the lifeboat crew and, as the tourists use the waters around this Island, and one of the Senators in this Assembly did promise good co-operation with and an enquiry into what was going on with the lifeboat, could you ask the Council of Ministers to secure your tourism and your waters around here and to look into why, and why it is still going on, and why the Port of Authorities have denied an inquiry into everything please?

Senator L.J. Farnham:

I shall certainly ask some questions because protection of people in the water is important, not just to the tourism industry, but to all Islanders who use the water, and I hope that any disputes can be resolved as quickly as possible. All Islanders would share that. It is not in anyone's interest for this to be continuing longer than it has to and I hope it is resolved very quickly and amicably.

5.6.1 The Connétable of St. Saviour:

Can I have an assurance from yourself as a Minister that the Council of Ministers will look into why the Port of Authorities denied an investigation into what has been going on?

Senator L.J. Farnham:

I am not sure I understand the ins and outs of what is going on because I have not been directly involved, but the Minister for Treasury and Resources has the shareholder responsibility for Ports of Jersey, so I do undertake to raise the matter with the Minister for Treasury and Resources.

5.7 Deputy S.Y. Mézec:

In an earlier question this morning the Minister indicated that he was not keen on unnecessary red tape. Could he give some examples of specific pieces of overbearing red tape that he and his department have successfully abolished in this term of office?

Senator L.J. Farnham:

I think 2 areas that spring to mind are the excellent work that the Constable of St. Brelade has been doing on the Licensing Law, which will automate and put online and eliminate a lot of form-filling for that industry. Also, we are working on a new Tourism Law, which will go along similar lines. So everything we have done in our term of office, and moving forward, will work towards eliminating administration for businesses and householders in similar fashion.

5.7.1 Deputy S.Y. Mézec:

One example he used there was the licensing, of course that has not been enacted yet. Could I ask him what his position therefore is on the amendment that has been proposed by one of his ministerial colleagues and does that amendment seek to introduce more unnecessary red tape compared to his unamended proposition?

Senator L.J. Farnham:

I am not in a position or prepared to comment on that at this stage. I understand that the law is due to be re-lodged and I believe that the amendment would also have to be re-lodged and, if it is re-lodged and it is similar that would be a time for appropriate comment.

5.8 Deputy A.D. Lewis:

The Minister may be aware that in the next Olympics extreme sports such as skateboarding and BMX biking will feature. Would the Minister support a project, if a suitable site could be found, for an extreme sports facility in Jersey, accommodating the likes of skateboarding and BMX biking? At the moment facilities are inadequate, in my view, and in the view of that particular sport. Would he support an investigation into an appropriate site and perhaps look more closely at the opportunities for Jersey. It fits well with our surfing culture and it also is one of the activity holidays that people do travel to places like Jersey to undertake.

Senator L.J. Farnham:

The answer to that is an unequivocal yes and if the Deputy would like to come and see me, in fact I will go and see the Deputy and we can work together because, as we have seen with the Super League Triathlon, there is a great opportunity to develop Jersey as a centre for these sort of sports and some of the sports like skateboarding and BMX are now classed as sports and are shown globally, so it is also a great way to promote Jersey. Happy to work with him on that.

The Deputy Bailiff:

A very quick question, Deputy Doublet.

5.9 Deputy L.M.C. Doublet:

How does the Minister plan to promote humanist and open-air weddings outside the Island to realise the full economic benefits?

Senator L.J. Farnham:

I think that is a discussion that I would like to have with Visit Jersey and I will have that discussion and come back to the Deputy. She is welcome to be involved and we would be pleased to hear her thoughts on that.

The Deputy Bailiff:

That brings the time allocated for questions to this Minister to an end.

6. Questions to Ministers without notice - The Minister for Housing

The Deputy Bailiff:

We now move to questions to the Minister for Housing. Connétable of St. John.

6.1 The Connétable of St. John:

With the current immigration policy, or lack of, from the Council of Ministers, we are looking at a substantial increase in population, which by 18 years' time statistics show we will need an additional 12,650 homes. Has the Minister done any work in finding sites for these 12,650 homes?

The Deputy of Trinity (The Minister for Housing):

That is a very thorny question there. As we know, the immigration policy should be part of a coherent vision for the Island's immigration to make sure that it benefits the economy, community and the environment. As we know, population does have a major impact on housing. While the evidence shows that the vast majority have good access to housing, the Constable is quite right, we will need more housing in the future. Some work has been done by the Statistics Unit already on the different scenarios, which was released December 2016, and that is on the website. But what is also being done is a strategic housing market assessment report, which will assess demand across various immigrations scenarios, including the impact of economic performance on demand, but also on what type of housing and type of specialty housing that we will need. All this work will be fed into the Island Plan review, which is due to start 2019/2020. It is a big piece of work but there is work behind the scenes being done.

6.1.1 The Connétable of St. John:

Supplementary. According to my fairly basic mathematics, if you were to build 14 storeys high, you will need an area in the region of just under 300 vergées of land, in other words an area roughly 3 times the size of La Collette. This is a substantial amount of land and I would like to know that this is being identified because 18 years is not a very long time.

[11:45]

The Deputy of Trinity:

Indeed, 2035, and I hope to still be around in 2035. Yes, and that is why it is important that all this information needs to be fed into the Island Plan because the Island Plan will come back with zones if land needs to be rezoned or whatever. It is this Assembly that will make that decision. So, to enable that decision to be made, it needs the proper review, the different scenarios, and understanding exactly how many houses that the Island needs. But also, you have to add into that, not only immigration, but a lot of households are under-occupying and also that, if we did not have any immigration at all, we will still need, because our birth rate is higher than our death rate, so multiply the difference by the next 15 to 18 years, there will be a need for a few thousand houses before we get to immigration.

6.2 Deputy L.M.C. Doublet:

Is the Minister aware that at a quarterly public hearing with the Minister for Home Affairs last week my panel were informed that fire regulations are only inspected and enforced in larger properties, such as lodging houses, and is the Minister happy with this situation or does she agree with me that those in smaller properties, private rentals, also have a right to be just as safe from the risks of fire as they possibly can?

The Deputy of Trinity:

Everyone has, I would have thought, the right to be safe from fire in their own homes and that is why it is important to raise the awareness of fire issues, not only in high-rise, but also in our private homes. I know the fire service do very well, do talks to different groups - W.I. (Women's Institute), *et cetera* - about fire safety. But each one of us should take the responsibility to make sure that we know that, if we have children in the house, to tell the children which access, if there was a fire, how to get out, whether an upstairs window or whatever, and we have our own

responsibility to make sure we have fire extinguishers, a fire blanket, in our own homes and in the kitchen.

6.2.1 Deputy L.M.C. Doublet:

The Minister speaks of personal responsibility, does she not agree that in a private rental some of the responsibility is on the landlord to provide things like fire extinguishers, to make sure that communal access ways and entry points are safe, and it is not just the responsibility of those living in the property?

The Deputy of Trinity:

Absolutely. It is a 2-way thing. It is not only the landlords, but it is also the tenants as well I would say.

6.3 Deputy G.P. Southern:

Can the Minister inform Members what the maximum private sector rent levels are for one-bed, 2-bed and 3-bedroom housing in the Island since she says that the rent levels set in the Jersey House Price Index do not necessarily reflect what Andium works to because it has independent valuations? What level of rents are applied?

The Deputy of Trinity:

I do not have that information on me; it is in the public domain because the Statistics Unit now publish it every quarter. They have been doing that since the last year. They stopped for quite a while unfortunately, but that information is on the website and I am happy to give the Deputy the website link.

6.3.1 Deputy G.P. Southern:

The Minister, in her answer earlier today, the written answer, said that the figures produced by the Stats Unit do not necessarily translate to the rent levels that apply. Specifically, is the limit for private sector 3-bed houses, is it £439, which is what is published on the website, or is it £500, which is what is published by the Stats Unit?

The Deputy of Trinity:

I am not a statistician and there are 2 different figures there and, again, it all depends what type of property someone is renting and whether that is the median average or that is the average. These are complicated figures and I am very happy to talk the Deputy through that, as I am sure the Statistics Unit is as well.

6.4 Deputy M.R. Higgins:

Following up from the question from the Constable of St. John, the Minister mentioned that she had commissioned a report into housing. Can she tell us when she commissioned the report, when it is supposed to report, and why they did not do it 3 years ago when people were complaining about immigration then and the housing shortage?

The Deputy of Trinity:

As I said, this is the strategic housing market assessment report, which we are going to start fairly soon with the population policy, but it will be fed into the Island Plan. This is looking forward, the Island Plan looks forward to the next 20 years. But also, behind that work, as I have said, the Statistics Unit have done a Housing Needs Survey, which in there is the different scenarios of net migration, 325 migration, 750 migration.

6.4.1 Deputy M.R. Higgins:

Supplementary. Just to confirm what you have just said: you have not started the study yet and it will not be ready before the election and so again it will be promises and promises as before, is that correct?

The Deputy of Trinity:

No, I think the Deputy is very cynical. This is an important piece of work and, as I said, it is going to be fed into the Island Plan. The other report, the Jersey Household Projection Report, is on the website, it came out the end of December 2016, and it gives very good basic information, which needs to be built on.

6.5 Deputy A.D. Lewis:

At a recent public hearing into property transactions and the law that I sit on the panel of, it was raised by an estate agent that Airbnb is being used as a way of circumnavigating the current housing regulations in terms of occupation. Is the Minister aware of this and, if so, what is she doing about it, and, if she is not, could she investigate further?

The Deputy of Trinity:

Yes, I am happy to investigate further. If I remember rightly, I think there is a way around it, but I think it can be filled, but I do not want to give the Deputy the wrong information. But if the Deputy would like to give me that information, I will certainly look into it.

6.6 Deputy M. Tadier:

Does the Minister think that the time has now come to end the 2 tiers of qualification for rental properties in Jersey, namely the unqualified and qualified?

The Deputy of Trinity:

A very good question and that is one of the points in my Housing Strategy in the last point, the communities and strong neighbourhoods, looking at equalities in different households. Work we will be doing looking at that, no change of the 10-year rule, but if someone can come in, perhaps it is linking in with the proposed population policy, if someone comes in do they have the right to either qualify or do we just leave it open, that needs some work and the work is going to be started but it needs to go out to consultation because we need to understand the ramifications of doing that.

6.6.1 Deputy M. Tadier:

What purpose does the 10-year qualification period on rental properties serve currently in the Island in real terms?

The Deputy of Trinity:

It is a way of accessing social housing that they can only access social housing after 10 years, or buy, as the case may be. We know that before it was 20-odd years, by the previous Minister for Housing it has been brought down to 10 because I think this Assembly decided that at that time people do have buy-in. But we have talked about all this population policy, we only are an Island of 9 miles by 5 miles and we need to understand exactly the ramifications, if we did do away with the 10-year rule, what exactly that would mean.

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

Yes, 2 weeks ago the Minister was pushed on the housing supply by 2020. The Minister confirmed we would have 1,000 new homes. Can the Minister inform the Assembly if this is on track? She also said: "And also with the population we have now, by 2025 we will need another new 1,000 homes." Can the Minister identify if she knows where these will be built, what consultation she has

had with planning, or does she have no idea where this extra 1,000, so it is 2,000 homes altogether, by 2025 will go?

The Deputy of Trinity:

Andium and the other social housing providers are on track to meet the 1,000 hopefully by 2020, but there have been some hurdles by going through the planning process and different sites have been appealed, so that takes time, so we need to work that in the different scenarios. But we know, as I just mentioned before, with many more births than deaths, we will need an X-number of thousand of homes after 2020, looking at 2035. Regarding where that is going to come from, that part of the work is being done, again being fed into the Island Plan, but also looking at the States-owned property, how can we get better use of that and also looking at different sites, like La Collette, make sure that the density is right too.

6.8 Deputy R. Labey:

Following on from that, given that good government should look 20 or 30 years down the line, looking beyond 2025, I am not intending to ask the lady a trick question, but I just wonder if a vision exists in the department of what the Island looks like in 20 or 30 years' time, where all the houses will go that are needed to fulfil the population forecasts, beyond taking a green field here or a green field there. Does a bigger better bolder picture exist at all?

The Deputy of Trinity:

Yes, we need to have a vision for up to 2035 and that is some of the work that in Future Jersey, the Island survey that has just finished going out to consultation, housing has an important part to play into that too. It is all of our problem to make sure, but we all need to be housed properly in decent homes. So that work, as I said before, is being done and it is linking in with the Island Plan, but also getting results from the Future Jersey consultation.

The Deputy Bailiff:

I am afraid that brings time that is allocated to this Minister's questions to an end. There is nothing under J so we go on to K.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Chairman of the Environment, Housing and Infrastructure Scrutiny Panel - statement regarding the panel's review of proposed waste charges.

The Deputy Bailiff:

The Chairman of the Environment, Housing and Infrastructure Scrutiny Panel will make a statement regarding the panel's review of proposed waste charges, a copy of that statement should have been circulated to Members.

7.1 Deputy D. Johnson of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):

The purpose of this statement is to advise Members of the current status of the work being undertaken by the Environment, Housing and Infrastructure Scrutiny Panel in relation to waste charges in the light of certain changes, both as to responsibility and timetable, proposed by the Council of Ministers. In July of this year, the panel undertook a review of the proposals, as brought forward by the Minister for Infrastructure, to introduce charges for liquid waste. Such review contained a number of recommendations and the panel was pleased that, at the time of the debate on 19th July, Members were good enough to recognise the extent of these, including the need for further consultation with stakeholders, and agreed that the proposals should be brought back to the

Assembly for further debate on 12th December this year. Members will recall that the Medium Term Financial Plan covered both liquid waste and solid waste charges and, at one time, it had been the intention of the Minister for Infrastructure to lodge the 2 propositions simultaneously. While the decision was subsequently taken to deal with them separately, it was always the panel's intention to also review the latter when they were finalised and lodged for debate, as the panel understood, before the end of the year. In consequence, the panel has since July been in communication with the Department for Infrastructure as to the provision of relevant information to enable them to continue with this scrutiny exercise as to both matters. However, the absence of any detailed response, particularly as to proposed timetable, prompted myself on behalf of the panel to raise a question of the Chief Minister as to which department was now responsible for these matters.

[12:00]

By way of reply, he indicated at the last sitting that the introduction of both liquid and solid waste charges would henceforth be led by the Minister for Treasury and Resources. As to the overall timetable, the panel presently awaits a reply to its letter to the Chief Minister on the subject. However, it is noted that the Draft Budget Statement 2018 has confirmed that the decision regarding the introduction of liquid waste charges has been deferred until 2019 and, in the absence of a detailed timetable from the Treasury Department, we gain the impression that the propositions for both sets of charges will not be made until after next May's election. Members will appreciate the curious position in which the panel now finds itself. Having conducted a review of the liquid waste proposals, we had anticipated - and indeed wished - that we would be able to continue with our work to see it through to its conclusion but it seems that this may not be possible. In relation to the solid waste proposals, this was again to be a major piece of work for which we had set aside the necessary time and, having particular regard to our initial work on the matter, the panel is again disappointed that despite its best efforts to progress matters it may be prevented from conducting this further and related review. In relation to both matters, the panel wishes to record its intention to keep abreast of any matters that arise and of any work undertaken by the Treasury Department before the end of the current political term and, in that connection, looks forward to hearing from the department both as to its timetable and any current outstanding items. However, should the present panel be unable to continue with its work until completion, we intend to include in our legacy report a recommendation that the new Environment, Housing and Infrastructure Panel reconstituted after the elections continue with such work. Again, the panel regrets that it has felt it necessary to inform Members as to the frustrating position in which it finds itself.

The Deputy Bailiff:

There is now a period of 15 minutes in which questions can be asked of the chairman. Is there no one that wishes to ask any questions? I was slightly confused because I looked at Deputy Southern and I could not believe he was not trying to be seen. I felt a moment of confusion there.

PUBLIC BUSINESS

8. Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201- (P.69/2017)

The Deputy Bailiff:

We now move on to Public Business. The first item of Public Business is the Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations lodged by the Minister for External Relations. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the Taxation (Implementation) (Jersey) Law 2004, have made the following Regulations.

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

Members may recall that the Assembly ratified a few years ago an agreement between the Governments of Jersey and the United States of America to implement exchange of financial information under what is called F.A.T.C.A or the Foreign Accounts Tax Compliance Act. The broad purpose of the agreement was to ensure that foreign financial institutions, for our purposes institutions in Jersey, gave information to the United States tax authority to prevent tax evasion by U.S. (United States) citizens. At more or less the same time an inter-governmental agreement between the Governments of Jersey and the United Kingdom was ratified and that agreement achieved the same effect as between U.K. taxpayers and Her Majesty's Revenue and Customs. In 2015 the States passed the Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Jersey) Regulations, which gave effect to an agreement sponsored by the Organisation of Economic Co-operation and Development for a similar exchange of information between all countries which had signed up to this agreement to achieve transparency in tax matters, again, with a view to ensuring that taxpayers in relevant countries complied with their tax obligations to their own country. Jersey was indeed one of the first countries to commit to what is now called the Common Reporting Standard. So when mischievous or malicious critics assert that Jersey is a tax haven which hides the assets of tax evaders Members will be able to rebut such false claims by stating that there are regulations which require financial institutions in Jersey to report every material piece of financial information through the Taxes Office in Jersey to the fiscal authorities of the member states of the O.E.C.D. (Organisation of Economic Co-operation and Development). So if, for example, a German or a French citizen places money in a Jersey bank the interest received on that account will be reported automatically to the German or French tax authority respectively. This amendment to the 2015 Regulations implements, if Members agree, 3 minor changes which were recommended by the Global Forum Secretariat on a review of the Jersey Regulations, and I will explain those on the Second Reading, so I move the principles of the Regulations.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Le Fondré, this is your Scrutiny Panel, I believe.

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel)

No, thank you, Sir.

The Deputy Bailiff:

How do you wish to deal with the matter in Second Reading?

8.2 Senator P.M. Bailhache:

If I may, I will take the Regulations *en bloc*. The first change achieved by the amendment would remove the discretion of a financial institution in Jersey to use definitions other than those used in the Common Reporting Standard. When the C.R.S. came into force hot on the heels of F.A.T.C.A. and the inter-governmental agreement with the United Kingdom, financial institutions in Jersey had asked for a discretion that the systems that they use for reporting information under F.A.T.C.A and the I.G.A. (inter-governmental agreement) could also be used for the Common Reporting Standard.

The Jersey Government acceded to that request and indeed those were the provisions put in the Regulations in 2015. On the review by the Global Forum Secretariat the view has now been expressed that only the Common Reporting Standard definitions should be used and Regulation 2 would effect that change. The second change is to accommodate a suggestion that the requirement to keep financial records for at least 5 years should be clarified. Again, the secretariat considered that the provisions in the 2015 Regulations were not sufficiently clear and Regulation 3 would achieve that change. Thirdly, the secretariat considered that it was unclear whether a person was obliged to take account not only of the rules of the Common Reporting Standard but also of the related commentaries on the O.E.C.D. website and Regulation 4 of the amending Regulations would bring that change into effect by adding Regulation 12A, which would provide that both the C.R.S. and the commentaries should be taken into consideration. Regulation 5 is the usual Regulation of citation and commencement. I move the amendments to the Regulations.

The Deputy Bailiff:

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

8.2.1 Deputy A.D. Lewis:

Just briefly. Firstly, I would like to welcome the Minister back to the Chamber looking extremely healthy after your [**Approbation**] unexpected ill health, and so welcome and great to see you looking so well. Just on Regulation 12A, the Minister in his preamble suggested that reporting requirements would only be required if, for example, interest was incurred on bank accounts to those tax authorities. The very fact that the money is here in the first place gives some people cause for concern around the world and the fact that we are a finance centre, as some would call us, and tax haven, as others would call us, remains a topic of conversation around the world, would reporting happen simply because the account is here rather than just because that account is incurring interest?

8.2.2 Senator P.F.C. Ozouf:

This question may be more appropriate for a Third Reading but if I may just ask the Minister: these Regulations that we are adopting require an immense amount of work by not only officials within Government but also within the finance industry. Would the Minister, in adopting and asking the States to adopt these Regulations, take the opportunity of thanking the hundreds of finance professionals in the industry for the hard work that they must do to comply with these Regulations and the result of which will mean that this Assembly will see continued strong economic growth in our finance industry? Because it is the hidden work of the hundreds of people that need to be recognised, I think, when we briefly and swiftly pass such what it seems to be simple but massively important and time-consuming legislation.

The Deputy Bailiff:

That really is a matter for Third Reading, Senator. But obviously there is no need to say it again. Does any Member wish to speak on the Regulations? I call on the Minister to respond.

8.2.3 Senator P.M. Bailhache:

The information which financial institutions are required to report is not limited to the interest on the accounts but is inclusive of indeed the existence of the account itself. It is important, I think, that the Island should ensure that there is that complete transparency. If a foreign citizen opens a bank account in Jersey there may very well be lawful and perfectly good reasons for such an action. But the foreign citizen must be prepared to explain that to the tax authority of his or her country. Perhaps if Senator Ozouf promises not to ask the question again during Third Reading I could answer it during this Second Reading. I certainly welcome the opportunity to thank the members of the finance industry in Jersey, many hundreds of them, who not only give very helpful information

to Government at all stages of reviews of this kind but also have in fact to implement the changes which Government brings about, which does involve not only work but also expense to those institutions. It is important that we do comply with these international standards because that is the basis upon which we welcome financial institutions to set up business in Jersey, but I do welcome the opportunity afforded by Senator Ozouf to express that gratitude to all such members of the finance industry in Jersey. I move the Regulations in Second Reading.

The Deputy Bailiff:

All those in favour of adopting the Regulations in Second Reading kindly show. Those against? The Regulations are adopted. Do you wish to move the matter in Third Reading?

Senator P.M. Bailhache:

I move the Regulations in Third Reading.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on these Regulations in Third Reading? All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted.

9. Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-(P.77/2017)

The Deputy Bailiff:

We now come to the Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations lodged by the Council of Ministers and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-. The States, in pursuance of Articles 33 and 53 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015, have made the following Regulations.

Senator A.K.F. Green (Deputy Chief Minister)

The Minister for Infrastructure, Deputy Noel, will act as rapporteur on this occasion.

9.1 Deputy E.J. Noel (The Minister for Infrastructure - rapporteur):

This legislation is needed to transfer 7 members of staff currently employed by the Department for Infrastructure over to the Ports of Jersey.

[12:15]

The 7 staff in question have been undertaking maintenance services under the service level agreement with the Ports of Jersey. The transfer will mean that they will be undertaking the same work but directly employed by the Ports. This is an example of insourcing rather than outsourcing. My department has been providing maintenance services to the Ports of Jersey under a service level agreement for nearly 10 years now. That service level agreement is due to expire at the end of this year. In anticipation of the end of that term both D.f.I. and the Ports of Jersey carried out a joint review and subsequently the Ports decided that they wanted to revise working arrangements by a mixture of the insourcing and outsource services. They tendered the outsource workload, having divided it into 24 separate work packages. This was done in July of this year as part of a formal tendering process. For the insource share of the work they would like to employ the 7 D.f.I. employees who are currently undertaking the maintenance services on the Ports' assets. Article 33

of the Air and Sea Ports (Incorporation) (Jersey) Law 2015 allows for the making of regulations, as we have done so before, to transfer States of Jersey employees to the Ports of Jersey. I know Members will be concerned for the rights of these 7 people and want to satisfy themselves that they have been adequately respected. I am pleased to say that the law has also enabled these staff to carry over their existing terms and conditions. This will protect the D.f.I. employees' length of service and pension arrangements and will avoid redundancies. We have consulted with the staff and they are fully aware and accepting of the proposals. I ask the Assembly to support this ease of transition of the staff from D.f.I. to the Ports of Jersey.

The Deputy Bailiff:

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

9.1.1 Connétable M.P.S. Le Troquer of St. Martin:

On the face of it, it appears to safeguard the jobs of 7 D.f.I. staff members and it is a good news story. I think the proposal was first mooted publicly in about May 2017, it may have been earlier, and it was because the S.L.A. was to end in 2018, the 10-year agreement. I believe at that stage it related to 8 members of staff, not 7, and the Ports wanted to take on 8 members. I understand it was 8 members from a section of 27 manual workers and 4 civil servants. I understand at that time the Ports of Jersey were also using additional support brought in on an *ad hoc* basis. So they are losing 8 staff members to Ports of Jersey from a team of 31. That takes the total remaining numbers to about 23 members of staff. I am not told how the figures change from 8 to 7; maybe retirement or resignation, there may be a rethink at Ports. Nevertheless, and I do not want to go off at a tangent, 23 or 24 members remain at D.f.I. that may have been working on Ports work previously. So I have a few concerns. The main concern is there were concerns then and it concerns today: what will happen to the remainder of those staff members that may have been working at Ports of Jersey? Secondly, that a States department section is being reduced slowly to get it below the magic figure of 13. Members may be aware of that figure of 13. It was a number that the sub-panel on States department redundancies formed, following Deputy Southern's proposition last year, kicks-in, P.63/2016 I think it was. I am one of the non-ministerial States Employment Board members, together with the Constable of St. Mary, Deputy Russell Labey and Deputy of St. John and an independent adviser that looks at the redundancies. This matter has not come to the sub-committee because there have been no redundancies. I understand that. Certainly not the 13 or more from the D.f.I. section. Certainly have not come yet. However, I cannot recall this matter coming before the States Employment Board either; not that it needed to. I may be mistaken, I hope I am, that the transfer was on the agenda for a meeting of S.E.B. (States Employment Board) in April of this year but not discussed; it was just noted. It was the last agenda item for that day and it was not discussed. I just speak today because I have concerns for the remaining members of staff at the department as their members dwindle gradually; maybe eventually to below that 13 limit where the criteria for the subpanel will not even need to apply. I accept the proposition today is not talking about redundancies. It is a good news story that 7 members of staff will have their same conditions and be transferred over. Nevertheless, the remainder of staff at Ports, not working for Ports, must be concerned about their jobs and looking after Ports, which they have done for the last 10 years under that agreement. I know it is coming to a close now that 10-year agreement but it is no comfort for those members. Ports of Jersey are being careful, and who can blame them. I know they have the financial concerns to make their money pay with whatever budget they have got, they cannot take on everybody. But the Department for Infrastructure are left with 20-plus staff members who have worked hard for the Ports of Jersey for a long time; much longer than the 10 years I am quite sure. Their future is less secure than the transferees. So I hope the Minister is able to reassure this Assembly today that maybe I have misunderstood the proposition. I would just like the Minister to explain what will

happen to those remaining members of staff who may be facing redundancy, not right now but they are getting down to that, either as a whole or in dribs and drabs - maybe that is the wrong expression - but in chunks. D.f.I. now will be losing, if my understanding - it is my third area of concern - £2.25 million annual contract from the Ports of Jersey. So I do not know, hopefully the Minister will be able to explain to this Assembly what might happen with those other members of staff.

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

As I am sure Members would expect, acting on behalf of the shareholder with Ports of Jersey, I did enquire with the chief executive of the Ports of Jersey what were the reasons by this transfer of staff. It is really quite simple, that D.f.I. have the only trained and competent staff to deal with the specific task that is required mainly in the Ports area with high voltage electricity, which is not a common ... while there are many electricians there are few electricians able to work with high voltages outside of the J.E.C. (Jersey Electricity Company) itself. That is the voltage required on the cranes and those types of things down at the harbour. Of those, and there are also 3 extra staff with specific experience with navigational services required around the Ports as well. So these staff come with specific skills and their skills are allied particularly to the Harbours itself. On top of that, the Ports of Jersey also, although it does not arise from this particular proposition, assured me that they have introduced an apprentice training programme because it is so difficult to find staff to replace these who are proposed to come across from D.f.I. without coming from outside the Island. So they are also implementing a training programme to bring in trainees to take on the work of these people when they ultimately do retire. I think for the staff, although picking up the previous speaker, fellow Constable's concerns about the staff, I personally believe they are better ... they are probably more secure now by going to Ports doing the specific works which is essential to maintain the Ports and keep them open in Jersey than they possibly would be if they had remained at D.f.I. with the changes to the workforce organisation going on in there. The individual members and their union representatives are all very happy to carry on with this piece of work. They will be located down at the Harbour in an area where they are already used to working. I do not believe at the moment any are proposed to go up to the Airport. I do ask Members to support this proposition.

9.1.3 Deputy K.C. Lewis:

The Constable of St. Martin has asked a question more than adequately. My question relates: is there a second tranche of transfers happening between D.f.I. and the Ports of Jersey or are the remainder going to be redeployed?

9.1.4 Deputy G.P. Southern:

I have severe worries about this and, in particular, what it says in the report in that the 10-year service level agreement has been in place between D.f.I. and P.o.J.L. (Ports of Jersey Limited) is due to expire in December 2017 and what will happen then following completion of the review, the outsource services, P.o.J.L., has divided the workload up into 24 separate work packages and these have gone out for formal tender during July 2017. It seems to me what will be happening there is likely to be or is at risk of being a race to the bottom in that it has gone out to tender and that conditions and terms for these workers will be severely damaged compared to what is currently taking place. So I have got worries at what we are looking at here is terms and conditions going down the pan and standards equally being less than they might be.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call on the rapporteur to respond.

9.1.5 Deputy E.J. Noel:

I thank those Members for speaking. If I take them *en masse* if I may. The reason why it is now 7 employees as opposed to 8 employees transferring across from my department to Ports of Jersey is due to the personal circumstances of one of those members of staff and we have worked closely with that member of staff to ease that transition. With regard to the remaining members of staff within my department, they are being transferred within the department to provide more resilience in our support services section, so they will be going into vacancies that we have and indeed carrying on in much the same work that they are doing but on other D.f.I. projects. So no one else is due to be transferred to the Ports of Jersey and we have no further plans to reduce the size of that team; to answer Deputy Lewis's question. We have full support from the union for this matter and I have an email from them thanking myself, my department and the Ports of Jersey for the way that this has been done and they are fully behind the transfer. I believe that covers all the matters that have been raised. I maintain the principles.

The Deputy Bailiff:

All those in favour of adopting the ... the appel is called for. I invite Members to return to their seats if they are outside the Chamber. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				

Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

How do you wish to deal with the matter in Second Reading? I beg your pardon. Does the Economic Affairs Scrutiny Panel wish to scrutinise this matter?

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

No, we do not.

The Deputy Bailiff:

How do you wish to deal with the matter in Second Reading?

Deputy E.J. Noel:

En bloc, if I may. If I can take them as read. It is a quite simple Regulation.

The Deputy Bailiff:

You do not wish to speak to them at this point? Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on these Regulations in Second Reading? All those in favour of adopting the Regulations kindly show. The appel is called for. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				

Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Do you wish to propose the matter in Third Reading?

Deputy E.J. Noel:

If I may, Sir.

The Deputy Bailiff:

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?
All those in favour of ... the appel is called for. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				

Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

10. Jersey Electricity plc: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities (P.88/2017) - proposal to defer debate to 30th January 2018

The Deputy Bailiff:

The final item of Public Business is the Jersey Electricity plc: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities lodged by the Deputy of Grouville. I ask the Greffier to read the citation.

[12:30]

Senator A.J.H. Maclean:

If I may, Sir, I wanted to test the mood of the Assembly about a potential deferral. I not sure if it is right to do that at this stage or after it has been read. I thought it would be more appropriate to do so at this point.

The Deputy Bailiff:

I think you can do it at any stage. It is possible to do that now. It may be a convenient moment if there is to be a referral to make that proposal now. Under Standing Order 87 any Member may propose without notice that a proposition listed for debate at the present meeting is deferred to another meeting date. So if that is your proposal then it is within Standing Orders.

10.1 Senator A.J.H. Maclean:

That is the proposal, and if I may I would like to just explain to Members why I would prefer that to be the case and see if Members are prepared to support such a proposal. So Members will remember that at the last sitting the lodging period for P.88, this particular proposition, was shortened. It was shortened for one principal reason and that was because the introduction of the stand-by charge was due to take effect on 1st November and this debate would have been on 31st October and Members agreed that it was reasonable, on those grounds, to shorten the lodging period to be this particular sitting. The proposition under (a) asks, among other things, for the Minister for Treasury and Resources to seek to get a delay in the introduction of the stand-by charge. I have had conversations with the Jersey Electricity Company and they have indeed agreed to defer the charge until 1st March 2018. We had a briefing yesterday for States Members so the large number of Members who were able to attend would be aware of this. So that particular pressure has now been removed and, as such, I believe there is less need to have the debate today, a matter which is extremely complex and I have to say that the Deputy of Grouville has raised some

very important issues in this proposition; issues that we are taking seriously and I made it clear at the briefing yesterday that a review would be undertaken into the stand-by charge. The proposition seeks to ask for C.I.C.R.A. to undertake that review. It is cross-departmental and I do believe that C.I.C.R.A. are not necessarily the right body to undertake the review. I say that because they are, of course, the regulator and if indeed, as part of this proposition suggests, regulation is something that were to be adopted then it would be, in my view, inappropriate for them to undertake a review into an entity that they would ultimately be regulating. I would also point out that the stand-by charge is a matter of concern not just within Jersey but elsewhere. The United Kingdom has been struggling with this matter and indeed organisations such as Ofgem have looked into it in some detail. So there are other bodies who may well be more appropriate for undertaking a review other than C.I.C.R.A. I would also, as I have said, point out that as this cross-departmental, covering Treasury, Chief Minister's, Economic Development and the Department of the Environment of course, more time is required to give proper consideration to all the issues that are raised within the proposition, some very important points that the Deputy of Grouville has rightly brought to our attention, and for that reason and to allow the review to be undertaken, as she has asked for, but not necessarily by C.I.C.R.A., I would ask Members to agree to defer and would suggest that this matter could come back, perhaps in the New Year, certainly before the deferral date to 1st March that the Jersey Electricity Company have agreed with regard to the stand-by charge. So I would, on those grounds, ask Members to consider deferring so that we are in a position to have the appropriate additional information, more data, and the review to have been undertaken before the other issues are considered.

The Deputy Bailiff:

Senator, I think you have to indicate the date that you would like it to come back so Members know what date of return you are referring to.

Senator A.J.H. Maclean:

The Jersey Electricity Company have agreed to defer the matter of charges until 1st March. I would suggest, therefore, that the sitting ... I have not got the dates in front of me but an appropriate sitting at the beginning of February would seem to me to be acceptable.

The Deputy Bailiff:

Well, would the first sitting in the New Year be a sensible one to go for or ...

Senator A.J.H. Maclean:

I would say that. I am just conscious of the fact that with Christmas and the New Year period it may interrupt but certainly I would be happy to have a date later in January or the first sitting in February.

The Deputy Bailiff:

The 30th January is the date that is ...

Senator A.J.H. Maclean:

So that would seem sensible to me.

The Deputy Bailiff:

So the proposition then is to defer the debate on this proposition until 30th January. Is that proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

10.1.1 The Connétable of St. John:

I would like to first congratulate the Deputy of Grouville for bringing forward this proposition. **[Approbation]** The situation has arisen basically because we do not have an energy policy brought for the Island. The J.E.C. is an extremely well-run company, in my belief. The electricity costs on this Island are some of the lowest in the British Isles. The company imports green electricity and pays a very good dividend to the States. We need a policy to determine whether we are going to encourage the generation of energy by individuals or by companies. We have some of the biggest tidal flows in the world around our shores. We have plenty of water. We have plenty of wind and when the sun is out we have a lot of sunshine. So we can generate, I believe, a substantial amount of energy here on the Island and this is something I would warmly encourage. We already have our own States department, Department of Infrastructure, who are generating electricity, I believe, almost 5 per cent of the Island's electricity ...

The Deputy Bailiff:

Connétable, this is a debate on whether the proposition should be deferred until a date in January, not generally on energy or on the main proposition itself.

The Connétable of St. John:

I do apologise. These are issues that need to be examined and in order to examine these that will take time and I therefore ask the Minister for Treasury and Resources look into these matters and come forward with these matters so that a full and proper debate can take place on 30th January.

10.1.2 The Deputy of Grouville:

Well, I have got news for the Constable of St. John. That is exactly what my proposition is asking for. Nobody has done anything about renewable energy. Nobody has put it on the agenda. Nobody gives it priority with the exception, possibly, of the Minister for the Environment. Well, not possibly; with the exception of Minister for the Environment who has already got the 1937 law update on his agenda. We have the Minister for Economic Development, Tourism, Sport and Culture over there, it forms part of his business plan to exploit and facilitate the development of a renewable energy sector in Jersey. It is on his business plan but it has been on his business plan for 3 years and nothing has happened. So all I am asking for here is an action plan by 31st March 2018. What is unreasonable about that? Everything in my proposition is reasonable. I have asked for this stand-by charge to be looked at because many industry people that want to do things with renewables are getting thwarted. They are getting disadvantaged every step of the way. They want us or somebody to look at this stand-by charge and this stand-by charge ... who else, who shall we get to look at it? C.I.C.R.A. We pay £500,000 a year for C.I.C.R.A., a competition authority, but now we are told, apparently, because unfortunately I could not make the briefing yesterday, I was not on Island, but we are now told: "No, C.I.C.R.A. are not the right body." So this comes out on the eve of my debate. We have a competition authority but the competition authority are not the right people to look at the competition with renewables and the energy sector. So who is? It has taken this debate to air this. I have also asked that some research be done into the market, in competitiveness. Well, quite. It is not us that is going to do the research. I did ask the Minister for Treasury and Resources, when he asked for my proposition to be deferred, why are we deferring it? Why are we deferring it? I am asking that the stand-by charge be looked at by the competition authority. That is quite reasonable I think. I am asking ... and I will concede this point and I have spoken to the Minister for Treasury and Resources about it, is (c). I was requesting that the Council of Ministers bring forward the legislation required to permit C.I.C.R.A. to become the economic regulator of the J.E.C. I have agreed to withdraw that clause because I understand the implications of it. So I have offered to withdraw that on the condition that the Minister for Treasury and Resources comes back and says what kind of oversight he is going to impose on the J.E.C. because I am afraid gone are the days where he just goes to collect his £2.5 million divvy, the end of the

year, and banks it. There needs to be **[Interruption]** ... well, last year, 2016. There needs to be more oversight of the monopoly than that. Everyone else in the world is exploiting and going with the renewable revolution that is happening but it is not happening here. So Members have got to ask themselves, why is it not? Why is it not happening here? Well, there are good reasons but we are not the people to guess at what those implications might be. We have got C.I.C.R.A. to investigate and research these charges and if the Minister for Treasury and Resources feels that there is another body more appropriate to regulate or monitor or provide some sort of oversight, some sort of comfort to us that the J.E.C. are playing on a level playing field then fine. He could have made an amendment to my proposition, let us not forget. So I do not know why we are postponing. I think everything I am asking for is quite reasonable. I am putting it on the agenda, where it has not been before, and I am really quite angry that the Council of Ministers behave like this every time a Back-Bencher brings something forward, every time, and you know if you have got a good proposition because I have been asked now by 3 Members, 2 of which are in the Council of Ministers, to withdraw, defer, all the rest of it. So you know you are on to something when you are asked that. So I will leave it with the States Assembly. I am quite happy to go ahead with my debate. I think there are a lot of things that need airing. So whoever we get to do the reviews, E.D.D. (Economic Development Department) when they are bringing forward their priority can then consider States Members' feelings about this, about renewables and which direction we ought to go in.

10.1.3 Senator P.F.C. Ozouf:

I have huge sympathy with the Deputy of Grouville. She has already won the concession of the J.E.C. putting off this charge from 1st November so she should not, in any way, be thinking that in people voting against having the debate today that she has not already won a considerable step forward because she has and she should be congratulated on that. So the Deputy spoke about the reasons why we should be having the debate today about the issue of renewables and who should work on it. The problem is that I accept that she has said that she will withdraw part (c) but the reality is that part (a) and part (b) is all about asking C.I.C.R.A. to do the work on renewables.

[12:45]

I have to say to her that I am afraid, having been the individual to have set up C.I.C.R.A., and the individual who has fought C.I.C.R.A. and currently has a problematic issue with C.I.C.R.A., reference the earlier conversations that we had about gas prices and my battles with C.I.C.R.A. to try and even get them to do something about that, I have to say to the Deputy that there is the competition question, which I doubt that C.I.C.R.A. ... I have frankly little confidence that they would deal with to her satisfaction, but also C.I.C.R.A. is not the right body to put forward a proposal for enabling the renewable opportunities that she so rightly says. So I implore her to simply accept that she has won a battle and that she is going to win the war but she can win that in January far better than forcing us to ask C.I.C.R.A., which is the wrong body that deals with renewables, and asking us to do that today. I could not support C.I.C.R.A. being ... and (a) and (b) to do it because, frankly, it will not happen and I do not want to let her down so I will be voting for this debate to be held in January but absolutely supporting her and want to support her and congratulate her again for the work. She has already won.

The Deputy of Grouville:

Could I just confirm something with what ...

The Deputy Bailiff:

Is it clarifying something that you are ...

The Deputy of Grouville:

I spoke to C.I.C.R.A. yesterday and they are quite happy to conduct the 2 things I have asked and they are the regulators in Guernsey so I do not see why they are suddenly the wrong body in Jersey.

The Deputy Bailiff:

Well, I think that is more than a point of clarification but you have made your point, Deputy. Standing Orders require that I ask the Assembly whether it wishes to continue or to adjourn until 2.15 p.m.

Deputy J.A. Martin:

Continue. Yes, we can sort this out before lunch. We are going or we are not.

The Deputy Bailiff:

Very well, I will not take a vote. The mood of the House seems to be to continue and we shall continue.

10.1.4 Senator S.C. Ferguson:

We need the facts frankly because this is an engineering problem more than anything. It is absolutely imperative that we do not end up setting up something which will penalise low income families and make pensioners have to decide whether to heat or eat. Do not look at the U.K. as a model because those who cannot afford renewables are those paying the subsidies and, as I say, the whole thing rests on the engineering side and I am sorry, those who caused the surges and the intermittencies need to pay for the privilege of that. Really, we need to make sure that the Minister for Treasury and Resources produces the information to give us the ability to have a reasonable debate in March. Sorry, in February. **[Interruption]** January.

10.1.5 Deputy G.P. Southern:

Deputy Martin was well before me but let that be. The question is: do we debate this today or do we postpone this until some time in January. I believe that despite the words of Senator Ozouf that C.I.C.R.A. is ready for the scrap heap it is our C.I.C.R.A. It is the body that we have appointed and empowered to look at competition issues and this is a competition issue. This is a monopoly provider of electricity on the Island at present governed by a 1935 law. **[Interruption]** 1937, I do apologise. It is so up to date. 1937 law. The question is, can we have C.I.C.R.A. investigate the competition and the monopoly status of J.E.C. and make recommendations? Surely we can. Otherwise we are paying for something that we are not getting.

10.1.6 Deputy J.A. Martin:

I thank the Minister for Treasury and Resources and his assistant and Jersey Electricity for a very informative meeting yesterday and it, to a point, was quite persuasive of postponing this debate but I think what they are asking the Deputy of Grouville to do is literally not have a debate at all. The Minister for Treasury and Resources and Senator Ozouf say the Deputy has won a great triumph today. She has got J.E.C. to move this back to 1st March. Then we have heard Senator Ozouf says we have got a C.I.C.R.A. who do not work in his opinion. So why are we paying them all this money? But, you know, let us get back to what we are asking today. This proposition, I presume the Deputy of Grouville is quite a reasonable lady and she would take this in in different parts, so if you really think C.I.C.R.A. are the wrong person you could vote against that part. My problem is, if we go down and we do not direct anyone to even do (e), where is the plan and you bring it back and this, they are going to delay to 1st March. You want to debate this on 30th January. You have got again 4 weeks, with February has got 28 days. Four weeks again with our backs against the wall, we do not know if they are going to do the work. So I am sorry but they have not made the case because they can vote against it if they really think this is the wrong ... but they needed to literally, on another piece of work, they need to be bringing something to say, let us look at

C.I.C.R.A. because I do not know what is going on. But today we walk away, Deputy of Grouville has won something, the Island has won something, stand-by charges go back to 1st March. We do not know what work they are going to do, who is going to do the work and we have not got a date. The only date in here is 31st March 2018 in (e) and we need something. We need something set out. Not to come back on 30th January, 4 weeks before they introduce the stand-by charge, and we have got nothing. This Assembly is very bad at doing nothing even when it is directed at doing something. So I really think today we should stand here and direct some of the Ministers to do something. So I support the Deputy of Grouville. I really do not think now we should pull this debate.

10.1.7 Deputy M. Tadier:

I, for one, could not make the presentation yesterday but I was grateful for the slides. It is difficult. Many of us I think keep Monday free, it is not really free, it is for constituency work and it is for preparation. So it is problematic when a Back-Bencher has lodged a proposition for the requisite time. The Ministers know it is there. They have got time to read it. They have got the resources. They have got the staffing. It was lodged for the requisite amount of time. **[Interruption]** It should. **[Interruption]** Okay. So I stand corrected on that issue but this is a very important subject to debate nonetheless. What I would maintain here is that it is one thing if the Deputy of Grouville, who we know is a long-time campaigner for environmental issues, green issues and energy, if she was saying: “Okay, I have spoken to the Minister and there has already been a concession.” She has accepted that part (c) is correct, that C.I.C.R.A. should not be the ones to regulate that part of the energy market. But she is saying: “No, let us push on ahead with the debate.” I have certainly come here today ready for a debate. I think the Constable of St. John, strangely enough, with his opening comments has come here ready for a debate and there is a debate to be had, particularly on paragraphs (d) and (e). We know that the Minister for the Environment is pushing ahead ... or he has tabled, he has put it on the agenda, to look at the 1937 law. The clue is in the name of that law. It is far too out of date. I think that the date when the airport was built, was it not, 1937, or opened. We do need to get the Minister for Economic Development, Tourism, Sport and Culture to set out an action plan to facilitate the development of renewable energy in Jersey and what the Deputy is trying to do, she said like: “We have the debate today.” That gives 6 months for the Minister to come back and to present that to the Assembly. This will be an issue that comes up and has come up time and time again at elections. Not just the last one but certainly, from what I can remember, 2008; people in the public across the political spectrum saying: “What are you doing about renewable energy? We have got water out there. We have got the oceans there. We have got the sun. We have got the wind. Why are you not using it? Where is the long-term plan?” This Council of Ministers have said that they like to plan ahead. I do not want to go into the main debate but I am saying that this is why it is such an urgent matter because if we come back on 30th January, we are procrastinating. We do not know what is going to be on the agenda. I suspect there is going to be lots of items coming through on the agenda for debate on 30th January and then what time does that give for the Council of Ministers, the Minister for Economic Development to report back to this Assembly? I think there are areas that can be decided on today. If Members feel that they do not have the information on certain areas they do not have to speak during the proposition and the debate. They do not have to vote for certain parts of the proposition if they do not want to but I think there is a fundamental issue here about how we plan business. We have got an afternoon set aside for business which can easily accommodate this one proposition and I think we should debate it today and certainly get consensus on parts (d) and (e) and I think we can probably agree parts (a) and (b) as well.

10.1.8 Deputy A.D. Lewis:

I attended the presentation yesterday and it was most useful. In answer to the question that was raised earlier about C.I.C.R.A.'s involvement here, let it be clear that if the J.E.C. ever became regulated they would possibly be regulated by C.I.C.R.A. So C.I.C.R.A. to then do an investigation to establish whether it is fair as it is standing at the moment simply would be wrong. So I think Members need to fully understand that and that was articulated well yesterday. But if I could just draw Members' attention to one of the slides that was given to us yesterday and it clearly here says that the proposition is complex, which I think the proposer has done an excellent job in putting together a complex proposition and done a lot of work on it, so I can understand why she wants to get on with it today. But that said, it also covers a multitude of departments, Treasury and Resources, Environment, Economic Development, the Electricity Law, the Chief Minister's Department who is responsible for competition. So there are a lot of cogs turning here and it is not something you can do in 5 minutes. So the slide that I am talking about carried on to say: "It requires a consideration of new legislation which requires significant resources from the Law Officers, all departments and potential external consultants." There is no allocation for budget for that at the moment. So due to those complexities I would urge Members to absolutely defer this until we have got the information that we really need to debate this properly because we do not have it and I would be very concerned about having a debate today not having all that information. The Minister for Treasury and Resources needs to go away and appoint some external consultants to look at this issue properly and if it means deferring it further than January that is the right thing to do, not have a half-hearted debate based on only part of the information. So I think today is the wrong day and I am not so sure that the 30th will be the right day either because I am not so sure the Minister will have all the information that Members will require to make an informed decision on this. That is not putting off the inevitable which is, yes, making better use of renewable energy. It is about having a sensible debate with the information in front of us that I do not think we have today.

10.1.9 Senator A.K.F. Green, Deputy Chief Minister:

In the absence of the Chief Minister I would like to thank the Deputy of Grouville for bringing this proposition forward because we do need to have this debate. We do need to be getting on with how we handle renewables and so on but it needs to be done properly and for that reason I seconded the proposition to delay this debate. I will give the Deputy an assurance, I do not know whether this will help her, but (e) is a no-brainer. I give her assurance on behalf of the Chief Minister that the Minister for the Environment and the Minister for Economic Development, Tourism, Sport and Culture will work on (e) regardless in the time that we are waiting for the other work to be done. We do need to look at this urgently but we need to look at it properly and thoroughly and to have this debate today I am afraid I do not think we will be doing the service that needs to be done here. However, I do congratulate the Deputy because we do need to do this.

10.1.10 Deputy M.J. Norton of St. Brelade:

Just following on from the Senator there; (e) with regard to Economic Development, and the Minister for Economic Development, Tourism, Sport and Culture is not present in the States Chamber at the moment, it is without doubt an obvious yes on (e) from Economic Development who are more than happy to undertake this work. In terms of the reference that has been made by the Deputy of Grouville to: "Nothing has been done on renewable energies by Economic Development", nothing clearly was done when I was attending Channel Islands Renewable Energy conferences in Alderney and in Guernsey, when I have been in discussions in Jersey, when I have been in discussions with the Jersey Electricity Company, when I have been there with the Minister for Environment. Discussions have been going on. Renewable energies is not simple. It is complicated. It crosses 4 different departments. Which renewable energy you go for is not simple. If you are in Guernsey you are in deep water in many ways. You are in deep water because they

have deep water all around them. Having offshore windfarms in Guernsey is not viable. Having them in Jersey where you might be able to see them is but you are going to see them. Photovoltaic has been not as viable as it might have been in some areas. Sorry, I am deferring off this. What I am trying to say here, this is a complicated issue and for people that think that renewable energies is so simple then they are not understanding the issues here.

[13:00]

This debate is one that would be better if all of those in this Assembly were better informed, come 30th January, and that would include the 4 departments that would have to do that work between now and then. All we are asking for is for this debate to be deferred; not kicked down the road, not ever never talked about but to be debated when informed on 30th January as has been requested. I think that is fairly reasonable given that this does cross 4 different departments. Given that there are concessions on both side. Given that what is in this proposition is a very good idea and will get support but let us have it when it is informed. As regard to part (e) I can say that Economic Development will undertake the work in (e) of this proposition and is happy to do so and it has your support.

10.1.11 Senator P.F. Routier:

It was at the last sitting that we were asked to consider whether we should take this proposition urgently because of the impending charge being introduced by the J.E.C. and on that basis I think everybody thought that was obviously a very reasonable thing to do. We now know that the J.E.C. are going to be pushing back that suggestion to March of next year and I think the Deputy, as has been said, has been able to have success in achieving that far. This proposition does have a lot of merit but I think discussing it today is the wrong time to discuss it. We agreed to take it early because of the time constraints of the J.E.C. That has now been moved away to later next year. It gives us the space to really think about what we are going to discuss. There is a lot of merit in this proposition and I think we should discuss it in an orderly way in the usual time that we allow for propositions to be lodged and to give us another 6 weeks. I mean there is usually some criticism, which there has been, about the Ministers have not been able to provide any comments about this proposition. Well, we were really trying to do that from the Chief Minister's Department, responsibility for competition. I know the Treasury Department, the Environment Department; are all trying to get together to try and bring forward comments but it became impossible in the short period of time. So for us to debate this even without the comments of those departments I think is wrong so I would hope that Members would accept that allowing more time with more information is the better thing to do and I urge Members to support the suggestion that we delay this until January which will give us more information to have the debate in an orderly manner.

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

May I seek a point of clarification from the last speaker?

The Deputy Bailiff:

If it is a point of clarification.

Deputy J.A.N. Le Fondré:

In his capacity as Assistant Minister to the Chief Minister's Department. If I have understood it correctly part (e) has effectively been accepted and will be worked on. Is it possible for the Assistant Minister to the Chief Minister's Department to agree the same to part (d) because it seems to me that (a) and (b) are the issues because it is about C.I.C.R.A.? I am not going to go into the comments that have been made about the ... I do not necessarily agree with them I have to say about the issues around C.I.C.R.A. but anyway I can accept that that seems to be the main issue of the Council of Ministers. If part (d) could be worked on in the same time as part (e) is then I am

happy to support the deferral. If it cannot be, because a 1937 law does need updating, and I think the points that have been made that if we wait until January ...

The Deputy Bailiff:

Well, that is becoming a speech. A point of clarification is one thing.

Deputy J.A.N. Le Fondré:

That is what I am asking if he could clarify then ... and commit to it verbally.

Senator P.F. Routier:

I have just had a quick conflagration with other Ministers and certainly that is something that can be looked at in that timescale and we are happy to do that.

10.1.12 Deputy S.G. Luce of St. Martin:

I will be brief. I think that I know and the Deputy of Grouville knows that we are very like-minded on her thoughts. As Minister for the Environment I am disappointed, indeed I am almost embarrassed that she has to bring this proposition to the Assembly because it indicates that I am not doing my job properly. I have to say to Members, I have tried unsuccessfully. I went to C.I.C.R.A. 9 months ago and asked the very questions that the Deputy is asking today and was told very clearly that they could not do this work. I would like to know why that situation has changed. I have also indicated very recently in public that I am going to review the 1937 Electricity Law. So that work also is in hand. I would like a little bit more time to help Members understand the issues because they are complex and they are many. Last week I was away in London on a medical issue for some time. I was also with the Chief Minister in France representing the Island on States business. I have not had that opportunity. I will just close with this: one of the leading commercial outlets on social media this morning has lauded this proposition as: "Electricity debate, a pivotal moment for Jersey's future energy" and in some ways I agree but what I say to Members is, before we have that pivotal debate, let us have a little bit more information and I hope the Deputy will withdraw and I would urge Members to support the Minister. This is important. We need all the information and I, for one, want to get on the floor of this Assembly and persuade Members of the way I want to take the future of sustainable energy forward in this Island.

10.1.13 The Connétable of St. Peter:

Very briefly. I think we had a lot of discussion in the Treasury last week, should we just come forward with a rejection on this proposition or not and we decided it was inappropriate to come forward with a rejection mainly because it crossed many departments but equally because we do not disagree at all with the intent of the proposition. I think it would have been only too easy to reject it and we would not be here today or we would be having a bigger debate today. But the other point I just wanted to clear up, this is the issue about C.I.C.R.A. because the chief executive of C.I.C.R.A. wrote to Treasury last week, at our request, and in it he recognised that Jersey Electricity is a well-performing business. "They help to deliver the Island's energy plan in a number of positive ways; (1) provision of low carbon, highly secure, low priced electricity, (2) well-maintained infrastructure, and (3) a strong ethos for corporate and social responsibility." We have that in writing from C.I.C.R.A. That is why we know C.I.C.R.A.'s position rather than having a chat over the telephone. So I wish Members just to know that is a clarity that I would like to give them.

10.1.14 The Deputy of St. John:

I will be brief. I am confused from some of the speeches as to asking for more information because my understanding of the proposition is that we are being asked ... well, the Deputy is asking us to agree that research is undertaken and that departments basically work together. When Members

have stood up and said that she has already won the debate; well, Jersey Electricity still have on their website 1st November 2017 as the beginning of the charge date. So anyone not paying attention to this debate at this precise moment in time, and I did attend the briefing yesterday and I appreciate Jersey Electricity coming to us and explaining this information, but I just do not understand what more information we need and how complicated it can be to ask someone to do some research. I really do not understand that. It is beyond belief that departments are finding it difficult to work together to go out and get this information that we need to be done. The Deputy even indicated that it has been 3 years the Minister for Economic Development, Tourism, Sport and Culture is supposed to have done this work and, what, we are supposed to just sit here today and go: “Yes, that is fine. We will take your word for it. That is fine. The Deputy has won the day. That is brilliant.” I am sorry I am not listening to this anymore. I think we should go ahead with the debate. The Minister did say yesterday at the briefing that if the proposition was rejected that he would still undertake a review. So I think we should go ahead with the debate as to whether we decide that there should be research and I think the Minister should listen to what Members have got to say about the way to take this forward and then whether the proposition is accepted or rejected I think there is a bigger conversation that needs to be had and I think the Minister for Environment recognises his responsibilities and he has stated today and I think that is the way forward and I thank him for standing up and acknowledging that.

10.1.15 Deputy K.C. Lewis:

Sorry, just a point of clarification from the Assistant Chief Minister or indeed from Treasury, has C.I.C.R.A. declined jurisdiction over this or declined to look at it? There seems to be odd comments coming out here. I wonder if that could be clarified.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? I call on the Minister for Treasury and Resources to respond.

The Deputy of Grouville:

Could I just clarify clause (c)?

The Deputy Bailiff:

The clarification of clause (c), yes, I think you can.

The Deputy of Grouville:

I agreed to withdraw the regulation or requiring legislation for the regulation. I agreed to withdraw that on the condition that the Minister for Treasury and Resources would bring forward what he will do to provide the right form of oversight for this monopoly in Jersey.

The Deputy Bailiff:

The Minister for Treasury and Resources to respond.

10.1.16 Senator A.J.H. Maclean:

On that last point about bringing forward the right form of oversight, I should first and foremost point out, and this is one of the minor issues in here, that I am, as Minister for Treasury and Resources, being asked to undertake certain functions that do not sit within the remit of the Treasury. They are broader. It is a Council of Ministers issue with regard to C.I.C.R.A. and competition and regulation which falls into the Council of Ministers or the Chief Minister’s Department in particular. I mean that, as such, is not an issue but I do make the point that this is very much cross-departmental and as such we do need to ensure that there is enough time to be able to undertake the work. I think the key point here is not about undertaking a review on the stand-by

charges. We agree and have agreed that a review will be undertaken of stand-by charges. Where we have the issue in this proposition under (a) and (b) is that the Deputy asked for C.I.C.R.A. to undertake the work and that is why I, principally, have said that we cannot accept either (a) or (b) because it ties us in that way and we believe there are other bodies that are probably more appropriate for undertaking this important work than C.I.C.R.A. and that is why we need the flexibility. What we are saying is that we will do the work. We just need some more time. We ask Members to agree to defer until the end of January and that allows that work to be undertaken. At the same time there are parts of this proposition, like the action plan to which the Minister for the Environment quite rightly highlighted this work that needs to be done between himself and the Minister for Economic Development, Tourism, Sport and Culture and that can happen in parallel in the intervening period. It is absolutely right that that should be progressed and it will be and the commitment has been given from a Council of Ministers' perspective that that will happen. But I really feel that to proceed on with the debate then we leave ourselves in a very awkward position with regard to, in particular, (a) and (b), when the undertaking has already been given first of all that the J.E.C. will defer this charge until 1st March. They have made that absolutely clear. By the way there are less than 10 customers involved with regard to this stand-by charge in any event. Less than 10 customers but it is an important issue for the future and it is a matter that does need to be addressed and it does need to be reviewed and it will be. I would ask Members to give us the time to ensure that there is an informed debate at the end of January which is obviously what Members are always keen to do, to have all the facts and all the data to hand in order to have that debate in that way. I do not think I will add any more. I would ask Members to support the proposal to defer until the end of January.

The Deputy Bailiff:

The appel is called for. The vote is **[Interruption]** ... I beg your pardon?

Deputy K.C. Lewis:

Sorry, the Minister did not answer the question as to whether C.I.C.R.A. had declined jurisdiction. I fully accept the Deputy of Grouville has accepted (e) should be withdrawn.

The Deputy Bailiff:

Well, I understand the question, thank you. The question was, has C.I.C.R.A. declined jurisdiction as far as you are aware? That was the question from Deputy Kevin Lewis.

Senator A.J.H. Maclean:

No, I do not believe they have. The point I was making is that I think that they are not the appropriate body to undertake this work. That is the point.

The Deputy Bailiff:

Very well, the appel is called for. I would invite Members to return to their seats. I would ask the Greffier to open the voting.

POUR: 25		CONTRE: 21		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Lawrence		
Senator P.F.C. Ozouf		Connétable of St. Mary		
Senator A.J.H. Maclean		Connétable of St. Saviour		
Senator P.M. Bailhache		Connétable of Grouville		
Senator A.K.F. Green		Deputy J.A. Martin (H)		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Connétable of St. Helier		Deputy of Grouville		
Connétable of St. Clement		Deputy J.A. Hilton (H)		
Connétable of St. Peter		Deputy J.A.N. Le Fondré (L)		

Connétable of St. Ouen		Deputy K.C. Lewis (S)		
Connétable of St. Brelade		Deputy M. Tadier (B)		
Connétable of St. Martin		Deputy of St. John		
Connétable of St. John		Deputy M.R. Higgins (H)		
Connétable of Trinity		Deputy J.M. Maçon (S)		
Deputy of Trinity		Deputy R.J. Rondel (H)		
Deputy E.J. Noel (L)		Deputy S.Y. Mézec (H)		
Deputy S.J. Pinel (C)		Deputy of St. Ouen		
Deputy of St. Martin		Deputy L.M.C. Doublet (S)		
Deputy of St. Peter		Deputy R. Labey (H)		
Deputy A.D. Lewis (H)		Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		Deputy T.A. McDonald (S)		
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

[13:15]

The Deputy of Grouville:

Could somebody please confirm to me what exactly happens on 30th January? I mean do I just bring my ...

The Deputy Bailiff:

Yes. You are entitled to restate your ... the proposition will be called and you will be entitled to conduct the debate on it in exactly the same way as if it had gone ahead today.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

Very well, we now come to the arrangement for future business.

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

The proposition for future business is as per the supplementary order paper with the one change that was just agreed that projet 88 in the name of the Deputy of Grouville should be moved to 30th January. I propose the order of business.

The Deputy Bailiff:

Are Members agree to take the orders proposed by the P.P.C.? Very well, that concludes the business of the Assembly. We stand adjourned until 31st October at 9.30 a.m.

ADJOURNMENT

[13:16]